

**The London School of Economics and Political Science**

*Is Democratic Multiculturalism Really Possible?*

Aslan Amani

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## Declaration

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## Abstract

This thesis is an examination of the interplay between democratic norms and principles defining philosophical multiculturalism. Its most general aim is to find an answer to the following question concerning the possibility of democratic multiculturalism; do democracies adopt multicultural policies at the expense of their democratic credentials or are the two compatible with each other? The argument emerges from the interaction of two strong threads that run through the thesis. First, the thesis engages with three prevalent views on how democracies should react to the facts of disagreement – count heads, turn difference into a positive resource, and design procedures to maximize traditional values lying in the triangle of freedom, equality, and fraternity. In response, I offer a fourth view of democracy that combines minimalism with normativity. Normative minimalist democracy (NMD) holds that these three views are unable to appreciate the respective normative weights of dissensus and consensus, both of which have an ineliminable place in the modern democratic practices and their normative underpinnings. The second thread responds to another trichotomy – the three supposedly democratic challenges that philosophers of multiculturalism have brought up over the last two decades (as well as to the corresponding liberal-egalitarian counter-responses), which respectively draw attention to the importance of recognition, self-rule, and inclusion. With respect to these challenges and counter-challenges, the dissertation argues that both supporters and opponents of multiculturalism have democratic aspirations; and democratic response to multiculturalism should not be overshadowed by either unfounded optimism about the prospects of a substantive consensus fair to all previously marginalized minorities, nor by pessimism about the relapse into the pre-Enlightenment world due to the so-called return of parochialism. In between these two positions lies a more democratic response to multiculturalism – one that neither celebrates the role of culture as a unique vehicle of human fulfilment, nor dismisses it as a remnant of the past. The argument for seeking a middle ground arises in part out of frustration with the two extremes. Supplementing this critical aspect of the argument is a more constructive strand that explores what the individualist core of democracy implies with respect to political diversity in the form of disagreeing groups. Although NMD leaves room for a theory of groups substantially thinner than the one its multiculturalist critiques require because it is more clearly constrained by democracy's individualist commitments, it is still thicker than the one standard liberal egalitarianism allows.

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## Chapter 1: Introduction

Only on rare occasions do newly coined terms enter into the everyday language of politics as forcefully as multiculturalism has done in the last three decades in many established democracies of the West. From parliamentary debates to electoral campaigns, from newspaper and TV commentaries to citizen protests, struggles of cultural, racial, religious and other identity groups have received a great deal of – supportive or critical – attention. Academic political theory, too, has not remained oblivious to the “intensification and multiplication” of political struggles “mobilized on the basis of gender, race, language, ethnicity, indigeneity, religion, and sexuality.”<sup>1</sup> The discussion of multiculturalism has grown from a few books published in the late 1980s and early 90s into a voluminous literature by the early 2000s.

Despite its proliferation in recent decades, like any new literature, the political theory of multiculturalism has had a limited scope. Emphasis has been placed on discovering the correct principles of justice that would apply in adjudicating multicultural questions. A range of influential theories have been proposed to advocate or challenge the validity of liberal principles of justice in dealing with multiculturalist concerns such as recognition and “reasonable accommodation” of cultural diversity, and rights and freedoms of cultural groups. In recent years – in a move that political theorist Will Kymlicka characterises as the beginning of a new stage in “the multiculturalism wars” – the scope of the literature has broadened as political theorists have begun to focus more on the relationship of multiculturalism to citizenship and the institutional conundrums created by specific multiculturalist

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<sup>1</sup> Eisenberg and Kymlicka, *Identity Politics in the Public Realm*, 1.

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principles.<sup>2</sup> But it remains the case that political theorists engaged in the multiculturalism debates have largely been unwilling to supplement the justice lens with other relevant perspectives through which the challenges of multiculturalism can be viewed. Particularly disconcerting is the absence of the perspective of democratic theory. Theorists who have debated at length the practicality and theoretical soundness of liberal multiculturalism have not addressed sufficiently deeply and systematically the relationship of multiculturalism with democracy, the most characteristic feature of the western political landscape.

Let us look more closely at some examples of how the democratic perspective on multiculturalism is chronically understudied. To be sure, the works of the proponents and opponents of multiculturalism – Will Kymlicka, Charles Taylor, Brian Barry and others – are not bereft of references to democracy. For example, Will Kymlicka's *Multicultural Citizenship* makes numerous allusions to “liberal-democracy” and “democratic principles.” But democracy is not treated as a component of the normative investigation. To the extent that democracy figures in Kymlicka's theory, it does so in a rudimentary fashion.<sup>3</sup> Only at the end of his book does Kymlicka observe that

It is not enough, therefore, to show that minority rights are consistent in principle with freedom and justice. We also need to determine whether they are consistent with the long-term requirements of a stable liberal democracy, including the requirement of a shared civic identity

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<sup>2</sup> Joppke and Lukes, *Multicultural Questions*, 113-15.

<sup>3</sup> The references to democracy scattered throughout *Multicultural Citizenship* give one the impression that democracy is something that obtains when we follow the liberal-egalitarian principles of justice.

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that can sustain the level of mutual concern, accommodation, and sacrifice that democracies require.<sup>4</sup>

Even there, what Kymlicka does can at best be seen as defending his multiculturalism against some underdeveloped propositions about democracy such as trust and fraternity. There is no structured analysis of democratic principles that would allow one to call Kymlicka's liberal multiculturalism also a democratic multiculturalism.

Coincidentally, in Brian Barry's *Culture and Equality* too, an attempt to relate multiculturalism to democracy comes at the end of the book. Although, throughout his anti-multiculturalist treatise, Barry claims to be writing from a democratic perspective, his engagement with democracy is limited to brief remarks on the specialness of majoritarianism and some unsystematic considerations about the centrality of equality to democratic practice.<sup>5</sup> To be sure, as we will see in coming chapters, Barry does mention some likely tensions between multiculturalism and democratic principles but he does not look into democratic ways of resolving these tensions other than noting that "we have a clear prima facie case for resolving disputes by adopting the policy favoured by the majority."<sup>6</sup> On a closer investigation of democracy, we will see that this is too hasty a conclusion to make.

Helpful as a beginning point, but insufficient as an account of the relationship between democracy and multiculturalism, are the works that have for decades shaped our thinking on democratic pluralism. Although writers like Joseph Schumpeter, Robert Dahl, and more recently Ian Shapiro take seriously the empirical background of ethical pluralism within which democratic decision-making has to be carried out,

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<sup>4</sup> Kymlicka, *Multicultural Citizenship*, 173 -174.

<sup>5</sup> See Barry, "Is Democracy Special?"

<sup>6</sup> Barry, *Culture and Equality*, 300.

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their respective approaches to democracy emphasize certain aspects of the democratic ideal at the expense of understating some other aspects.<sup>7</sup> For instance, Schumpeter justifies forcing almost all aspects of representative democracy other than periodical elections out of his account for the ease of making sense of ethical plurality.

The upshot is that it is difficult to tell what democratic principles imply with regard to the questions of multiculturalism without analysing the complex interaction between democratic norms on the one hand and the normative concerns of multiculturalism on the other. This shortcoming is more disturbing if we are to accept that many of the questions faced by contemporary liberal democracies are questions about how to resolve the tensions that arise between democratically made decisions and the demands for recognition or accommodation made by particular religious, cultural, or ethnic minorities. This brings to our attention the importance of the democratic character of societies in which the multiculturalism and justice debates takes place.

This dissertation is an examination of the interplay between democratic norms on the one hand, and principles of philosophical multiculturalism on the other. The general question it addresses is the question of the compatibility of democracy and multiculturalism. More specifically, the dissertation aims to determine if democracy is undermined by the adoption of multicultural policies. It proposes that we break with the tradition of viewing multiculturalism through the lens of liberal justice theories. The proposal is motivated by the expectation that a systematic inquiry into the interplay of multiculturalism with democracy will reveal an important insight that will hold true independently of the liberal justice debate while also deepening our

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<sup>7</sup> See Schumpeter, *Capitalism, Socialism, and Democracy*; Dahl, *Democracy and Its Critics*. Shapiro, *Democratic Justice*; Shapiro, *The State of Democratic Theory*.

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understanding of it. The dissertation presents a democratic theory of how contemporary Western societies should respond to the presence of a plurality of worldviews and ethno-cultural traditions in their midst.

There are a number of views about how democracy is to respond to difference. The dissertation engages with three groups of thinkers that respond differently to the question of what a democracy has to do with respect to pervasive disagreement. The first group of theorists, the classical minimalists such as Joseph Schumpeter, advocate doing little more than counting heads and making sure that the respective majorities of the day get what they want. For them democracy is just a method of counting during elections and coming up with technocratic projects that ensure efficient government operation between elections. So this kind of democracy is responsive in a very limited sense, and responsive only to the majorities of the day.

The second group of theorists who have a more sophisticated idea of how democracy should handle difference consists of writers who believe difference and diversity have to be turned into a positive resource that reinforces democracy. Proponents of this overtly optimistic view of democracy believe that interests can be transformed through enlightened debate, and that recognition of differences will help people realize their common purposes through seeing the justice of other involved parties' claims and making respective adjustments to their own. These writers (e.g., Iris Young and Melissa Williams) offer a strange mixture of an original disagreement and a final agreement, which despite all their avowed commitment to diversity, in the course of this investigation, turns out to be either unfounded optimism or some kind of socially engineered consensus.

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The third group, which includes Brian Barry and other contemporary defenders of the “Enlightenment project”, view democracy as a tool for realizing the traditional democratic values lying in the triangle of freedom, equality, and fraternity. Private disagreement, for these writers of liberal egalitarian stripe, is fine; but public disagreement, particularly on matters concerning the common good, can undermine the overall goals of egalitarian justice. Impartiality and uniformity of laws in the context of multiculturalism, to these authors, translate into a univocal rejection of the multiculturalist concern for recognition, inclusion, and varying degrees of self-rule.

This thesis defends a fourth view of democracy. To put it in a nutshell, normative minimalist democracy (NMD) is a non-revisionist theory. Its minimalism lies in the prominent role that it assigns to existing electoral and contestational institutions such as regular elections, political parties, legally recognized oppositions, and various ways of devolving law-making and executive powers. Its normativity rests on the fact that it does not take these institutions as given, in their existing perimeters, while also accepting the possibility of reform and expansion in accordance with their implicit normative underpinnings rather than some other outstanding independent ideals.

NMD takes a different stance from all three of the views presented above on the question of difference and democracy. It holds that the three views are unable to appreciate the respective normative weights of dissensus and consensus, both of which have an ineradicable place in the modern democratic practices and figure extensively among minimalist democracy’s normative underpinnings. NMD claims that the two strands cannot be permanently reconciled, and the tension between them cannot be resolved once and for all. But this is no reason for serious concern or revision of democratic practices because NMD offers internal resources to cope with

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these tensions and to manage them in a principled and effective way – better than any alternative that these three groups of views can offer.

The second strong thread that runs through this dissertation responds to another trichotomy – the three supposedly democratic challenges that philosophers of multiculturalism have brought up over the last two decades (as well as to the corresponding liberal-egalitarian counter-responses). With respect to these challenges and responses, the dissertation argues that both supporters and opponents of multiculturalism have democratic pretensions.

Defenders of multiculturalism such as Iris Young (who presents the *inclusion challenge*), James Tully (the *self-rule challenge*), and Charles Taylor (the *recognition challenge*) hold that their various multicultural challenges to existing liberal democratic practices suggest a clear need for radically revising contemporary democratic norms and practices. Existing democratic practices are, in different ways, fundamentally hostile to the recognition, inclusion and decolonization of the ethno-cultural minorities with long histories of legitimate grievances. Writers such as Young, Tully, and Taylor advocate a radical realignment or renegotiation of existing political and legal arrangements. They believe democracies of today do not have the conceptual resources to motivate justice towards these groups.

On the other hand, theorists such as Brian Barry – and outside of political philosophy, intellectual historian David Hollinger – argue that multiculturalism represents a challenge to existing forms of democracy and, more importantly, to any possible reform in more egalitarian directions. So both groups of theorists – the multiculturalists and their critics – argue for democratic reform. They have extensive outcome-related expectations that they would like democratic governance to realize.

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One group believes substantial improvements will be achieved by building the multicultural ethos, while the other side holds that the prospects of democracy hinge on the suppression of the multiculturalist excess through the reassertion of the liberal-egalitarian agenda. Theorists such as Barry view multiculturalism as an impediment to the securing of a substantive common good. They think multiculturalism is a departure and distraction from the goals of progressive politics and a threat to the universal impartiality of the law. Compromise on this last point, according to Barry, would throw us back into the dark ages. Because under the pretext of freedom multiculturalism creates a hierarchical and inegalitarian political milieu, the solution, for Barry, lies in looking sceptically at multiculturalist demands and resisting concessions.

Having seen the theoretical context in which the argument of the thesis unfolds, we can now turn to the argument itself. This dissertation argues that the democratic response to multiculturalism should not be overshadowed either by unfounded optimism about the prospects of a substantive consensus fair to all previously marginalized cultural minorities, or by pessimism about the relapse into the pre-Enlightenment world due to the so-called return of parochialism. In between these two positions lies a much more suitable, democratic, response to the facts of multiculturalism – one that neither celebrates the role of culture as a unique vehicle of human fulfilment, nor dismisses it as a remnant of the past. The argument for this—for seeking a middle ground—arises in part out of a recognition of the inadequacy of two extremes. The view defended in this study rejects claims of both radical egalitarian multiculturalists and their liberal egalitarian critics since it finds their views of democracy unable to explain or appreciate the value of the major democratic institutions that we see in the western democratic societies. I argue that NMD offers



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us enough conceptual resources to take on board much of the multiculturalist critique without a need for significant revisionism of the kind that radical egalitarian supporters and opponents of multiculturalism demand.

Supplementing this critical aspect of the argument is a more constructive strand that explores what the individualist core of democracy implies with respect to political diversity in the form of disagreeing groups. It maintains that normative minimalist democracy neither rules out, nor promotes multiculturalism. Although NMD leaves room for a theory of groups substantially thinner than the one its multiculturalist critiques require because it is more clearly constrained by democracy's individualist commitments, it is still thicker than the one that standard liberal egalitarianism allows. As a result, it can prove compatible with the various degrees of recognition, self-rule, and inclusiveness demanded by theorists such as Taylor, Tully, and Young. Many of these concerns associated with multiculturalism are accepted, albeit for reasons different from those that the multiculturalists put forth. For instance, in the case of Taylor, we may accept a more provisional notion of recognition, but reject Taylor's cultural stability or survival thesis (because of the permanence and necessity that they prescribe). Similarly, we could accept some of Young's criticisms of existing democratic practices (because these represent a travesty of the underpinning normative ideals) without accepting her radical social ontology that requires making significant changes to contemporary democratic practice – including, but not limited to, ways in which democratic decisions are made. With regard to Tully's radical self-rule challenge, one could maintain a commitment to democratic individualism and at the same time ensure that Aboriginal communities run their daily affairs with as much dignity, and as little intervention, as possible, without the need to change our way of thinking about democracy. In other words,

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there are ways of improving democracy's capacity to adequately deal with multiculturalism by focusing on the internal potential that an improved understanding of core democratic norms and the more technical improvements concerning the subsidiary standards of transparency, competition, and accountability could offer.

An outline of the argument is presented below.

The second chapter takes up the Schumpeterian challenge and uses it to define the notion of normatively sound minimalist democracy. It explores the minimal role that various concepts associated with modern democracy need to play in a competitive pluralistic political system for the latter to remain true to its normative underpinnings. The important prescription that comes out of this chapter is that different norms making up the multidimensional notion of democracy can at times pull the theory in different directions. But there is nothing bad or incongruent about this indeterminacy, which very neatly fits the openness and indeterminacy of democracy as a political system.

The third chapter explores the respective roles of agreement and disagreement in the theory of NMD by focusing on two of its most central normative elements—those of equality and non-domination. The chapter defends an account of democratic equality against the more and less substantive versions of the theory. The second part of the chapter takes up the notion of democratic non-domination.

Chapter four starts with an examination of the three multiculturalist challenges to the existing democratic theory and practice. Theorists who make the three challenges of recognition, self-rule, and inclusion believe that these pose a serious democratic challenge to the existing political and legal practices of western liberal democracies. In this chapter I explain why, to an important extent, these challenges

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misinterpret democratic principles. The fifth chapter evaluates the anti-multiculturalist counter-response to the three multiculturalist challenges. The main focus here is on the normative theories presented by Barry, Okin and other like-minded critics of multiculturalism.

The third part of the dissertation brings together the lessons of the first two parts and offers an alternative view of the relationship between the two sets of norms – one that is neither overly optimistic nor unduly pessimistic about the interplay between democracy and multiculturalism. Chapter six examines the theory of groups for which the norms of minimalist democracy and its individualist commitments leave room. It explores democratic reasons in support of constructing such a theory, and defines its contours by contrasting it with the more positive and substantive views of group engagement in democracies. The defining contrast is between ascriptive conceptions of groups and more voluntaristic conceptions revolving around some perceived interest. The argument is that an egalitarian reinterpretation of interest groups pluralism fits NMD more than the more substantive alternatives.

Chapter seven is an exploration of similarities and differences between the emerging theoretical construct and the well-known multiculturalist and anti-multiculturalist positions that were criticized in part two of the thesis. The chapter uses the body of theoretical evidence from the previous chapters to offer a final response to what NMD implies with respect to various multicultural and anti-multicultural concerns and to consider whether or not the emerging theoretical construct deserves the title of democratic multiculturalism. The argument of the chapter, and the response to the guiding question of the thesis, is that NMD offers a theory of democracy with significant multicultural potential.

## Chapter 2: The Normative Underpinning of

### Minimalist Democracy

This chapter is not an attempt to answer the famous question, what is democracy? Given the vast geography through which this form of government has spread, and its rich historical sources of development, it may be hard to pinpoint the perfect democratic theory. Yet, I argue that we should be able to say what democracy is not, or to put it more positively, to identify the boundaries of democratic theory within which several kinds of contemporary democracies can justly enjoy their highly respected title.

Because even the latter question concerning the boundaries of a legitimate democracy is too big to be answered in one chapter, I try to limit the scope of this chapter to considering one specific hypothesis; namely, that democracy is not merely about elections, and the existence of competitive elections cannot be taken as the sole indicator of democracy. I begin with an examination of the Schumpeterian theory of *minimalist democracy* that views this form of government as characterized primarily by electoral competition. I defend the opposing thesis that democracy has a normative extra-electoral dimension. I go on to draw out the parameters that this extra-electoral dimension would require at a minimum. In doing all of this, my aim is twofold: I want to remind enthusiasts of the ancient ideal that Schumpeter has taught generations of theorists concerning inapplicability of the ancient ideal to the modern world. On the other hand, I want to draw attention of the modern day Schumpeterians to the inconsistencies from which their minimalist democracy would suffer unless its normative foundations are clarified and embraced.

## 2.1 Schumpeterian Conception of Democracy

One of the most influential accounts of what counts as a democracy was developed by Joseph Schumpeter in his *Capitalism, Socialism, and Democracy*, first published in 1942. Although much of that long volume is not directly relevant to the question at hand, in chapters XX through XXIII Schumpeter builds an original view that has generated a lot of debate among scholars of democracy. I take Schumpeter's theory to be a lucid and influential example of the position that I want to criticize. But there are other accounts of minimalism that make similar mistakes. So my criticism of Schumpeterian minimalism is directed at all theories that hold a vision of democracy limited to voting procedures. I argue that Schumpeterian minimalism cannot form the basis of democratic legitimacy. Let me begin with a synopsis of the key Schumpeterian points before getting into critical examination of his minimalism, and arguing that such minimalism cannot form the basis of democratic legitimacy.<sup>1</sup>

In Schumpeter's view, what he calls the classical doctrine of democracy suffers from the eighteenth century's misjudgements about social and political life. Philosophers of the eighteenth century failed to see the plurality of interests existing in society. They thought a utilitarian interest in some aggregate happiness such as economic prosperity exhausted the realm of personal and public interests. To the utilitarian fathers of democracy, Schumpeter observes, disagreements over common

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<sup>1</sup> Ian Shapiro builds his theory of democracy by supplementing rather than rejecting Schumpeterian account. I am quite sympathetic to Shapiro's theory as the general idea that I want to lay out in this chapter bears some resemblance to Shapiro's formulation of the democratic ideal. Despite this affinity between what I argue and the view Shapiro expounds in *The State of Democratic Theory*, there is an important difference in the way Schumpeterian ideas figure in this dissertation and in Shapiro's work. I think Shapiro tends to overlook how his effort of supplementing the Schumpeterian conception of democracy to make it more legitimate can be too un-Schumpeterian. Shapiro emphasises the similarities between his account and Schumpeterian democracy without discussing how the changes he proposes (e.g., the role he assigns to courts (73-77)) would transform democracy in a direction that Schumpeterians might find objectionable. In contrast, I do not deny that Schumpeterians may want to reject the reformulation and extension of Schumpeter's democratic theory in this dissertation. I am aware that although the minimalist approach to democracy outlined in this dissertation includes certain Schumpeterian elements, it diverges from the democratic minimalism of *Capitalism, Socialism, and Democracy* (hereafter, *CSD*) in important ways.

good simply indicated a rationally removable obstacles to human progress. But, to Schumpeter, the politics of his time showed rather clearly that irreconcilable differences about human values, not an eliminable ignorance about real interests, lie behind the persistent failure to agree on common good. These differences could not be rationally bridged because “our conceptions of what life and what society should be ... are beyond the range of mere logic.”<sup>2</sup> That common good is an impracticable ideal, for Schumpeter, rules out the most vital ingredient of classical democracy – *volonté générale*. For the absence of an understanding of the common good empties the general will of any meaningful content. This, as a consequence, requires one to dismiss classical democracy as a false theory.

In Schumpeter’s view, one can still rescue the logically sound dimension of democracy – government in some sense responsive to, or approved by, the people – by ditching the eighteenth century philosophers’ untenable commitment to a nonexistent common good and the respective general will. On this purged account of democracy, the function of *demos* consists of “produc[ing] a government” rather than “deciding political issues,” something that *demos* under the *classical doctrine of democracy* was responsible for.<sup>3</sup> Schumpeter thinks this construal of democracy allows one to escape from the incoherencies of the classical doctrine. Democracy, on his account, no longer rests on a dubious idea of general will, but is reduced to characterizing the competitive struggle over the right to rule. As long as elites compete for political power through elections, what happens between elections remains outside of the subject of democracy. This, for Schumpeter, is the supreme account of democracy because government is marred neither by disingenuous philosophical inventions such as *volonté générale*, nor by the incorrigible ignorance of the masses about almost all important issues in politics.

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<sup>2</sup> *CSD*, 251.

<sup>3</sup> *CSD*, 269.

Since the publication of *Capitalism, Socialism and Democracy*, the above outlined view has become the most commonly accepted notion of democratic minimalism. As long as, electoral pluralism is attained, a country is widely considered democratic. Anything beyond that, although inspiring, either has nothing to do with democracy or is imbued with the mistaken idealism of the classical doctrine. The question that I try to answer in the remainder of this chapter is whether the foregoing conception suffices to explain democratic legitimacy. I proceed with this task by taking Schumpeter's conception as a beginning point and going on to demonstrate why it is insufficient.

## **2.2 Democracy: Method or Ideal?**

We need to begin with a crucial conceptual question concerning democratic theory. Schumpeter contends that “[d]emocracy is a political method ... incapable of being an end in itself.”<sup>4</sup> If we are to conceive democracy as more than a mere method, the Schumpeterian critique very quickly loses its initial appeal because the very distinction between the classical and modern doctrines becomes fairly blurry. For part of the reason Schumpeter can move so quickly from (a) condemning the classical doctrine for its unrealism to (b) espousing the modern doctrine for its realism is the largely unquestioned idea that democracy is only a method of organizing governments. Recognizing that democracy is not merely a method could encourage one to experiment with different variations of democratic norms, classical and modern. Once we see that democracy is more closely related to ideals that we cherish than Schumpeter is willing to acknowledge, we restore its necessary normative dimension. But first we have to

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<sup>4</sup> *CSD*, 242. He goes on to equate democracy with steam engine and disinfectant, p. 266.

show that democracy can coherently be thought of as more than a method in the Schumpeterian sense.

To substantiate his view that democracy is a method, Schumpeter uses a thought experiment about an intolerant community that persecutes Jews or Christians.<sup>5</sup> Schumpeter notes that by setting up constitutional limits – e.g. not allowing non-Jewish majorities to expropriate and jail Jews – we restrain the scope of democratic action. Schumpeter does not deny that democracies often engage in this kind of action (i.e. setting constitutional limits), but he holds that the action is essentially undemocratic. However, as we will see in this chapter, there are essentially democratic justifications for such constraints, which could be supported even from within Schumpeterian minimalism. We can find evidence for the compatibility of constraints of this kind with minimalist democracy in the sections of *CSD* that deal with the issues of competition and individual freedom. Therefore, we have to make a detour to explore what Schumpeterian competition does and does not entail.

Schumpeter is deliberately, but disturbingly, vague about what the notion of competition at the heart of his account of elite democracy consists of. He writes that “[b]etween this ideal case [of free competition] which does not exist and the cases in which all competition with the established leader is prevented by force, there is a continuous range of variation within which the democratic method of government shades off into the autocratic one by imperceptible steps.”<sup>6</sup> Despite this striking acceptance of his proposed theory’s vagueness and the problems that it may cause, Schumpeter does give us some explicit and implicit conditions that the notion of competition would have to meet for his theory to avoid the shortcomings of the classical doctrine. The electoral competition, he writes, is “free competition for a free vote”,

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<sup>5</sup> *CSD*, 242.

<sup>6</sup> *CSD*, 271.



which “excludes many ways of securing leadership which should be excluded, such as competition by military insurrection”.<sup>7</sup> He does somewhat reluctantly rule out practices such as election by acclamation – meaning that he accepts the use of ballot – and, more definitively, accepts the importance of “a considerable amount of freedom of discussion for all ... and freedom of the press.”<sup>8</sup> These, coupled together with the acceptance of a list of implicit conditions that the rest of this section examines lead to an interesting answer to what is perhaps the most basic conceptual question about democracy that I tried to capture in the title of this section. I now turn to consider the list of more implicit – but it turns out, very important – presuppositions of democracy.

Schumpeter tries to provide an alternative theory of democracy – one that is “much truer to life”<sup>9</sup>, which must involve more coherence, feasibility, and conceptual distinctness. By doing away with the concept of *volonté générale* and the equally unfounded notion of definite “individual volition” that motivates it, Schumpeter intends to improve the plausibility of the theory of democracy. Toning down expectations by “reversing” the respective roles of governments and electors – assigning the function of policy making to the former, and the function of producing or forming the government to the latter – is meant to make Schumpeter’s theory more feasible than its classical alternative.<sup>10</sup> Moreover, fixing the competitive method as “the essence of democracy”<sup>11</sup>, Schumpeter thinks, produces “a reasonably efficient criterion by which to distinguish democratic governments from others.”<sup>12</sup> All of these indicate how Schumpeter thinks his reinterpretation of democracy is *better* than the classical understanding. Furthermore, under these visibly evaluative criteria come even more strikingly

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<sup>7</sup> CSD, 271.

<sup>8</sup> CSD, 272.

<sup>9</sup> CSD, 269.

<sup>10</sup> CSD, 269.

<sup>11</sup> CSD, 280.

<sup>12</sup> CSD, 269-70.

normative notions that not only sustain Schumpeter’s democratic theory, but embed it deeply in a sociocultural context.

In Schumpeter’s account of realist democratic theory, the aforementioned central notions of freedom and electoral competition are supplemented by a list whose status may at first appear somewhat confusing. Although Schumpeter alludes to most of these ideas at different points in *CSD*, he groups them all together under what he calls “the conditions which I hold must be fulfilled for the democratic method to be a success”.<sup>13</sup> These range from the setting of evaluative criteria for minimalist democracy to the appropriate mode of behaviour for politicians and electorates. Schumpeter is not only concerned with the “high quality” of elites or the predominance of relatively non-ideological issues in the public agenda. He also stipulates the proper attitude that everyone – “all the groups that count in a nation” – has to adopt in order for democracy to be successful. Namely, voters “must be on an intellectual and moral level high enough to be proof against the offerings of the crook and the crank”.<sup>14</sup> Towards the end of the part of the book in which he presents his theory of democracy, Schumpeterian minimalism seems to make even a bigger move away from the realm of machines to the ideational realm: “[E]ffective competition for leadership requires a large measure of tolerance for difference of opinion.” Leaders and voters must learn how to “stand by patiently while somebody is attacking their most vital interests or offending their most cherished ideals”. What is required is not just a passive and grudging disregard, but “genuine respect for the opinions of one’s fellow citizens”<sup>15</sup> that teaches electors and politicians the virtue of moderation.

Together, these conditions tell one *why* and *how* the competitive model of democracy comprises a feasible, coherent and conceptually distinct alternative to its

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<sup>13</sup> *CSD*, 290.

<sup>14</sup> *CSD*, 294.

<sup>15</sup> *CSD*, 295.

classical counterpart. In the words of William Connolly, “Schumpeter invokes a specific code of rationality to vindicate a realist democratic method.”<sup>16</sup> The conditions of democratic success or the institutions of free press and competitive elections do not simply describe how a mechanical process unfolds, but point out how human beings can bring about a political arrangement by relating to each other in certain predefined ways. All of this shows that, in contrast to Schumpeter’s original insistence on the analogy with soulless machines, he too cannot deny that democracy has a non-mechanical, ideational dimension.

It is in light of this reading of Schumpeter and the elucidation of the link between democracy and its ideational surrounding that I want to return to the Schumpeterian thought experiment concerning Jews and heretics that motivated him to espouse the language of science and machines. Imagine that a democracy was to expropriate and jail all those who voted for some of the options listed on a ballot. As the foregoing paragraphs suggest, at some point, this would have to become unacceptable even by Schumpeter’s own standards of electoral competitiveness. Otherwise the resulting theory becomes quite an arbitrary, irrational enterprise, unworthy of being tolerated as a system of government. Less dramatically, consider simply discounting votes for certain candidates. Why are these two measures regarded as violations of Schumpeterian democracy, whereas the persecution or exclusion of Jews, heretics, or slaves is not?

One answer that Schumpeter gives is that *demos* should be left free to define itself. Schumpeter holds that democracy requires all to leave a particular community free to decide the kind of communal life it wants to live. Just as Americans deem convicted felons unfit to vote, a *demos* with religious fanatics could deem homosexuals,

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<sup>16</sup> Connolly, “Democracy and Territoriality,” 467.

apostates, and heretics unqualified for political participation.<sup>17</sup> But this really begs the question: Shouldn't, then, demos also be free to shun those who vote for unfavourable options? Some Catholic bishops in America had similar aspirations when they called for excommunication of anyone who voted for John Kerry in the presidential election of 2004.<sup>18</sup> Insofar as Schumpeter is making a distinction between the two kinds of discrimination, according to the definition put forward by himself, he gives us a theory of something other than democracy. For it is perfectly compatible with the literal meanings of *demos* and *kratein* – if one is to espouse the kind of selective and primitive reading done by Schumpeter – that a majority could persecute not only the originally eccentric or unorthodox but also those who have changed their opinions after the historical moment in which the demos happened to define itself. This way of drawing the line, i.e., approving of the demos' right to define itself at  $T_i$  but disapproving of it by positing desiderata for electoral competitiveness at  $T_n$ , becomes even more arbitrary if one thinks that, according to very plausible theories of power, disenfranchisement is often a direct consequence of uncompetitive practices. It is through the uncontested or unchecked exercise of power that certain definitions of demos become prevalent.

The upshot of this brief discussion is that the competitive electoralism proposed by Schumpeter is not a self-evident statement or a default political position, but has ethical content. Just as its flawed Schumpeterian version rests on some faulty claims about human potential, its much more robust and true to the world version, in order to avoid the above developed charge of arbitrariness, must rest on certain ethical claims about government, society, and human condition in general. Pursuing this objection even further would help us fill the gaps left by Schumpeter's theory of electoral

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<sup>17</sup> In Schumpeter's words, "religious fervor for instance is certainly compatible with democracy however we define the latter. There is a type of religious attitude to which a heretic seems worse than a madman. Does it not follow that the heretic should be barred from participation in political decisions as is the lunatic. Must we not leave it to every *populus* to define himself?" *CSD*, 245.

<sup>18</sup> Cited in Dworkin, *Is Democracy Possible Here?*, 53.

competitiveness. But for now we shall focus on the implication of the ethical dimension for the view of democracy being merely a method.

There is, to conclude this section, one objection against the critique of instrumentality that Schumpeterians may raise: They may want to resist my attempt to uncover the normative underpinnings of the Schumpeterian thesis by taking up the following point. Schumpeter does not deny democracy can have instrumental value or that it can be a useful tool to attain some other normatively valuable ends. What still remains as the case, even in the face of the foregoing discussion, a Schumpeterian could argue, is that democracy cannot be an end in itself; hence it has to be a method. Let me show why this response cannot work against my argument. Part of the initial appeal of Schumpeter's metaphorical allusion to steam engines and disinfectants had to do with a conflation of two important questions – one about how to approach to democracy and the other concerning the value of democracy. The locus of enquiry for the first question is the relevance of normative thinking to the notion of democracy. If democracy is merely a method bereft of any ideational elements, it ought to be primarily studied as, for instance, the tools or concepts of thermodynamics should be studied. The second question about the value of democracy however is concerned with the issue of instrumental and inherent worth.

The Schumpeterian critic is right that my exegetical excursion into the *CSD* does not establish democracy is intrinsically valuable. So Schumpeter could still be technically right about the second question.<sup>19</sup> However, one does not have to posit intrinsic worth for democracy in order to diminish the Schumpeterian argument that democracy is merely a method. As long as the argument is successful in showing that democracy needs to be conceptualized as a normative ideal rather than a mere method,

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<sup>19</sup> There is, however, a good chance that he is wrong. The argument developed by Elizabeth Anderson in her paper titled "Democracy: Instrumental vs. Non-Instrumental Value", I suspect, could, to some extent, extend to the Normatively Sound Minimalist Democracy (NMD) that I being to develop in this chapter.

the fact that, as a mode of government, it is exclusively utilized to produce good outcomes does not really undermine the point of this section. What matters is the non-contingent bond between democracy and certain understandings of freedom, equality, competition, leadership, etc. as concepts with normative undertones. Whether this ideal is an end in itself or is valuable exclusively for its relation to other more fundamental values does not alter the conclusion that it is an ideal. The question of intrinsic or instrumental worth may be an essential question when looking at ideal theoretical situations in which it is possible to envisage a benign autocrat who more consistently provides the fundamental value (whether it is equality, negative freedom or some other value) than democratic procedures. But given that we do not dwell in such kingdom of godly autocrats, we have enough reasons to postpone this question.<sup>20 21</sup>

Once we recognize that democracy, contra Schumpeterians, is not merely a method, judging one political act as democratic or undemocratic becomes a much more complicated task. In making such judgements – political theorists cannot avoid making them – we need not be exclusively concerned with the essence or core of a timeless concept that democracy is misleadingly thought of being. A much more useful way of thinking about these issues is to come to terms with the essentially contested nature of political concepts. Like normative components of any political concept, the ones comprising democracy are not going to nicely complement one another at all times. Political concepts are often made of constitutive ideas that pull in opposing directions.<sup>22</sup> Such complexity, if theoretically manageable, need not worry us as it reflects the complexity of real-life social phenomena. Instead, we should be concerned about solutions that are motivated by relatively monolithic views of democracy.

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<sup>20</sup> Schumpeter thinks that such values can be provided best by non-democratic modes of government.

<sup>21</sup> For the debate between those who think democracy is intrinsically valuable and those who think it is instrumentally valuable see Griffin, “Democracy as a Non-Instrumentally Just Procedure” and Arneson, “Defending the Purely Instrumental Account of Democratic Legitimacy.”

<sup>22</sup> See Gallie, “Essentially Contested Concepts”; Freedman, “Ideology and political theory.”

Finally, given that democracy is not merely a positive method but has a legitimate normative dimension, the logical connection between dismissal of the classical doctrine and acceptance of Schumpeterian doctrine is weakened. We no longer can take for granted desirability from the democratic perspective of existing conditions. More accurately, the recognition that democracy is not just a method, reintroduces the question of desirability into our thinking about democracy.

### **2.3 Filling in the Gaps**

What I want to do in this section is to probe whether the minimalist enterprise can be rescued from its inconsistencies. I suggest four normative components that can reinvigorate and systematize Schumpeterian minimalism by ridding it of theoretical inconsistencies and false assumptions about political reality.

#### **2.3.1 Equality**

That democracy involves equality in relations of citizens with respect to political matters not only is at the core of most classical and modern definitions of democracy, but also forms an indispensable part of healthy democratic practice.<sup>23</sup> Schumpeterian democracy, in this regard, stands as a remarkable counterexample. My aim in this section is to demonstrate some of the inconsistencies from which democracy without a commitment to the notion of equality suffers. The weight of the principle of equality, however, cannot be determined in one subsection.

Ideals of equality have played an important role in concepts of democracy since the latter's Greek inception. Although the Athenian *demos*, by denying citizenship to almost nine-tenths of its residents (most of whom were born in Athens), infringed on what many of us today regard as uncontroversial principles of equality, it rested on some clearly egalitarian principles. In the words of Demosthenes, one of Athens'

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<sup>23</sup> Schumpeter admits that the classical (i.e., non-Schumpeterian) democratic theory and popular beliefs about democracy have a "strongly equalitarian character." (*CSD*, 254)

greatest statesmen, Athenians recognized that “under a democracy each man has his share of just and equal rights.”<sup>24</sup> We can see the prevalence of the association of equality with democracy also from the fact that much of the criticism directed to *demokratia* had to do with its egalitarian undertones. Plato for instance criticized it for undermining virtue and excellence, for ostracism and many other crimes against the truly noble.<sup>25</sup> In contemporary democratic theories too some variant of egalitarianism plays a pivotal role. Schumpeter, however, is quite dismissive of attaching even a minimal role to equality.

Let us briefly look at the minimalist democracy’s reasons for not accepting equality as an essential democratic principle. Schumpeter’s explicit discussion of principles of democratic equality is limited to one brief paragraph and two footnotes, in which he quickly dismisses equality as the religious counterpart of the utilitarian conception. Schumpeter thinks postulates like *People* and *Common Good* are replicas of the Christian God. And the principle of Equality is derived from Christ’s indiscriminating commitment to the redemption of all souls. This, Schumpeter thinks, in the absence of a factual basis for the egalitarian aspect of democracy, is “the only possible sanction ... of ‘everyone to count for one, no one to count for more than one’.”<sup>26</sup> Because there is no empirical basis on which egalitarian arguments could be grounded, and the only available justification of equality is the religious one, Schumpeter thinks, existing democracies are wrong in practising the Benthamite one-

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<sup>24</sup> Demosthenes, *Demosthenes*, 21.67.

<sup>25</sup> Dunn, *Democracy: A History*, 45.

<sup>26</sup> *CSD*, 265. Schumpeter is not alone in thinking that democracy has been influenced by religious ideals. Many 19<sup>th</sup> century democrats like Giuseppe Mazzini, one of the political and philosophical leaders of the Italian unification, saw Christianity as the inspiring force behind democracy: “The law of God has not two weights and two measures: Christ came for all: He spoke to all: He died for all. ... We protest, then, against all inequality, against all oppression wheresoever it is practiced: for we acknowledge no foreigners: we recognize only the just and the unjust: the friends and the enemies of the law of God. This forms the essence of what men have agreed to call the Democratic Movement; and if anything ever profoundly surprised me, it is that so many persons have hitherto been blind to the eminently religious character of that movement, which is sooner or later destined to be recognized” (Cited in Brown, “The True Democratic Ideal, 146).



person-one-vote. Similarly erroneous, according to Schumpeter's observations, is the notion of equality before the law. Because human beings are not naturally equal, Schumpeter thinks, outside of the religious argument there is no justification for legal equality, or what the ancients knew as *isonomia*.<sup>27</sup>

To be sure, Schumpeter does not have many followers in this strikingly harsh dismissal of democratic equality. Many modern minimalists are willing to concede the centrality of the one-person-one-vote principle.<sup>28</sup> Unlike the debate among egalitarians on the object of equality, one-person-one-vote, and *isonomia* in general, seem to enjoy close to universal support among democratic theorists. If one-person-one-vote has survived as the minimal requirement of democratic equality, there must be some strong reasons that have consolidated this principle. There are many angles from which the principle can be justified and there is no room to consider all arguments in its favour. I simply want to draw attention to how in its absence democracy becomes indistinguishable from undemocratic forms of government.<sup>29</sup>

First and foremost, there seems to be no imperative that human beings need to be proven empirically equal in all respects in order to be treated as equals in politics. Inequalities in the private and economic realm have coexisted with equality in political realm both in theory and practice for hundreds of years. Schumpeter cites "All men are created equal," the famous line from *The Declaration of Independence*, as evidence of

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<sup>27</sup> CSD, 265n-266n.

<sup>28</sup> Przeworski decides not to include equality among his minimalist criteria because he thinks the term anonymity characterizes democracy better than the term political equality. Democratic states, in Przeworski's view, generate indifference on the part of government to distinctions characteristic of pre-democratic era, but they do not generate political equality which, he thinks, could exist only in conjunction with social and economic equality. But even recognition of the link between democracy and anonymity makes Przeworski's minimalism substantially different from Schumpeter's. His notion of anonymity is almost indistinguishable from equality of status before the law. (Przeworski, "Democracy, Equality, and Redistribution").

<sup>29</sup> To be sure, the link between democracy and elections is far from self-evident. Greeks did not accept voting as the primary device of democracy. Instead, they widely practiced selection by lot. (See Sinclair, *Democracy and Participation in Athens*, p. 17) There are critics of electoral democracy in contemporary democratic theory too. John Burnheim, for example, argues that "electoral systems are inimical to rule by the people for the people" because they "inherently breed oligarchies" (Burnheim, *Is Democracy Possible?*, 9; 82).

the religiously inspired and empirically unsound nature of equality. But this historic phrase is given a more sensible reading in Abraham Lincoln's famous speech on the *Dred Scott* decision. There Lincoln notes:

The authors of that notable instrument intended to include all men, but they did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness, in what respects they did consider all men created equal - equal in "certain inalienable rights, among which are life, liberty, and the pursuit of happiness. This they said, and this they meant."<sup>30</sup>

A powerful argument for the distinctness of political equality specified by Lincoln comes from Hayek. Hayek notes that equality before the law, which he calls "the great aim of the struggle for liberty," does not rest on the presumption of factual equality: "This argument not only recognizes that individuals are very different but in a great measure rests on that assumption. It insists that these individual differences provide no justification for government to treat them differently."<sup>31</sup> Hayek goes on to point out that basing equality before the law on empirically testable claims about factual equality would be a dangerous argument for the proponents of the former, as any demonstration of a slight difference between two men would justify the state's treating them differently.

Having seen that Schumpeter is wide of the mark when grounding equality in a comprehensive worldview such as utilitarianism or Christianity, and a presumption of factual equality in all matters does not have to be the basis of democratic equality, we can now turn to consider the necessity of political equality even in a minimalist

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<sup>30</sup> See Lincoln, "Speech on the Supreme Court's *Dred Scott* decision."

<sup>31</sup> Hayek, *The Constitution of Liberty*, ch. 6.

conception like Schumpeter's own. The question that I want to address next is whether Schumpeterian competitive democracy is served better by dismissal or acceptance of political equality.

Even Schumpeter accepts that all those who are considered fit by a particular polity should be included in the demos.<sup>32</sup> Let us leave aside for a moment the question of discriminatory exclusions on religious and ethnic grounds. In a community of non-discriminating adults, what would be consequences of assigning varying degrees of importance to people's electoral preferences?<sup>33</sup> For instance, let us think of a community where school drop-outs form an increasingly populous group. Obviously dropping out of school does not make one a thoughtless or immoral person, but one can reasonably argue that it reduces one's capacity to digest political information in a developed capitalist democracy. Now let us also think that one of the several major parties with a good chance of winning a plurality or majority of votes in an upcoming election decides to make a special appeal for votes of the school drop-outs. If we are to think that the right to having a say in politics is a right to which all citizens are not equally entitled but is a matter of gradation and is to be distributed along a scale of competence, we will be led to two adverse consequences. Firstly – perhaps this is the weaker argument in the eyes of a minimalist – we will have a group of people whose interests are not taken into account, and who are marginalized by politicians unwilling to compete for votes that count less. Secondly, and this is the point of ultimate importance to someone who accepts competitiveness as the proper standard of democracy, we will be led to an overtly uncompetitive electoral outcome. This violation of electoral competition will not only affect the people whose interests are denied equal representation, but will also affect the party, i.e. the part of the political elite, that wants

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<sup>32</sup> *CSD*, 244.

<sup>33</sup> This is what James Madison thought was a possible solution to the threat that extending suffrage would pose to property.

to see the problem of school drop-outs resolved. The upshot of this discussion is simple. Any marginalization of a demographic group can easily become a departure from, and degradation of, the idea of competition. If competition is the regulative principle, we should be interested in having more and healthier competition than settling for less than realistically available competition.

These observations about the sheer damage that could be done to the competitiveness of a political system by establishing, or choosing to passively disregard an existing, hierarchy of opinions (i.e. recognizing some opinions as unworthy or less worthy) are confirmed by the studies in organizational and economic sociology. Joel Podolny in his seminal work on the role of status perceptions by third-parties in market competition, observes that status concerns can spawn and strengthen market hierarchies, which in turn undermines the traditional view of free market competition. By pooling and analysing data from numerous industries like jewellery, investment banking, etc., Podolny notes that “[a] higher-status actor cannot enter an exchange relation with a lower-status actor without running the risk of diluting status.”<sup>34</sup> One of the vital aspects of Podolny’s findings for the question at hand is that in some sectors those involved in market exchanges show less concern with status than in others. In economic sectors where there is a higher degree of uncertainty, Podolny notes, parties are more willing to engage in exchanges with those of lower status.<sup>35</sup> The possible implications of these studies for democratic politics conceived in terms of electoral competitiveness are rather clear. Podolny demonstrates that status matters in market relations which are in many respects much more competitive and uncertain than those of modern day politics.<sup>36</sup> It is

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<sup>34</sup> Podolny, *Status Signals*, 76.

<sup>35</sup> Podolny, *Status Signals*, 100-101.

<sup>36</sup> To take an example from the North American context, there are antitrust laws to curb uncompetitive behaviour in markets, but there are no laws that limit how much of personal income a rich candidate can spend during his/her own election campaign.

not hard to see how attaching official labels to some political positions as unworthy will further diminish free competition for votes.

A Schumpeterian will try to rebut this objection by noting that competition is only about producing a government and not over particular decisions like assisting drop-outs or producing any other policy outcome. This is because Schumpeter hopes that, between elections, elites will lead their countries without any degree of responsiveness. And in the next subsection I will focus on the obvious falsity of Schumpeter's argument with respect to the degree of actual influence that unelected citizens can, and often do, exercise throughout the political process. This influence is important for two reasons. First, it is important from the viewpoint of citizens, namely, if politicians can be influenced, citizens would be interested in having as much influence as possible. Second, it is important from the perspective of the political elites themselves. That is, if the way governments are formed and remain in power does not depend solely on their being political parties (i.e., part of the political elite), but also on what they stand for and how they live up to their promises in the course of their tenure, some politicians and their parties, that is some part of the political elite, would be unfairly treated by the flaws in the competitiveness of the system. In other words, it seems that Schumpeter assumes an ideological vacuum in which elites operate. Competition in such an ideological vacuum would not show the strong need for political equality that I have defended in this subsection. There would need to be very little correlation between ideology and vote for the normatively very meagre notion of competition to remain relevant. But such an ideological vacuum does not and arguably cannot exist.

The significance of equality for competitive democracy is also directly related to majoritarianism. Only equality effectively guarantees that majoritarianism will be

respected. Departures from the ideal of equal consideration can quickly undermine majoritarianism, which is an implicit but crucial cut-off point for the minimalist position centred on the idea of competitiveness. As Dahl's famous response suggests, the refusal to espouse some version of the egalitarian principle eventually results in severe inconsistencies:

Suppose that in the [American] South, as in Rhodesia or South Africa, Blacks had been a preponderant majority of the population. Would Schumpeter still have said that the Southern states were "democratic"? ... If the rulers numbered 100 in a population of 100 million, would we call the rulers a demos and the system a democracy?<sup>37</sup>

The only way out of such paradoxical situations seems to be accepting the Benthamite dictum as the point of departure: namely, "everybody to count for one, nobody for more than one".

There are, of course, much more foundationalist defences available for democratic equality than showing that free competition would require the law to treat all preferences equally. Because we are dealing with a question in normative theory, we cannot ignore the ideational dimension of political equality. The idea behind democratic equality, as it has been identified by theorists of both left and right, is the idea of equal standing and concern.<sup>38</sup> Democracy is a form of government that emerges in places where individuals are sceptical of a single person's or group's right and capacity to rule better than others. As Dahl points out this can be a tribal society without entrenched status and power hierarchies, or a modern constitutional polity where citizens think of each other as roughly capable of, and entitled to, governing their own lives.<sup>39</sup> Despite

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<sup>37</sup> Dahl, "Procedural Democracy," 111-12. Also quoted in Goodin, "Enfranchising All Affected Interests and Its Alternatives," 47.

<sup>38</sup> The next chapter develops this normative notion of equal standing in a democracy.

<sup>39</sup> Dahl, *Democracy and Its Critics*, 31.

Schumpeter's disdain for the idea of equality, it can safely be taken as forming the core of democratic theory and practice. Moreover, as we saw in the foregoing passages, placing it at the core of Schumpeterian competitive pluralism turns that construct into a much more plausible candidate for the proper democratic minimum. But the idea of equality remains incomplete and dysfunctional unless we buttress it with other indispensable elements of democracy.

### **2.3.2 Responsive Government**

The second element, responsive government – or some degree of participation if we are to focus on the inverse relationship – also enters into the formula of democracy through exposition of the Schumpeterian argument rather than its rejection. In this subsection I defend responsive government, one of the extra-electoral dimensions of the democratic minimum. I argue that Schumpeter's commitment to electoral competitiveness, if the latter is to be taken as a normative ideal, presupposes a responsive government.<sup>40</sup>

Schumpeter writes that one of the pillars of his preferred theory of democracy is acceptance of one party or leader out of the lot of those who have made themselves available for electoral competition. The corollary of this, without which the function of the electorate could not be complete, Schumpeter concedes, is withdrawal of that acceptance by the electorate. But he elaborately points out that this acceptance or its withdrawal should not be called control of elected representatives, or the political process, by the electorate. For the term control means that one can give direction to the course of politics. But under the Schumpeterian democracy, a citizen's role is restricted to passively accepting decisions made by the elected government. Any attempt to

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<sup>40</sup> To be sure, Schumpeter's conception of democracy is responsive in a conspicuous way. Namely, parties that rule are the ones that win elections.

exercise influence over the elected government in order to compel “a certain course of action,” Schumpeter thinks, is “contrary to the spirit of the democratic method.”<sup>41</sup>

My contention is that Schumpeter is, at best, partly right about the modern electorate’s lack of control over the elected representatives, because his claim that electorates only install and eject governments does not, and arguably cannot, hold true even in the minimally participatory systems that currently characterize the Western political landscape. First and foremost, without the corresponding notion of responsive government, the project of competitive democracy becomes difficult to sustain. Second, to view democratic politics as a dichotomy between the Athenian direct democracy and the Schumpeterian ‘competitive democracy *sans* responsive government between elections’ leaves out the vast majority of established democracies of our own day.

Let us first look at how competitive democracy is likely to suffer in the absence of the norm of responsiveness and conditions that sustain this norm. The endpoint of Schumpeterian democracy, as Shapiro correctly interprets it, is to control power by subjecting it to electoral competition.<sup>42</sup> Then, democracy is ill-served by positing an unbridgeable gulf between elected officeholders and the mass public. To be sure, Schumpeter did not think that a competitive political environment could be sustained over time unless certain conditions obtained.<sup>43</sup> In other words, he recognized that political competition is not the default position. It has already been noted in the literature on elections theory that political environment can be competitive only to the extent that officeholders are vulnerable to being defeated in future electoral cycles.<sup>44</sup> Without such actual vulnerability, politics of peaceful competition favoured by

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<sup>41</sup> *CSD*, 272.

<sup>42</sup> Shapiro, *The State of Democratic Theory*, 3.

<sup>43</sup> *CSD*, 289-296.

<sup>44</sup> For an excellent treatment of vulnerability and other requirements of responsiveness see Bartolini, “Electoral and Party Competition: Analytical Dimensions and Empirical Problems.”



Schumpeter would remain out of reach.<sup>45</sup> Vulnerability of officeholders in a competitive democracy, in turn, is made possible by the electorate's capacity to make a somewhat meaningful choice between available options.<sup>46</sup> If voters are unable to identify candidate(s) who have served the public interest well or are going to serve it better than incumbents and other available candidates, we cannot speak of a systemic competition. Conceived in irrational terms – that is without reference to rational calculations on the part of voters – competition for electoral office would not be easy to maintain; as one author has already noted, voters would lose their incentive to take competitors seriously if there were no meaningful way of differentiating between rival electoral platforms.<sup>47</sup>

Even if it could be proven that voters can gain information necessary to make a choice between available candidates during campaign periods alone, the responsiveness criterion would still conduce political parties to make themselves available to electoral control between elections. As long as there is a general commitment to the normative principle of responsive government, I think, the view of officeholders as willing to do everything to avoid electoral control is ill-founded. In a system that relies for its operation on periodic evaluation of contenders for elected office by their electorates, contenders can be assumed to have as much interest in making themselves responsive to preferences of their electors as electors have interest in keeping rascals out of office.<sup>48</sup> In order to see that the above described situation is not just an instance of wishful thinking, we need only to briefly look at the way established democracies function.

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<sup>45</sup> This point is axiomatic because for a new person to win an already existing public office someone has to leave office and if no one is vulnerable to losing their seat, we cannot speak of elites displacing each other through competitive elections.

<sup>46</sup> Bartolini, 89.

<sup>47</sup> Ferejohn, "Incumbent Performance and Electoral Control," 6.

<sup>48</sup> This statement has to be qualified, as it will hold true only if politicians are aware that the only way for them to gain political power is by winning free and fair competition. I think this assumption is not controversial because Schumpeter himself identifies it as the precondition for democracy.

In contrast to Schumpeter, one can identify at least four different types of influence that electorates in established democracies exercise over elected officials between elections. These are (a) direct influence over elected representatives through their constituency offices or interest groups; (b) indirect influence through opinion polls; (c) the parliamentary influence through official oppositions; (d) the constitutional oversight through independent judiciary. Although none of these modes of influence are predetermining features of, or amount to full-fledged control over, democratic politics, together they comprise one of its most indispensable parts.

Although examining these modes of control could be a worthwhile exercise in its own right, in order to back my claim that electoral control is not a figment of a normative theorist's imagination, I only need to allude to their presence. Any careful observer of politics will confirm that the Schumpeterian notion of (lack of) representation that rules out a continuous direct contact between representatives and members of their constituencies, which Schumpeter borrowed from Edmund Burke, has lost in practice to notions of representation that are more in line with the normative condition of responsiveness defended in this chapter. The facts are too numerous to list, but here are a few obvious ones: All members of legislative bodies maintain constituency offices which operate between elections. Moreover, all parliamentary, or congressional, debates include references to on-going dialogues with members of one's electorate, public opinion polls, letters and petitions addressed to parliamentarians. I think these references are not merely rhetorical because it would be hard to envisage the parliamentary process in its current role if parliamentarians were to substitute such references with scientific data. To be sure, technicalities constitute a large part of the committee meetings, but overlooking the role of interested citizens and interest groups would be a gross misrepresentation of contemporary politics.

In addition to trying to remain connected to their electorates, the norm of responsiveness induces elected officials in proper democracies to “anticipate the future judgment of the electorate on the policies they pursue.”<sup>49</sup> To this end, political parties in power and opposition parties employ public opinion researchers and political analysts to measure popularity of potential and actual policy proposals. Although most governments in democratic countries are not obsessed with mirroring public preferences in political outcomes, it is very uncommon for political parties in power to deliberately make decisions unpopular enough to alienate major parts of the electorate.

Parliamentary control is the other important source of control over parties in power. Schumpeter talks of the political process as if the winning party and its leader are always given a sweeping majority. Reality, however, is different; in most parliaments oppositions and governments are separated by narrow margins. To be sure, in some occasional remarks, Schumpeter registers his contempt for minority governments, but the influence of parliamentary oppositions is not restricted to minority governments alone. Even in democracies where one party holds a majority of seats in the legislature, oppositions continue to carry out an important democratic function. The fact that debates in parliament do not often result in nonpartisan legislative outcomes is not sufficient to dismiss the role of parliamentary oppositions. What makes parliamentary control more relevant to the popular control of governments is that members of the legislature from major opposition parties often pursue a much stronger public presence and interaction with their electorates in the hope of winning public support. In no democratic society do they wait until the official commencement of election campaigns. As the American cliché about elections suggests, as soon as one campaign ends, the next one begins. This is equally true in countries where

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<sup>49</sup> Manin, *The Principles of Representative Government*, 178-179.

governments depend on the confidence of the parliament, and where there is less party discipline.

Hitherto, I have attempted to show why the practice of alternation of parties in power, the most minimal requirement of democracy, requires responsive government. And responsive government, as the current practice tells us, seems to favour continuous contact between electors and electorate. The degree of actual influence the citizenry enjoys between elections, however, is a matter for empirical researchers to identify. What matters for this work is that such an influence is easily observable and responding to it is not a voluntary act on the part of elected officials. Elected politicians' receptiveness towards these modes of influence is largely shaped by the structure of political institutions and the intensity of citizens' desire to influence politics, not by individual volitions of political leaders. This makes democracy a distinctively responsive form of government. Hence Schumpeter is not right to argue that *dei gratia* autocracy can be similarly responsive to the preferences of its subjects.<sup>50</sup> A benign monarch can act with a sense of justice and try not to oppress his populace but there is no guarantee that he will always act in this way.

Finally, modern-day Schumpeterians could incorporate these facts about direct and indirect influence into their theories of electoral democracy by accepting that, in today's democracies, elections are never-ending processes. However this acknowledgement would require one to accept the extra-electoral nature of democracy consolidated by the modern practice. Namely, one would have to accept the fact that the Schumpeterian model of elitist democracy is flawed or deficient even by the non-ideal standards of contemporary democracies – governments in consolidated democracies are not immune to being controlled or influenced. The job of normative theory is to explore

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<sup>50</sup> *CSD*, 246.

these established practices and go to the root of principles and objectives that have given rise to them.

### **2.3.3 Non-Domination**

Remnants of what I discuss next have been described in the literature under such names as the principle of non-tyranny, non-domination, constitutional democracy, etc. Although non-domination shares a lot conceptually with non-tyranny and constitutionalism, there are important differences between these terms. Non-tyranny implies a more minimal condition, while constitutionalism could imply a more or less expansive notion depending on the thickness of political morality embedded in the original constitution and the demandingness of the amending procedures. Non-domination seems to be a much more open-ended notion, and for this reason, more suited to capture the relevant element in democratic thought. In this subsection I draw attention to the important role of this element in democratic thought. But as with the previous elements, I will try to do this, as much as possible, by extending the Schumpeterian argument.

Although the defence of democratic non-domination rests largely on the notion of democratic equality, the principle of non-domination cannot be derived in full from the minimalist reading of equality that grounds the principle of majoritarian government. Democracy uncontroversially accepts the equal status of all citizens before the law. But this kind of equality would prove ephemeral if what we meant by it was an unbridled exercise of whatever power one has as part of an electoral grouping over the rival groupings. At the time of America's founding this worry manifested itself in the concern for the sanctity of property, which in turn led to the creation of the Senate and

establishment of certain constitutional constraints.<sup>51</sup> Although having one's say in politics was taken as a precondition of protecting one's interests, American founders thought that the equal worth of votes did not guarantee equal protection for all citizens. Today the worry manifests itself in a different form, namely, democracy is criticized for its failures in protecting rights of cultural minorities.

*Capitalism, Socialism, and Democracy* eloquently identifies one major source of domination in democratic states. The democratic common good, Schumpeter observes, must involve an imposition of beliefs and values that at least some individuals find unacceptable due to the "fundamental fact that to different individuals and groups the common good is bound to mean different things."<sup>52</sup> To a Schumpeterian, Rousseau's *volonté générale* represents a textbook example of democratic domination, whereby the irrational volitions of some are mistaken for the enlightened popular will, and conferred with "exclusive ethical dignity".<sup>53</sup>

Even though Schumpeter is right about the difficulty of arriving at a *truly common* good in the face of the pluralism underlying modern democracies, this need not mean a wholesale dismissal of all collective projects. It is true that some classical and modern democratic theorists have placed strong emphasis on social unity and like-mindedness, which undermine the natural plurality of interests. However, there is no reason to think that a plurality of interests mandates complete disunity or that no common orientation can be compatible with it. The thought that the social unity

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<sup>51</sup> Founders were not oblivious to the fact of domination of those falling outside of the propertied class by the property-holders. In an appendix to one of his speeches in the Constitutional Convention of 1787 Madison expands on his views regarding the issue of property rights and universal suffrage: "Under every view of the subject, it seems indispensable that the Mass of Citizens should not be without a voice .... and if the only alternative be between an equal & universal right of suffrage for each branch of the Govt. and a confinement of the entire right to a part of the Citizens, it is better that those having the greater interest at stake namely that of property & persons both, should be deprived of half their share in the Govt.; than, that those having the lesser interest, that of personal rights only, should be deprived of the whole." (Madison, *Selected Writings of James Madison*, 354; also discussed in Dahl, *A Preface to Democratic Theory*, 152-71)

<sup>52</sup> *CSD*, 250.

<sup>53</sup> *CSD*, 250-56.

characteristic of small communities is among the preconditions of a well-functioning democracy is increasingly being challenged. One need not look far to see that too much unity is at least as undesirable and dangerous for a democracy as too little of it.

A look at existing democracies and historical examples from around the world confirms the point that producing an agreement at any cost is not a function of democracies, but leaving room for contestation is. Experience confirms that political thinkers have good reasons to treat with scepticism the alleged connection between the largeness of an electoral margin and the strength of a mandate or its other democratic qualities. It is not a mere coincidence that leaders of authoritarian regimes often gain “electoral support” from more than 80% of their citizens, while many western democracies are governed by simple majority or plurality of votes.<sup>54</sup> Inflated numbers not only imply the possibility of voter and/or vote manipulation but also the lack of effective political oppositions. In this regard, *Capitalism, Socialism, and Democracy*, despite its misleading silence on the normative content of democracy, has taught generations of political thinkers an important lesson, namely it has helped the discipline realize that democratic quality of electoral mandates could not be determined by aggregating votes alone. Schumpeter’s postulation that competitiveness of elections be made the paramount test of democratic quality has inspired a host of theorists from Robert Dahl to Ian Shapiro to develop important arguments concerning the role of democratic oppositions.

The job of a democratic theorist, then, is to reconcile the functional need for agreement with the ineliminable fact of principled disagreement. Once we accept the place of disagreement in democratic corpus, the nature of democratic public good changes as well. That is, acceptance of disagreement compels us to attenuate our

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<sup>54</sup> Recently one Post-Soviet autocrat in Central Asia “won” his re-election campaign with 97 % of the popular support. See “Turkmenistan President Re-elected.”

expectations with regard to the achievement of the common good. It becomes more appropriate to prioritize building a framework that makes disagreement possible and allows each to pursue their own good rather than identify “specific objects, activities, and relations.”<sup>55</sup> In this regard, it seems quite natural that one overarching good common to all citizens is the distaste of being tyrannized or dominated.<sup>56</sup> Recently Ian Shapiro drew the attention of political theorists to this “stripped down conception” of the common good.<sup>57</sup> Shapiro traces his formulation of the *democratic common good as non-domination* to the thought of Nicholas Machiavelli. In the remainder of this subsection, I shall explain why I find Shapiro’s appraisal of the idea of the common good as non-domination quite plausible, and offer some independent reasons for adopting this line of thinking.<sup>58</sup>

This view of the common good seems to fit well with the non-engaging picture of the average citizen that Schumpeter draws. From the fact of widespread lack of motivation to participate in democratic politics, critics of participatory democracy seem right in assuming that political participation is far from being the premier good. But individuals whose main preoccupation is not politics can be more realistically thought of as having an interest in being free from domination or tyranny rather than having no interest in politics or aspiring to a transformative political project. On this account, the construal of democracy as the embodiment of the collectivist impulse for communal progress becomes inappropriate. But equally inappropriate is presenting it as a form of

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<sup>55</sup>Dahl, *Democracy and Its Critics*, 307. For example, Schumpeter is right that by prosperity, health, equality, etc., citizens of modern pluralistic societies often understand different, and sometimes clashing, things. But all can be thought of referring to the same phenomenon when talking about poverty, disease and discrimination.

<sup>56</sup> Shapiro (2003), *The State of Democratic Theory*, 35.

<sup>57</sup> *Ibid.*

<sup>58</sup> One major difference between the view that I begin to develop here and Shapiro’s view is that I do not escalate the notion of non-domination above other dimensions of normatively sound minimalist democracy. But this is the subject of the next chapter.



government where the majority of citizens abstains from exercising continuous political judgement.

Another advantage of this account is that if minimizing domination is thought of as one of the primary goods associated with democracy, making sense of democratic disagreements becomes easier than under the Schumpeterian proposal. Let us remember that Schumpeter neither offers us a guideline for settling those disagreements, nor proposes a democratic *modus-vivendi*. Disagreements being plentiful in daily politics, to Schumpeter, implies the impossibility of determining the common good. Nonetheless, under his electoral pluralism, governing elites remain free to embark on collectivist projects on which quite naturally and inevitably no common agreement exists. In this sense I cannot see how Schumpeter's formulation is more respectful of parties whose preferences do not make it into the final decision. The notion of democracy that accepts non-domination and political equality as basic principles, however, offers us viable guidelines for resolving disagreement through arbitration or agreeing to disagree.

Of course, one still has to address an important criticism concerning the desirability of non-domination as the basis for democracy or the democratic common good. There are several criticisms of this idea. The most important one is that once we start to think about democracy along these lines, we are thinking about something else, perhaps a just society. Critics may concede that non-domination is a meaningful part of justice but may go on to argue that justice and democracy are two different things. It is possible to draw out such criticisms from the text of *Capitalism, Socialism, and Democracy*.

Undeniably, what is realistically available under the complex conditions that we find in populous and pluralistic modern states is a far cry from the ancient ideal of ruling and being ruled in turn. If democracy as non-domination is to be defended we

need an argument other than the one that rests on the Greek ideal of unity of the governor and the governed. The fact of irreducible ethical pluralism very forcefully pointed out by Schumpeter does not allow us to appeal to the *volonté générale* in order to counter claims that in a democracy even those who are on the losing side are not being dominated. This, however, does not prove that democratic non-domination is impossible, because the vice of domination can be objected to from within democracy itself.

I think asking the following question can help us see the centrality of non-domination to democracy more clearly. How appropriately can we think of a society where individual citizens stand to each other in relations of the dominant and dominated as democratic? It is true that decision-making in democracy almost always takes place along some form of the majoritarian principle. But as I have already indicated in this chapter, to view democracy as a system of government in which majorities are constant winners and the dominant, and minorities are constant losers and the dominated makes a travesty of democratic majoritarianism. As I discussed in section II, constant disenfranchisement on basis of political preferences turns democracy into an incoherent theory by disrupting even the minimalist notions of competitiveness and majoritarianism. There are sufficiently good reasons to think that making some citizens unable to challenge the outcomes of majority vote – without officially disenfranchising them – by confining them to the permanent categories of disadvantage does exactly the same: it weakens democracy's plausibility and appeal as a theory of good government. But, fortunately, the extreme version of majoritarianism is not the reason why millions of people in established democracies value democracy, and many more aspire to it around the world.

### 2.3.4 Regenerative Dimension

This brings us to another, related and crucial, dimension of democratic legitimacy. What I describe next is rendered consequential by the non-ideal nature of democratic politics. In the realm of ideal philosophical discussion, characterized by the assumptions of full compliance and relative abundance, the legitimacy of democracy would not depend on the presence of the regenerative dimension. But democracy like any other form of government requires certain material and non-material resources, which I will refer to as *democratic capital*. As the passage of time, as well as social-political frictions, take their toll on this democratic capital, I argue that acts that block democracy's regenerative capacity would inhibit democratic legitimacy. As with the previous dimensions, my intention here is not to specify the content, but to demonstrate the presence, of this aspect of democratic legitimacy.

Let us first look at the kind of issues that we have to deal with when theorizing the regenerative dimension and democratic capital. First and foremost, there are the economic costs associated with democracy. The most basic democratic acts like voting and census-taking come with significant costs. For example, the U.S. Census Bureau estimated that the 2010 census would cost American taxpayers around \$14.5 billion dollars.<sup>59</sup> To this we can add the cost of administering national and local elections, occasional referenda, etc. For instance, experts estimated the cost of the 2010 mid-term elections for the U.S. Congress at a minimum of \$3.7 billion dollars.<sup>60</sup> This, of course, is only the tip of the iceberg. Once we start to calculate costs of maintaining law and order, defending borders, etc., the cost of even a libertarian state turns out to require

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<sup>59</sup> See US Census Bureau, "Facts for Features."

<sup>60</sup> See OpenSecrets.Org, "Midterm Elections Will Cost at Least \$3.7 Billion, Center for Responsive Politics Estimates - OpenSecrets Blog."

significant contribution from individual citizens. This issue is given an instructive treatment in Cass Sunstein and Stephen Holmes's *The Cost of Rights*.<sup>61</sup>

Furthermore, there is a consensus among democratic theorists that democracy does not only require elections and defence. All established democracies offer their citizens, albeit with varying intensity, social services ranging from public education to healthcare and low-income benefits.<sup>62</sup> The underlying rationale is that unless citizens have access to a certain minimum, democratic politics will suffer a setback. To generalize, a certain level of material welfare is often taken as a precondition for democracy. Modern democracy with its representative institutions, vast bureaucracy, and the social safety net, is a much costlier undertaking than its ancient counterpart.

The flip side of the coin tells us that democracy also requires nonmaterial resources, the principal one being willingness of citizens to cooperate and undertake their fair share in regenerating democratic capital. The more citizens are unwilling to vote, pay taxes, do jury service, or care for their environment, the harder it becomes for the democratic form of government to survive. Moreover, even the kind of negative, moderately self-regarding, engagement with politics emphasized in this chapter requires certain character traits. Maintaining competitiveness of elections would be hard if a majority of citizens were to view sub-standard economic performance as a divine curse or were to espouse an all-out pessimism about their impotent status as political agents.<sup>63</sup> That citizens have a sceptical attitude towards authority and avoid becoming complacent, many liberal democratic theorists have rightly noted, is among the virtues

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<sup>61</sup> See Holmes and Sunstein, *The Cost of Rights*.

<sup>62</sup> Disagreements on the propriety of public or private management of services such as healthcare, unemployment insurance, and education is irrelevant to the fact that these services are needed for a democracy to properly function. Whether the services should be provided by market or government is a question that democracies can debate. What matters is the fact that modern democracy would suffer in the face of, let us say, massive illiteracy.

<sup>63</sup> In many authoritarian countries, arguably, these are among the main impediments to democratic reform.

that “distinguish ‘citizens’ within a democracy from the subjects of an ‘authoritarian’ state.”<sup>64</sup> The upshot is that democracy, more so than any other form of government, has to rely on the virtue of its citizens.

But the advantage of democracy is that democratic virtue is not a particularly difficult kind of virtue to inculcate if by democracy we mean such things as recognition of people’s desire to avoid domination and reliance on competitive elections to achieve this result. Just as a free and competitive market is the best teacher of skills required to succeed economically, free and competitive electoral systems across different levels of government are the irreplaceable teachers of civic virtue. This is the line of thinking that is present in the ancient thought and the thoughts of J.S. Mill and Tocqueville.

Now, the theory of democracy sketched in this chapter valorises such democratic precepts as equality, responsive government and non-domination, thus propounding a normative framework that encourages a more enhanced role for citizenry than the one Schumpeter’s account concedes. I think I have, so far, been able to show that a reasonably secure foothold exists for these mainly procedural values in Schumpeter’s own positive theory. This final subsection is perhaps theoretically the least demanding part of my argument because only someone absolutely detached from real-world concerns about political stability and good government would turn her back on the idea of democratic regeneration. Despite its avowedly positive tone, Schumpeter’s *Capitalism, Socialism, and Democracy*, shows a sensible degree of concern about maintaining the minimalist order. Therefore, Schumpeterians could object to the project of making minimalist democracy more normatively stable on the grounds that the conditions required by NMD are too demanding to be democratically regenerated.

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<sup>64</sup> Kymlicka, *Contemporary Political Philosophy*, 289.

The motivation behind discouraging the average citizen's engagement in politics is that "the typical citizen drops down to a lower level of mental performance as soon as he enters the political field."<sup>65</sup> On Schumpeter's account, to expect the average citizen to overcome this shortcoming is unrealistic, because losing grasp of reality as we move farther away from our most direct interests is part of what he calls "Human Nature in Politics."<sup>66</sup> This, then, is the rationale for leaving decision-making to political elites. But being unable to provide a satisfactory answer to two very basic questions – namely, who are these elites and how knowledgeable are they? – is a troubling weakness of Schumpeter's account. Some crucial evidence Schumpeter provides to prove ignorance of the apolitical class conflicts with his uncompromising faith in the competence of political class. Here we do not have room to address all conditions, so I will focus on the problem of knowledge that apparently motivates Schumpeter to favour disproportionately strong elite participation.

Schumpeter concedes that

the reduced sense of responsibility and the absence of effective volition [reason's for ordinary citizen's ignorance and lack of judgement in matters of domestic and foreign policy] ... are if anything more shocking in the case of educated people and of people who are successfully active in non-political walks of life than it is with uneducated people in humble stations.<sup>67</sup>

He goes on to cite lawyers as a class of people who are particularly unqualified to deal with national and foreign policy. Then the proper political knowledge required for regeneration of the Schumpeterian democracy is something that only full-time politicians can possess. But modern political science questions the possibility of such

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<sup>65</sup> *CSD*, 262.

<sup>66</sup> *CSD*, 263.

<sup>67</sup> *CSD*, 261.

expert knowledge. Unfortunately, lawyers, economists, or historians do not cease having imperfect political knowledge once they become full-time bureaucrats.

A quick look at the findings of the post-Schumpeter scholarship on the subjects of political knowledge and public opinion suggests that Schumpeter failed to take his astute observations about the nature of knowledge in politics to their logical conclusion. In this regard, Phillip Converse's work is quite instructive. In his famed study, *The Nature of Belief Systems in Mass Publics*, Converse reveals that elites are not decisively better than non-elites in comprehending politics.<sup>68</sup> According to Converse's findings, the more political knowledge one acquires, the more doctrinaire one's views become. While non-elites suffer from not having a well-developed belief system that would enable them to gain more political knowledge, elites suffer from the ideological constraints of their individual belief systems.

To be sure, Converse's findings do not settle the dilemma of knowledge that imperils Schumpeter's thesis. Schumpeter accepts that in the long-run people are better judges of the bigger picture of politics. But he immediately goes on to note that history is a continuum of short-run segments.<sup>69</sup> Nonetheless, one need not surrender too quickly in the face of the grim picture drawn by Converse's findings and shortcomings of Schumpeter's theory. Converse's study shows that elites are not decisively better judges of political matters, which disturbs Schumpeter's conception of competent elites. But it does not show that citizens of established democracies cannot strike a diligent balance in combining benefits of elite knowledge and popular wisdom. Slight improvement in political knowledge of masses over the second half of the twentieth century noted by Converse, and the record of democratic stability in the face of minority governments, social movements, and amateur politicians, give one more reasons to reject

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<sup>68</sup> See Converse, "The Nature of Belief Systems in Mass Publics"; Converse, "Democratic Theory and Electoral Reality."

<sup>69</sup> *CSD*, 264.

Schumpeter's contempt for those dabbling in politics.

## 2.4 CONCLUSION

What is different in the views propounded in this chapter from those in *Capitalism, Socialism, and Democracy* and other minimalist theories of democracy? The main difference is that the normative dimensions of equality, responsiveness, non-domination, and regeneration enable democracy to perpetuate itself in the face of different kinds of problems. Electoral theories of democracy suffer from inescapable problems of corrosion through manipulation, disenfranchisement, and the like. Silence on normative content, as I tried to demonstrate in this chapter, not only does not offer us any protection against democracy's decline, but also provides us with no coherent way of assessing when the decline begins. Evaluating democratic quality necessarily involves an appeal to normative standards. This was something that the Schumpeterian focus on democracy qua method could not provide. Moreover, another implicit criticism of Schumpeter that motivated this approach is the inability of the Schumpeterian model to explain and make sense of our political language of democracy and present institutional embodiments of democratic ideals. Schumpeter's model of democracy falls short not only of the ideal of democracy shared by utopian egalitarians of the 17<sup>th</sup> and 18<sup>th</sup> centuries Europe, but also it overlooks many crucial aspects of the institutional evolution of democracy. Normative Minimalist Democracy, which I begin to develop in this chapter, seems to be a reasonable non-revisionist, and still normatively sound alternative to Schumpeterian theories on the one hand, and the general will theories on the other.

I believe another strong thread combines ideas formulated in this critical, but broadly sympathetic, engagement with Schumpeter. The norms of non-domination, equality, responsiveness and regeneration point out the normative significance of



agreement and disagreement, assent and dissent. What makes democracy distinctive in the view that I defend in this chapter is the principled relationship between these two stances. Overemphasizing consent gives us a version of utopian liberalism, socialism, or deliberative democracy. Overemphasizing dissent produces a more libertarian utopia. Restoring both ideals to their respective place in the democratic thought seems to lead to a particularly robust theory that comes closest to explaining modern institutional embodiments of democratic ideals in our own world, as well as providing the necessary conceptual resources for reform. This I call the normatively sound minimalist democracy.

## **CHAPTER 3: Why Equality and Difference Matter? Limits and**

### **Value of Consensus and Dissensus**

What is the relationship between consensus and dissensus and how does this relationship define normative minimalist democracy? The argument advanced here holds that if there is any one question that most heavily bears on the shape of normatively sound minimalist democracy, it is the question about the limits of agreement and disagreement. To answer this question, this chapter picks up the two most central components identified in the previous chapter's search for a more coherent normative theory of minimalist democracy and goes on to specify what role each element fulfils in NMD. A close scrutiny of non-domination and equality, and the political arrangements that follow from them, reveals that consensus and dissensus have their limits, which a more coherent theory of democracy has to recognize.

#### **3.1 Why Equality Matters**

In the previous chapter I discussed why Schumpeterian minimalism could become a more consistent theory by coming to terms with the importance of equality to its normative core. There, the focus was on how excluding equality from the picture leads to inconsistencies and suboptimal outcomes even by the standards of Schumpeter's theory. In this section, I elaborate on the role that the equality plays in a theory of normatively sound minimalist democracy and what shape the concept has to take in order to perform that role. First, I begin with an account of how equality is at the core of what makes democracy distinctive. Second, I discuss how some conceptions of equality suit this account better than others. I end the section by discussing some criticisms of

this minimalist conception of equality from the proponents of more substantive democracy.

### **3.1.1 How equality figures in the distinctiveness of democracy?**

Perhaps, the point that some notion of equality lies at the core of democracy requires very little defence. While this is supposed to provide the concept of democracy with an important degree of theoretical stability, it also underlies many of the confusions surrounding the concept. Very often, the egalitarian nature of democracy goes poorly clarified because many writers seem to assume that since equality is such a ubiquitous, easily satisfiable or abstract aspect of democracy that meaningful and productive discussion about the concept has to focus on other aspects. This, however, ends up obscuring important features of democracy to the extent that the shape of equality bears on the other more practical questions. For this reason, I begin with a brief excursion into what makes democracy distinctive and the role that equality plays in this picture.

Many political ideals or goods are invoked as potential explanations for what is most distinctive about democracy. One commonly held view is that “the central virtue of democratic forms is that, in the presence of a suitable social background, they provide the most reliable means of reaching substantively just political outcomes”.<sup>1</sup> Iris Young, for instance, shares this view when she writes that at least part of democracy’s value has to do with its being “the best political means for confronting injustice and promoting justice.”<sup>2</sup> Other views see the distinctiveness of democracy in its connection to political stability and economic prosperity. To these authors, democracy is a more acceptable form of government than its alternatives because it is better at securing goods that people most value. To be sure, democracy does often lead to outcomes such

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<sup>1</sup> Beitz, *Political Equality*, 113

<sup>2</sup> Young, *Inclusion and Democracy*, 28

as political stability and economic prosperity that are comparatively superior to outcomes such as political discord and poverty. If one is to take a similarly comparative view in the realm of values and ideals, it is difficult to miss that democracy favours such values as freedom, autonomy, and peaceful coexistence over tyranny, submissiveness, and political violence. We may have independent reasons to value these advantages that ensue from democratic forms of government. But neither autonomy and peaceful coexistence, nor political stability and economic prosperity tell us what definitional distinctiveness of democracy as opposed to non-democracy is. It is at least thinkable, if not practicable, that these values can be achieved through undemocratic measures, or through measures that undermine certain aspects of democracy. As Estlund notes, some basic moral principles such as the principle of maximal utility or categorical imperative can be available as a “moral ground of democracy,” but this would not make that idea democratic.<sup>3</sup> In short, the distinctive core of democracy cannot be that it offers us ideally the most equitable, harmonious or stable type of society that one can think of because we could think that we have all or some of these without having a democracy, and similarly because we could have a democracy yet find it difficult to achieve those goods.

Another commonly entertained option is that what underlies democracy is the concept of popular sovereignty. Democracy is a form of government in which *people*, as opposed to an absolute monarch or natural aristocracy, make decisions. Proponents of this view initially seem to have etymological evidence on their side. However, because in contemporary political theory, with the exception of some nationalist theories, *the people* is rarely assigned an independent normative agency, what most theories have in

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<sup>3</sup> A similar point about why affinity between democratic norms and certain moral, political, and economic goods need not figure in definitions or justifications of democracy was made by David Estlund. See Estlund, “Debate on Christiano’s *The Constitution of Equality*,” 252.

mind is a numeric majority. The principle of majority rule is certainly one of the most important elements in the modern concept of democracy, but on its own it fails to offer us a satisfactory account of democracy's distinctive appeal as a political theory. The immediate worry is that because majoritarianism can be practiced in an array of ways commonly perceived as undemocratic, it cannot account for what is distinctive about democracy.

Once we recognize that majority rule derives its legitimacy not from numbers, but from being a decision-making mechanism that respects the political equality of persons, we can appreciate the qualitative difference between a majoritarian decision by a gang to execute one of its members and majoritarianism as practiced in healthy democracies. Although majoritarianism is quintessentially an egalitarian principle, unless bolstered by certain constraints, it can very quickly degenerate into a form contradictory to its *raison d'être*, namely, maintaining political equality among the members of *demos*. Researchers of democratic theory have convincingly shown the connection between equality and majority rule. Unlike other decision-making mechanisms such as unanimity or supermajority that also lay claim to being democratic, the rule of simple majority does most to respect the status of citizens as political equals.<sup>4</sup>

This brief account helps us come up with a rudimentary working definition that distinguishes democracy from non-democracies. Put abstractly, the most distinctive characteristic of democracy is that it entitles those governed to figuring as equals in determining how they are governed. Hence, the rejection of asymmetric power relations between citizens is central to democracy. With its denial of asymmetric political power

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<sup>4</sup> This point is also confirmed by May's Theorem. See May, "A Set of Independent Necessary and Sufficient Conditions for Simple Majority Decision."

and status, democracy stands in contrast to other forms of government, notwithstanding how the latter perform along other dimensions of good governance. For instance, Schumpeter points out how a benign dictator or king can secure peace and stability among his subjects and even ensure an equitable distribution of resources.<sup>5</sup> It is also thinkable, but not probable, that autocratic rule of the benign nature often invoked by critics of democracy can follow public sentiments closely and take people's empirical will quite seriously when deciding. This kind of society may even have subjective legitimacy in the eyes of its citizens, but it would still fail to achieve conditions of democratic legitimacy because it does not satisfy conditions that distinguish democracies from non-democracies.

One can note that the foregoing characterization of democracy is not based on self-evident truths. After all, a critic could object that democracy would be a more universally acceptable ideal, had it not appealed to concepts that have historically been associated with certain metaphysical views of life.<sup>6</sup> In chapter two, we saw how Schumpeter attempts to denounce the idea of equality for being an empirically groundless religious ideal. Schumpeter's rejection of equality does not hold true because there are numerous non-metaphysical justifications of the notion of equality that can ground the equalitarian requirements of democracy. Here I want to focus only on one of them as I think it suits the purpose of normatively sound minimalist democracy.

To obtain an insight into democratic theory's distinctive egalitarianism, and also to dispel concerns over its metaphysical undertones, it is important to remind ourselves which socio-political environments are most favourable to democracy. As

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<sup>5</sup> Schumpeter, *CSD*, 246.

<sup>6</sup> For an illuminating discussion of democracy and its universal appeal see Amartya Sen, "Democracy as a Universal Value."

Robert Dahl points out, democratic forms of governance have taken hold in a diverse range of environments from tribal societies to modern industrialized nation-states.<sup>7</sup> This diversity already implies that democratic equality must have little to do with ethno-cultural variations. The emergence or consolidation of democracy in different historical settings, however, is not just a matter of coincidence.<sup>8</sup> There are certain characteristics shared by human beings in the tribal societies mentioned by Dahl, ancient Athens, and modern democracies that can explain why equality has been so important to democracy. More generally, these characteristics have to do with the rejection of entrenched status and power hierarchies among citizens. To be sure, weakness of status and power hierarchies can be the default position, as in the case of British colonies in North America.<sup>9</sup> But when symmetrical power relations do not precede the political constitution, as in most historical and present cases, certain minimalist assumptions about human nature can provide justification for them. For instance, Rawls grounds his conception of persons as free and equal in their having the two moral powers – “a capacity for a sense of justice and for a conception of the good.”<sup>10</sup> It is possible to take a more minimalist reading of these capacities and interpret the first as a rudimentary sense of right and wrong, and the second more as a negative limitation intrinsic to all humans than a positive capacity. On this more minimalist reading, because of such characteristics of our species as self-interest, limited altruism and fallibility, we cannot forfeit our judgement and entrust others with the right of determining what is right for us.<sup>11</sup> For instance, the capacity to have an elaborate conception of the good is not necessary for the minimalist understanding of human nature to take into account a toned down version of the second moral power. The potential for finding oneself in

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<sup>7</sup> Dahl, *Democracy and Its Critics*, 31.

<sup>8</sup> Even Schumpeter accepts this statement in *CSD*.

<sup>9</sup> Alexis de Tocqueville, *Democracy in America*.

<sup>10</sup> Rawls, *Political Liberalism*.

<sup>11</sup> See Beetham, “Democracy: Universality and Diversity.”

disagreement with somebody else's conception of the good is a sufficient reason to include the second element. Although these two general statements about human nature are not specific enough for one to derive a particular theory of human equality from them, together they provide a strong rationale for the egalitarian outlook of democracy. Namely, they give one reasons to reject asymmetrical political authority and seem to offer a firm foothold for "one person, one vote" – the bedrock of modern democracy.

Let me expand on how these two observations about human nature, the possession of the sense of right and the impropriety of alienating it to others, militate against hierarchical forms of political organization, and take one in a distinctively democratic direction. As Bernard Williams suggests "what keeps stable hierarchies together is the idea of necessity, that it is somehow fore-ordained or inevitable that there should be these orders".<sup>12</sup> These hierarchies could be sustained if we were to support a different conception of good governance such as the one that values political stability or romanticizes a benign monarch who respectfully follows his subjects' desires and tries to stay in good faith with them. But in this particular, democratic, understanding of what good government amounts to, these hierarchies "must eventually be undermined" by the recognition of what Bernard Williams calls man's potential for "reflective consciousness"<sup>13</sup> Later on, when we study democratic individualism, this aspect of democratic agency will be more closely scrutinized. Here it suffices to point out that the idea of reflective consciousness, the ability to stand apart from structures of power and take a position on them from the personal point of view, is captured by the aforementioned two observations about human beings.

Then, equality in the context of distinguishing democracies from non-democracies amounts to a rejection of power hierarchies and the assertion of a

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<sup>12</sup> Williams, *In the Beginning Was the Deed*, 238.

<sup>13</sup> *Ibid.*



horizontal relationship between citizens with respect to their collective government. This aspect of the ideal is, to an important extent, captured by such modern democratic principles and practices as ‘one person, one vote’ and equal concern for citizen interests. Although the equality of “one person, one-vote” offers us a firm beginning ground, it leaves room for a significant degree of variation. For example, a small town administering itself through direct engagement of its citizens in day-to-day decision-making will present a different model of equality than a large representative democracy. In the former case, citizens will have more time and expertise to deliberate over issues of town politics. In the latter case, however, only a handful of people – legislators – will deliberate. Perhaps a small fraction –special interest groups – will participate, and democracy for the remaining millions will consist of casting a ballot on the election day, usually every two, four or even five years. This latter picture is often invoked by critics of modern representative democracy when denouncing the shallowness of its egalitarian character. I will have to address this point in the following sections. I think this objection can be met if we show that the combined egalitarian power of the four conditions of democracy is greater than that implied in mere formal political equality.

Not all of the variation in how ‘deeply equal’ societies accepting equal standing of citizens can turn out, however, to be due to differences between large and small, participatory and representative, or modern and ancient societies. It is true that all of these play a role in determining what the ideal of democracy can and cannot incorporate. In a political group of hundred individuals determined to maintain a democratic regime, a proponent of “strong democracy” may feel more at home, but I have doubts that he/she can have all of his/her egalitarian ideals realized. For people even in fairly small-sized forums will show different levels of political enthusiasm. Political fervour will show variances not only from person to person, but even in the

case of the same person from situation to situation. Some will find certain political questions more relevant than others, and one debate will appear to one person timelier than another. Even under ideal circumstances of equality, people may perform differently. This shows that it would be a mistake to identify actual equality of political influence as the benchmark of democratic equality even in a small group.

Moreover, there are some political inequalities that are endemic to democracy understood in its current meaning – as a representative form of government where electorates evaluate candidates for, and those already in, office along several criteria such as performance and congeniality of their proposals. If democracy is in some way to remain associated with good government, not all interests can fare equally well. Even under a significantly improved democratic order, where the effects of money are offset, talent and dexterity (or at least the appearance of such ability) on the part of politicians will often translate into more votes, resulting in significant inequalities in how the final outcome treats the politically aspirant. The current debates on luck egalitarianism offer some useful examples of what could go wrong if political equality is interpreted in a more expansive way. Were luck and other similar factors to be politicized, the new concept of political equality would aspire to alter human motivations such as that of being persuaded by more congenial reasons, or rewarding achievers as opposed to those who fail. Even quite thick concepts of democracy would have difficulty in accommodating such expanded notions of equality.<sup>14</sup> This is another indication that political equality, if interpreted as an outcome-related ideal, is bound to conflict with the uncertain nature of democracy as a decision-making mechanism. The upshot is that equating democratic equality with political equality will not in itself dissolve indeterminacy surrounding the former.

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<sup>14</sup> See Anderson, “What is the Point of Equality?”

The above discussion offers us a glimpse at the contours of equality suitable to NMD by giving us some idea on what equality cannot mean, but no definitive political concept is yet available. The next step in the argument is based on critical engagement with Charles Beitz's *Political Equality*. In that work, Beitz presents several competing procedural and substantive definitions of equality and rejects them in favour of his own reconstruction of procedural and substantive elements into what he calls "complex proceduralism". Beitz's argument merits close attention because one of the working definitions of equality that he eventually rejects appears to fit most aspects of what I have tried to establish as ineliminable norms of NMD.

### **3.1.2 Charles Beitz**

Beitz criticizes a majority of political theorists writing on democracy for subscribing to "the simple view" of political equality. Proponents of the simple view, according to Beitz, "treat political equality as concerned exclusively with the distribution of a single unambiguous value" such as power. What follows this assumption of singularity is that fairness is often reduced to the assessment of how well political institutions can distribute that single good.<sup>15</sup> Beitz identifies three leading manifestations of the defective simple view of equality: "best result, popular will, and procedural views."<sup>16</sup> Best result theories hold that terms of participation, and equality for that matter, should be constrained by the consideration of optimal social and political outcomes. The primary example of this view discussed by Beitz is John Stuart Mill's proposal of plural voting.<sup>17</sup> Beitz rejects this approach largely because it commits its advocates to the view that optimal political outcomes "can be established independently." Beitz is not content with the second alternative – theories that assert the sovereignty of the will of people –

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<sup>15</sup> Beitz, *Political Equality*, 5.

<sup>16</sup> Beitz, 20.

<sup>17</sup> Beitz, 32.

for reasons similar to Schumpeter's rejection of *volonté generale* explored in the previous chapter of this thesis. Briefly, his concern is that 'will of people' theories assume a transparent and homogenous set of preferences endorsed by all citizens. This, in Beitz's view, is inconsistent with the fact that "citizens' preferences are frequently in conflict."<sup>18</sup>

Having ruled out the first two groups of theories as insufficient in accounting for the egalitarian requirements of democracy, Beitz turns to the discussion of the third simple view – proceduralism. He notes that proceduralist democracy may initially look less problematic than the preceding two alternatives because it neither assumes a set of outcomes whose desirability can be proved independent of any democratic mechanism, nor presupposes knowledge of a transparent and homogeneous popular will. Perhaps, proceduralism's initial appeal is not merely due to avoiding mistakes of the former two theories, but also due to the amicable relationship of its provisions (e.g. "equality of opportunities to influence political outcomes"<sup>19</sup>) with elements of modern democratic practice. However, Beitz thinks that none of the justificatory lines taken by proponents of proceduralism can produce an adequate understanding of equality.

Beitz divides procedural theories of fairness into three groups based on their sources of justification. The first two types of procedural theories appeal to hypothetical bargains. The first type – "fairness as compromise" – requires that democratic procedures are modelled on the hypothetical compromise of those who know their actual political interests and conditions. For the second type of proceduralist, the aim is to avoid the unfairness of the first type, namely, the impact of parties' bargaining positions on the final settlement. Thus fairness for the second type proceduralist consists

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<sup>18</sup> Beitz, 49.

<sup>19</sup> Beitz, 75.

in following those procedures that are shown to be *ex ante* equalitarian. *Ex ante* fairness, proponents of fairness as impartiality think, can be achieved by imposing a knowledge restriction (or veil of ignorance, to use the Rawlsian terminology) on the parties to hypothetical bargain.<sup>20</sup> “The third approach abandons altogether the attempt to conceive fair procedures as the outcome of a hypothetical bargain and concentrates instead on what might be called their expressive or symbolic function in giving public recognition to the equal status of citizens. This is “fairness as equal respect.””<sup>21</sup>

Of all the theories that Beitz examines, the version of proceduralism that emphasizes the expressive functions of citizenship resonates most with considerations often appealed to by those trying to justify “generically democratic institutions” – Beitz’s synonym for minimalist democracy.<sup>22</sup> In addition to not committing mistakes of an undemocratic nature – such as allowing unequal bargaining outcomes under duress in the case of fairness as compromise, or imposing on parties procedures that they have no pragmatic or moral reasons to accept, as in the case of fairness as impartiality – expressive proceduralism is conducive to the formation of such important elements of healthy democracy as active citizenry, contestation of government decisions, and electoral competition.<sup>23</sup> Nonetheless, Beitz finds expressive proceduralism deficient as regards the fairness criterion. He notes:

No doubt these considerations [i.e., the ones central to expressive version of proceduralism] furnish strong reasons for preferring democratic to other kinds of institutions. However, they do not determine the question of institutional fairness; indeed, they leave open significant room for

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<sup>20</sup> Beitz, 77.

<sup>21</sup> Beitz, 77.

<sup>22</sup> Beitz, 93.

<sup>23</sup> Beitz, 92-93.

variation. In particular, they do not establish that fair institutions should have egalitarian procedures.<sup>24</sup>

Despite the fact that the expressive version of proceduralism can honour all the vital democratic goods, it is considered a failure, because the ideal of equality underlying this type of proceduralism is not complex enough to account for the need to justify its fairness to every person: “What these criticisms suggest is that no such justification is likely to be persuasive if it excludes considerations about results entirely. The political outcomes to be expected from the operation of a set of procedures are simply too important to be left out of account.”<sup>25</sup>

Beitz’s third form of simple proceduralism, as far as democratic equality is concerned, seems to provide us with a sound theoretical framework. But interestingly, he rejects it. We need to take a closer look at what the modified – hybrid – version adds and takes away from the suitability of the former kind of proceduralism to ground democratic equality.

Let us start by noting that the addition of what Beitz calls ‘regulative interests of citizenship’ is the only significant addition to the proceduralism that rests on the expressive functions of citizenship. With the addition of three regulative interests – *recognition*, *equitable treatment*, and *deliberative responsibility* – Beitz thinks that the new theory can ensure fairness of procedures towards all citizens; once citizens see that democratic procedures satisfy their regulative interests, they would have no reasonable grounds for not accepting these procedures.<sup>26</sup> The addition of these interests, according to Beitz, fills an important gap in the contractualist literature – the lack of actual reasons

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<sup>24</sup> Beitz, 93.

<sup>25</sup> Beitz, 95.

<sup>26</sup> Beitz, 99.

as to why a particular arrangement is acceptable – by supplementing formalism of social contract with substance that relates to the interests of actual citizens.<sup>27</sup> As a result, under the hybrid theory, “*the terms of participation are fair if no one who had these (“regulative”) interests and who was motivated by a desire to reach agreement with others on this basis could reasonably refuse to accept them.*”<sup>28</sup> Beitz thinks the above formula, particularly the addition of substantive interests that straightforwardly follow from democratic citizenship, allows us to achieve a number of important things, among them preserving the truth in proceduralism and realizing the contractualist promise of justifying political authority to all citizens.

As a matter of principle, I find nothing objectionable from the perspective of NMD in what Beitz calls “regulative interests”. These are, to a large extent, straightforward democratic presuppositions, and mostly could be derived from the two minimal observations about common human experience to which NMD committed itself in the earlier section. The problem is that their acceptance may not lead to an agreement on the terms of participation, let alone reassurance that the process satisfies all expectations of fairness. To give an obvious example, citizens could accept the significance of equal treatment, but continue to disagree on what it implies as far as access to social and political resources is concerned, even with respect to identifying correct basic procedures. Similarly, the impulse to reach an agreement coupled with a commitment to deliberative responsibility could fall short of producing an agreement on how best to improve political participation. In short, the worry is that there is no guarantee that these regulative interests can take us from a very abstract agreement around a very abstract issue to an agreement around a concrete issue.

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<sup>27</sup> Beitz, 100.

<sup>28</sup> *Ibid.*; emphasis in the original.

Let me explain why this is a difficult issue for Beitz to overcome. Beitz quite rightly leaves these interests imprecisely defined. Otherwise, his proceduralist credentials – even his claim to being only a hybrid proceduralist – could be subject to dismissal. In anticipation of this challenge, Beitz leaves the boundaries of these interests and their substance open to the influence of social context. In his own words: “Because the structure of the theory incorporates less normative content than more formal views, it is less determinate in its consequences.”<sup>29</sup> Furthermore, Beitz is also careful enough to note that “the regulative interests themselves stand in need of justification”, in order to pre-empt the challenge that the democratic framework is arbitrarily curtailed.<sup>30</sup> Although these are important points that allow Beitz to continue to lay claim to an important degree of proceduralist credibility, they are also indicative of an important issue with his larger contractualist framework. The crucial question is how this search for standards of reasonable acceptability is any different from the search for consensus around outcomes or procedures? The worry that motivates one to ask this question is that if not different, Beitz’s account seems to take us back to where he started.

The answer to the foregoing question is as complex as Beitz’s proceduralism: “The interests I have identified function within the theory as the criteria by which political institutions and procedures are to be assessed when they are regarded from each person’s point of view.”<sup>31</sup> To me, this neatly worded synopsis of Beitz’s answer suggests that Beitz unsuccessfully tries to interweave two different responses. The first bit is that Beitz asserts regulative ideals as the content of the reasonable acceptability criteria. As he points out earlier in the book, the three regulative interests are intended

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<sup>29</sup> Beitz, 105.

<sup>30</sup> Beitz, 107.

<sup>31</sup> Beitz, 116.



“to give content to the idea of reasonable acceptability”.<sup>32</sup> He arrives at them “inductively” by considering “cases [of] paradigmatic unfairness”, and constructing reasons around which people would converge when objecting to these practices on grounds of fairness.<sup>33</sup> Leaving aside the reference to reasonable acceptability, the answer that Beitz gives shows how his account is different from those put forth by proponents of hypothetical or actual consensus. Moreover, this is a way of exploring democracy’s normative principles that most accounts of procedural democracy, including NMD as I will explain later on, engage in. To give an influential example, here what Beitz claims sounds analogous to what Dahl writes about criteria for procedural democracy.<sup>34</sup>

The second bit of Beitz’s answer, although not contradicting the first, takes away its effectiveness in responding to the question. It is references to acceptability from “each person’s point of view” that seem to regenerate the “problems” of the first two kinds of proceduralism. The stipulation for some kind of meta-consensus – the additional requirement that fairness of the basic democratic principles hinge on their acceptability – introduces a further difficulty for the model of democratic equality that focuses on the expressive function (the third proceduralist type). To be sure, such meta-consensus could be easier to attain at the hypothetical level. Namely, one could choose to ignore actual disagreements and focus on hypothetical agreements between reasonable persons. This would be similar to fairness as impartiality or compromise that Beitz rejected earlier in the book: that is, it would raise the question of why should any real person view hypothetical agreements as morally binding. Any attempt at building an actual consensus, on the other hand, would also result in serious difficulties. The

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<sup>32</sup> Beitz, 23.

<sup>33</sup> Beitz, 108-109.

<sup>34</sup> See Dahl, “Procedural Democracy”.

ensuing arrangement, leaving aside the huge (insurmountable?) challenge of practicality, could be very conservative and inegalitarian – placing disproportionate powers in the hands of the groups benefitting most from the status quo, as Beitz himself recognized.<sup>35</sup>

Beitz is aware of this problem. He recognizes that trying to move away from the goals of hypothetical or actual consensus paves the way for the objection that “[regulative] interests furnish the main basis for resolving disputes about procedural design; the contractualist framework seems not to contribute anything of its own.”<sup>36</sup> The main part of the answer offered by Beitz – “[t]he regulative interests themselves have a contractualist justification”<sup>37</sup> – is not helpful at all. For introducing circularity to save the justificatory element from the charge of emptiness also re-introduces the problems that required Beitz to assert the regulative interests as normative ideals in the first place. The overall issue with Beitz’s view is that he underestimates the problem of arriving at a definition of reasonableness as a standard of acceptability that is more satisfactory than other hypothetical devices available in the social contract literature.

I will finish this subsection by adding a caveat. The intention of these critical remarks on Beitz is not to undermine Beitz’s concern with fairness for all, nor to try to argue against the influential tradition of Rawlsian public justification. To the contrary, as later chapters will make clear, I do think that some internal notion of fairness has a role to play in NMD. My concern, simply, is that the social contract interjection – the idea of reasonable acceptability from the vantage point of all citizens– is in tension with Beitz’s otherwise remarkable sensitivity towards the normative significance of differences between real individuals, and individuals subject to the “veil of ignorance”.

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<sup>35</sup> Also see Shapiro, *The State of Democratic Theory*, 16-21.

<sup>36</sup> Beitz, 106.

<sup>37</sup> Beitz, 107.

For reasons that the second part of the chapter will elaborate, I find this latter aspect of Beitz's proceduralism much more appropriate to adequate theorization of modern democracy than its alternatives. I think this, together with what Beitz writes about expressive function of equality and the importance of extending our notion of equal concern, is what we need to borrow from Beitz when moving forward with the account of equality in a normatively sound minimalist democracy.

### **3.1.3 From Beitz to Limits of Agreement**

To wrap up, in Beitz's account of democratic equality we get more than the same limitations of the consensualist liberal theory. We also get a subtle picture of the tension between the normative weight assigned to persons as real democratic agents and the conception of reasonable persons that reverts back to the views criticized by Beitz, which shows that Beitz is aware of the problem. His solution does not have the conceptual resources to take further necessary steps that would give his theory of democracy a greater degree of consistency. To achieve this, we need to study the limits of agreement, and the constructive contribution of recognizing the normative worth of disagreement. As this dissertation argues, democracy is not just a method for reaching agreement but also one deemed most suitable for managing disagreement.

No matter how instructive a focus on equality, the latter has a tendency to give us only a partial account of the democratic citizen. It tends to capture the relatively non-confrontational, easily reconcilable, more prone to consensus aspects of political engagement. The notion of equality suggests things are already in balance. After all, why would citizens, especially the reasonable ones, not accept the place allotted to them by the principle of equality? This seems to be the main reason why thinkers who place equality at the core also happen to neglect the other aspect of democratic politics. The

two aspects are not merely in tension but in some kind of symbiotic relationship as we will more fully realize in the later chapters, particularly in chapter six. It would not be a gross generalization to suggest that the other, no less important, aspect of politics is often captured in the liberal political theory as a nuisance. This is because theories lack conceptual resources required to appreciate the normative weight of disagreement.

Before I turn to the subject of non-domination and the normative significance of democratic disagreement, I will consider two general objections to the minimalist notion of democratic equality that come from two different strands of democratic theory.

#### **3.1.4 Returning to Minimalist Equality: Two general objections**

Let me begin with the one that comes from those theorists who are generally supportive of the normative variant of minimalist enterprise. In recent years, some theorists have attempted to push the term equality out of democratic theory. Przeworski, for instance, prefers the term anonymity to equality as he thinks the former is a better characterization of the (in)egalitarian ethos of democracy. He holds that “for a collectivity to govern itself, all of its members must be able to exercise equal influence over its decisions.” He goes on to note that because political equality requires “effective opportunity” to equal influence, and representative democracies do not provide this, equality “does not characterize democracy.”<sup>38</sup> Similarly, Ian Shapiro holds that the notion of non-domination obviates equality in democratic thought, for non-domination, rather than abstract equality, is the ideal that people can really know and aspire to.<sup>39</sup>

Anonymity cannot provide the normative justification that the equalitarian dimension of normatively sound democratic minimum requires, although it can be an

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<sup>38</sup> Przeworski, *Democracy and the Limits of Self-Government*, 66-67.

<sup>39</sup> See Shapiro, "On Non-Domination," 295-96.

appropriate term to characterize the democratic outcome in which what law offers to one is indistinguishable from what it offers to others. A state that treats its citizens along the principle of anonymity could replace each citizen's name with codes and randomly discriminate against them. For example, in a state where anonymity is the proper characterization of the state-citizen relationship, only those whose national identification numbers start with 2 could be asked to serve in the military, while those whose numbers start with 5 could be required to work for an entire year without earning any wages. These bizarre forms of discrimination can well take place under conditions of anonymity. Equality, on the other hand, is a normative ideal that requires equal treatment or consideration. To be sure, democratic states do pass legislation that requires citizens of certain age groups to serve in the military and they do tax their citizens according to different rates. But these burdens are distributed in accordance with laws that are made with the equality of citizens in mind. For instance, the military service law justifies the age discrimination on the grounds of fitness for military service – judging children and the elderly as unfit by several criteria. Tax laws also offer several forms of justification to citizens being required to pay more than their peers. The validity of these justifications is not important when trying to determine the force of the principle. What matters is that such justifications are frequently voiced and debated in democratic environments.

The second objection comes from the historian of political thought John Dunn, and alludes to the portrait of democratic transformation presented in the first paragraph of this chapter. In his recent book, *Democracy: A History*, Dunn compares and contrasts two pictures of democracy. One is the radical egalitarian ideal of 'pure democracy' or 'real democracy' epitomized by the thought of French revolutionary socialists Babeuf and Buonarroti; the other is the model that characterizes Tony Blair's vision of

society.<sup>40</sup> Dunn relates the attenuation of democracy’s egalitarianism – dramatized as the shift from the democracy of Babeuf to the democracy of Tony Blair – to the fact that democracy “has passed definitively from the hands of the Equals to those of the political leaders of the order of egoism. These leaders apply it (with the active consent of most of us) to the form of government which selects them and enables them to rule.”<sup>41</sup>

Dunn’s account of democracy’s origins portrays quite effectively the chasm between historical and contemporary ideals of democracy. Nonetheless, I have reservations about calling the egalitarian ideal associated with contemporary democracy a totally modern invention. Despite all the differences of scope and character between the modern and classical embodiments of the egalitarian dimension of democracy, the justificatory role of equality has remained largely stable. The composition of a ballot and the process of casting it, among many other features of democracy, may have changed – we no longer decide whether a citizen should be put to death or stripped of citizenship through public hearings in town centres, and privacy is a predominant concern in modern elections. Despite periodic suggestions for differentiating between the rich and poor, educated and uneducated citizens, each citizen continues to have one vote.<sup>42</sup>

The multidimensional account of the democratic minimum developed in this dissertation may offer an alternative, and less cynical, explanation for democracy’s incredible success in gaining near-universal support. A less cynical, nonetheless plausible, explanation for democracy’s glorious status is that it has been able to develop

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<sup>40</sup> See Dunn, *Democracy : a History*, 150-88.

<sup>41</sup> *Ibid.*, 160-61.

<sup>42</sup> Mill, Madison, and numerous others had spoken favourably of this idea. One recent article suggests that it may be “possible to maintain political equality while violating equality of votes, so long as the unequal votes are compensated for by other resources relevant to political equality. Citizens could, in other words, have different, but equal, bundles of resources.” See Wall, “Democracy and Equality.”

into a coherent normative theory and institutional framework which accommodate the natural tensions between major human aspirations. As we will see in the next section, a large part of democracy's outperforming its rivals is due to its recognizing the normative importance of disagreement. An important related factor is that democracy does not try to carve in stone the boundaries of these different motivations but ties them to an egalitarian, responsive, and tentative politics.

We can now return to the point with which I ended the previous subsection (3.1.3), and begin to discuss how recognizing disagreement's normative significance will allow one to escape Beitz's problem. Not surprisingly, developing this point will also respond to the two objections we considered in this subsection.

### **3.2 Why Non-Domination Matters**

My goal in this part of the chapter is to elaborate on what shape the concept of non-domination has to take in order to fill the gap left by the concept of equality. That is, I will mainly focus on how the concept addresses those aspects of political reality that any normatively sound theory of minimalist democracy should address, which are left unaddressed due to what can be loosely called the conceptual limitations of equality. Therefore, most of the section will focus on distinct strategies of operationalizing non-domination into an effective political ideal. I think we can highlight three such strategies – contestation, decentralization, and privatization. Substantively, the focus will be on showing how these strategies help achieve two goals – make democracy more disagreement-friendly and improve how democracies effectively respect equal standing of citizens. These could also resemble Beitz's regulative interests, but in a way that conveys how disagreement is acceptable from the democratic vantage point. I first

begin by commenting on the normative importance of disagreement and talking about the theoretical gap left by consensus theories.

### **3.2.1 The Fact of Disagreement and Democratic Non-Domination**

Although disagreement is an ineliminable, even ubiquitous, aspect of political life in any established democracy, very little political theory has addressed its normative significance. Since contemporary democracies are by far more respectful of political differences than undemocratic states, democracy is rightly revered for its amicable relationship with disagreement. Despite this favourable association between disagreement and democracy, much of democratic theory seems to attach almost exclusive normative significance to agreement. Many democratic theorists – perhaps among them deliberative democrats most enthusiastically – hold that ideal democratic decisions should represent a reasoned agreement.<sup>43</sup> Others, including many liberal democrats and constitutionalists, hold that important democratic decisions should require greater numbers, that is, a stronger agreement, than a simple majority.<sup>44</sup> Because the issue of disagreement gains more significance when we theorize the proper democratic response to the issues of multiculturalism, here we need to shed some light on its actual place in the normative enterprise.

Disagreement is certainly not a contemporary idiosyncrasy; people are not in more disagreement today than they were, say, five hundred years ago. However, given that historically disagreement has never been as safe an option as it is in today's advanced liberal democracies, the continuing silence on the normative worth of political disagreement is a striking feature of contemporary liberal and democratic political

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<sup>43</sup>For Joshua Cohen, for instance, deliberative democracy is about reaching “a rationally motivated consensus” (“Deliberation and Democratic Legitimacy,” 23).

<sup>44</sup> See James Buchanan and Gordon Tullock, *The Calculus of Consent*.



theories. Much of contemporary political theory, even if not hostile to disagreement, views at least some types of it as objects of legitimate abstraction – features of socio-political life that we need to bracket off, or even permanently disregard, if our theories are to reach a level of generality characteristic of good theories.<sup>45</sup> Perhaps, John Rawls’s formulation of a hypothetical construct – *Original Position* – that will result in citizens reaching a consensus on the principles of justice<sup>46</sup> is the most famous example of such abstraction. Rawls maintains this line of argument in *Political Liberalism* when he writes that the first thing that the notion of “a well-ordered society” implies is “a society in which everyone accepts, and knows that everyone else accepts, the very same principles of justice”.<sup>47</sup>

As Jeremy Waldron points out, this is a particularly surprising presumption if one recalls that Rawls and Rawlsians have quite aptly recognized the ineradicable diversity of comprehensive views of the good. In the words of Waldron, “liberals have done a less good job of acknowledging the inescapability of disagreement about the matters on which they think we do need to share a common view, even though such disagreement is the most prominent feature of politics of modern democracies.”<sup>48</sup> Given that political actors in advanced democracies vigorously disagree over many justice-related issues that liberal theorists try to adjudicate through hypothetical constructs, Waldron seems to have identified an important problem that democratic theory ought to avoid. Waldron agrees with Rawls on the importance of justice to a well-ordered society and the need to have commonly accepted principles of justice. However, he adds that

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<sup>45</sup> Not all political theories, however, are this idealistic about disagreement. Chandran Kukathas, for instance, forcefully argues that “assum[ing] away many of the features which make real societies complex, and political principles contentious [,] variability, disagreement, disunity, and the tendency to perpetual self-transformation” (*The Liberal Archipelago*, 21), cannot be “the appropriate starting point for a theory of the good society (or, for that matter, for any general political theory)” (*Ibid.*, 85).

<sup>46</sup> Rawls, *A Theory of Justice*.

<sup>47</sup> Rawls, *Political Liberalism*, 35.

<sup>48</sup> Waldron, *Law and Disagreement*, 105.

“the need for a common view does not make the fact of disagreement evaporate.” What this “fact of disagreement” tells us is “that our common basis for action in matters of justice has to be forged in the heat of our disagreements, not predicated on the assumption of a cool consensus that exists only as an ideal.”<sup>49</sup> This formulation neatly corresponds to what I identified in the earlier chapter as the important job of pluralist democratic theory – finding principled ways of squaring the need for functional agreement with the fact of political disagreement.

Attempts have been made to make Rawlsian liberalism more inclusive by broadening the definition of reasonable or watering down its quasi-substantive requirements that seem to lead to *liberal* exclusion.<sup>50</sup> The underlying point of this section, and one of the overarching themes of this dissertation, is that it is wrong to think of these strategies as exhausting the realm of possible responses to disagreement. There is an alternative, although not mutually exclusive, approach to disagreement that is clearly defensible on democratic grounds. This alternative approach does not wish away disagreement, nor try to protect against it exclusively through substantive legal guarantees. It recognizes that no matter how inclusive, how other-regarding public policy becomes, there will be profuse disagreement. What it tries to achieve, rather than minimizing disagreement, is prevent disagreement from turning into domination. I do not mean to present this as an alternative to liberal egalitarianism, because the two do converge in many of their philosophical presuppositions and practical implications. However, this, more disagreement friendly, approach may add new conceptual resources to the arsenal of democratic theorists.

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<sup>49</sup> Waldron, 105-106.

<sup>50</sup> E.g., Gaus, *Justificatory Liberalism*.

The preceding point about the often-overlooked normative importance of political disagreement foreshadows the argument for the place of non-domination in NMD. Had consensus been an accurate characterization of democratic politics or even a realizable aspiration for it, one could question the need for the norm of non-domination and instead would expect the norms of equality or responsiveness to do the entire job. Moreover, as I argued in more detail in chapter two, the failure of the classical accounts of democracy to account for normative worth of disagreement and ethical diversity is just one side of the coin, and only part of the problem that democratic non-domination will have to resolve. Recognition of disagreement, by itself, does not give us an answer to what has to be done.<sup>51</sup> The notion of non-domination, then is dually important; both as a way of respecting the place of disagreement but also helping to rescue democracy from a potential stalemate. Once we recognize that democratic politics is largely about reconciling the functional need for agreement with the ineliminable fact of principled disagreement, the nature of democratic common good changes as well. That is, acceptance of disagreement not only may compel us to attenuate our expectations of common good, but it becomes more appropriate to prioritize building a framework that makes disagreement possible and allows each to pursue their own good rather than to identify “specific objects, activities, and relations.”<sup>52</sup> In this context, there emerges a compelling case for viewing the distaste of being dominated as one of the overarching democratic goods commonly sought by all citizens.<sup>53</sup>

Before we go on to explore what non-domination as a political good amounts to and how it helps us make sense of the relationship between agreement and disagreement

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<sup>51</sup> In chapter 2, I showed that this is one of the major problems of Schumpeter’s minimalism.

<sup>52</sup> Dahl, *Democracy and Its Critics*, 307. For example, Schumpeter is right that by prosperity, health, equality, etc., citizens of modern pluralistic societies often understand different, and sometimes clashing, things. But all can be thought of referring to the same phenomenon when talking about poverty, disease and discrimination.

<sup>53</sup> Shapiro, *The State of Democratic Theory*, 35.

in democratic theory, there is a need to formulate a preliminary definition of the concept to prevent us from digressing too much. In terms of minimalist democratic theory, I want to define domination as finding oneself entrapped on the losing side of politics without a meaningful chance of getting the kind of attention to one's most defining interests that the democratic ideal of equal concern implies. Domination occurs when one individual or group has more, often uncontested, power to force on another individual or group an outcome that departs from equal concern and gives the latter a sense of impinged status and agency. In established democracies there are groups whose political experiences resemble what is summed up in this definition. They are known as permanent minorities. Whether defined along cultural, racial, or some other socioeconomic fault line, these groups represent a particularly systemic challenge to contemporary liberal democracies. For this reason, and also because this chapter is part of a larger project on the possibility of democratic multiculturalism, in the rest of the chapter I will discuss elements of non-domination, as much as possible, with reference to multicultural permanent minorities.

### **3.2.2 Different Elements of Non-Domination**

There are different theoretical elements that in different ways could support the goal of democratic non-domination. These are contestation, devolution, and democratic privacy. All three elements are very closely related to the notion of meaningful democratic equality and the fact of ineliminable disagreement, and operate in interrelated ways. Also, in the process of spelling out the political implications of the ideal of non-domination we will be able to make the ideal of democratic equality more concrete. A democratic citizen with improved access to these venues of non-domination will to that extent enjoy a greater degree of political equality.

**(a) Democratic Contestation**

Contestation is an important power that normative minimalist democracy has to reserve to its citizens to enable their resistance to domination.<sup>54</sup> Through effective contestability, citizens can ensure that policies track “their relevant interests or relevant ideas” rather than being arbitrary interferences by a particular majority.<sup>55</sup> Conditions of the non-domination dimension of democracy cannot be satisfied through provisions of individual or collective vetoes because any decision among those who agree about the desirability of a broadly defined goal will always leave some more satisfied than others: “Matters of common, recognizable interest can often be advanced in different ways, where one way is more costly for this group, a second more costly for that, and where the different groups therefore will prefer different approaches. ... There will always be a minority who are negatively affected by any improvement in the tax system, a minority who depend for their livelihood on industries hard hit by antipollution legislation.”<sup>56</sup> Moreover, the power of effective contestation is more compatible with democracy’s open-endedness than consensualism could be.

In contemporary democratic regimes, decisions are contested on a daily basis. Perhaps, the most famous cases of contestation have occurred in courts. It is this judicial element and the association of contestation with constitutions and courts that have led many to think of contestation as a process whose main function is to check democracy’s excesses and shortcomings. For instance, a legislative assault on the rights of gay citizens or a certain policy that presumably has disproportionately adverse consequences on a specific ethnic or racial group could be challenged in the courts. An alternative, and more adequate, conceptualization of contestation is possible. Under this alternative

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<sup>54</sup> Philip Pettit, *Republicanism*, 184.

<sup>55</sup> *Ibid.*, 185.

<sup>56</sup> Pettit, “Democracy, Electoral and Contestatory,” 118.

account, contestation is placed at the core of democracy rather than on its margins or opposition.

It is helpful to think of contestation as tied to democracy both at its ideational and also institutional levels. Democratic theory, through its commitment to norms of non-domination and equality, makes contestation inevitable. Moreover, democratic method, with its reliance on representative governance and electoral competition, encourages contestation and to a large extent relies on its abundance. Contestation is one of very few democratic goods that directly contribute to minimalist democracy's quality. Its absence – for instance, a blockage of channels of contestation – can result in a significant threat to democracy in the form of power accumulation and emerging uncompetitive electoral setting.

Democratic oppositions provide one venue for contestation. Oppositions in legislatures have an important mandate to contest government decisions and also an important interest in contesting as effectively as possible. In a competitive democracy, electoral success largely depends on perceived effectiveness of such contestation. Because contestation is largely viewed as a democratic good closely linked to other democratic goods such as transparency and accountability, governments have an interest in not being viewed as unresponsive, or opposed, to contestation. Opposition parties institutionalize major democratic disagreements and make their democratic management possible.<sup>57</sup> On the other hand, their strong presence curbs the enthusiasm of the governing forces to bring about sweeping partisan changes.

Contestation, however, is not, and should not be, restricted to oppositions in legislatures. In theorizing contestation as a venue for the rectification of minorities'

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<sup>57</sup> Shapiro, *The State of Democratic Theory*, 147.

democratically relevant grievances, there is no reason to limit ourselves to considering legislatures or courts. To be sure, these two could be regarded as the main loci of deliberative functions that Pettit views as central to contestation. For this reason his republicanism is not very amicable to interest group pluralism.<sup>58</sup> Minimalist democracy, however, is less optimistic about the possibility of a reasoned agreement emerging on matters of deep contention.<sup>59</sup> For reasons that I will explore in Part Three, on many, if not most, occasions, parties cannot be expected to settle issues through a deliberative exercise. Thus NMD regards contestation as important not only for its power to compel a reasoned discussion, but also for improving the competitive position of those that do not otherwise enjoy an effective chance of winning electoral support for their preferences. It does so by giving publicity to their voices and exposing acts of domination from which they suffer. In some instances the result is a reasoned agreement on a common denominator, but in many others contestation will reveal the urgency of some other, more structural response to problems – e.g., decentralization of decision-making to such levels that make a democratic resolution more realistic. Because an overambitious focus on deliberation is not appropriate, other less deliberative socio-political institutions such as mass media, think-tanks, and interest-groups could also play a significant role in the process of contestation that we see in the day to day politics of contemporary democracies.

### **(b) Decentralization/Devolution**

As pointed out in chapter two, Schumpeter eloquently identifies a major source of domination in democratic states. The classical theories of democracy with their notions of *general will* and *common good*, Schumpeter observes, in reality involve not the

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<sup>58</sup> Pettit, *Republicanism*, 202-205. Pettit calls interest-group pluralism “anathema” to the idea of republican democracy. (205)

<sup>59</sup> Pettit thinks matters of deep contention could be depoliticized. See *Republicanism*.

discovery of a will that is genuinely general but the imposition of the values and beliefs of one part of the citizenry on another.<sup>60</sup> The normatively sound minimalist democracy accepts the kernel of truth in Schumpeter's critique of classical democratic ideal. The lesson that we learn from Schumpeter – note that Chapter 2 shows this is a lesson that Schumpeter himself is unwilling to learn – is that whenever we see elements of the democratic method (e.g., the principle of majority) employed we cannot *prima facie* assume that all the conditions associated with democratic minima have been satisfied. In other words, normative minimalist democracy does not presuppose that the mere fact of a majoritarian decision obtaining in *demos A* with pre-set boundaries makes that decision a democratic one. Among other things, this leaves the door open for decentralization.

Most existing advanced democracies are decentralized to an extent, since they have multiple levels of government. However, decentralization is sometimes viewed as an unpleasant but unavoidable solution to an important predicament of modern democracies – the size problem.<sup>61</sup> But this view of decentralization as a necessary evil is misconceived as there seem to be important democratic reasons for devolving powers to lower levels of government independent of the size problem.

Let us begin with a discussion of how devolution and decentralization can improve the problem of the fictitious *general will* pointed out by Schumpeter. An immediate Schumpeterian criticism of decentralization would be that it simply multiplies the problem rather than addressing it in any ethically significant way. That is, disagreements over the common good characteristic of any polity will not be eliminated by the division of that polity into multiple subunits and the subsequent devolution of

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<sup>60</sup> *CSD*, 250-56.

<sup>61</sup> Very few countries pride themselves with their decentralized institutions, while public opinions in many often complain about the stalemate produced by the intergovernmental competition, etc.



some decision-making authority to those subunits. In other words, critics suggest that decentralization can, at best, localize disagreements but will not lead to their democratic resolution. This objection is instructive insofar as it points out that devolution does not make the ideas of *general will* or *common good* in their “classical democratic” senses more credible. It is true that provinces or cities are not immune to the patterns of domination that populations of nation-states suffer from.

However, devolution can make a difference in several respects overlooked by the foregoing objection. For this, we first have to clarify what democratic common good can realistically amount to. Normatively sound minimalist democracy (NMD) rejects Schumpeter’s claim that there can be no collective good for democracy to pursue. As we saw in chapter two, NMD agrees with Schumpeter’s observations that common good is not a homogenous entity discoverable through correct aggregative or deliberative functions.<sup>62</sup> But NMD disagrees with Schumpeter’s contention that attempts to democratically resolve a collective action problem have to result in a “deadlock or interminable struggle”.<sup>63</sup> On the question of common good NMD accepts Dahl’s following observation as its point of departure: “Our common good, then – the good and interests we share with others – rarely consists of specific objects, activities, and relations; ordinarily it consists of the practices, arrangements, institutions, and processes that ... promote the well-being of ourselves and others...”<sup>64</sup> In this framework, non-domination stands out as one of the most important democratic goals that define individual wellbeing. NMD holds that this framework will remain acceptable and

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<sup>62</sup> Of course the aggregative-deliberative distinction emerged much after Schumpeter’s *CSD* and Schumpeter does not use these terms, but he clearly hints at this in pages 252-253.

<sup>63</sup> Schumpeter asserts this when discussing the post-Revolution Napoleonic France. He thinks that divisions of the time could not be democratically dealt with and the only way was an authoritative imposition of a mutually acceptable solution from above, namely, by Napoleon. *CSD*, p. 255-56.

<sup>64</sup> Dahl, *Democracy and Its Critics*, 307.

workable as long as the necessary adjustments to it can be made under some form of citizen control.

Having clarified boundaries of democratic common good, we can now try to determine how decentralization and devolution could make it more attainable. One way in which decentralization often facilitates democratic common good is by making room for the diversity of interests and preferences that characterize modern democracies. Under a decentralized system of government what would otherwise look like unbridgeable disagreements are turned into democratically manageable policy issues. As one scholar of decentralization points out, a decentralizing arrangement such as federalism “combines unity and diversity and bases both unity and diversity on popular consent, thereby allowing people to have their cake and eat it too, namely, large-scale democratic governance for the things large-scale governance is necessary and small-scale democratic self-governance for the things that make life most worth living.”<sup>65</sup> It is not difficult to see the actual impact that decentralization has on the management of widespread diversity. For instance, in the United States, around 500,000 elected officials in 87,900 localities share governmental authority with 537 elected officials presiding over the federal state.<sup>66</sup> This multiplicity of jurisdictions allows diverse communities to carry out their day-to-day lives in a democratic way. Turning those 500,000 local officials into bureaucrats accountable only to their managers in the central state and 537 elected officials overseeing them would, at the very least, disrupt the socio-political life in these communities, reduce democratic responsiveness, and create many more instances of domination.

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<sup>65</sup> Kincaid, *Diversity and unity in federal countries*, 322.

<sup>66</sup> John Kincaid, “Federalism and Democracy,” 321.

Then decentralization does not just localize disagreements but also helps manage some very important ones. It enables each subunit to focus on issues of more significance to itself rather than taking part in debates that are of more importance to other subunits. And more importantly, it allows each subunit to develop policies that match preferences of its own constituents. To be sure, decentralization does not result in a political order in which preferences of all citizens are equally satisfied. However it improves responsiveness and minimizes domination by attending to the reality of “preference clustering”.<sup>67</sup> By leaving those issues characterized by greater heterogeneity at the national level and more preference clustering at the local level to the lower levels of government, decentralization avoids a political system in which regions with clearly observable preference clustering fight each other to enact their own points of view.<sup>68</sup>

But a critic could still claim that devolution unnecessarily complicates decision-making. Imagine that there is a *demos* of ten people that run themselves through democratic procedures. Can they decide, on an issue-by-issue basis, which five or six of them constitute the relevant *demos*? The crux of this objection is that decentralization could needlessly complicate the process of democratic decision-making. If we were to take the underlying principle to its logical conclusion, the objection would go on to warn, we would end up creating a huge number of distinct *demoi*. Not only would this mean a huge number of *demoi* but also a huge number of separate votes to establish

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<sup>67</sup> See Alesina and Spolaore, *The Size of Nations*.

<sup>68</sup> Political economists point out that this is an optimal way of organizing government. In *The Size of Nations*, Alesina and Spolaore write that “according to [...] analysis, lower levels of governments should provide those functions and goods for which economies of scale are less important and heterogeneity of preferences is higher. Higher levels of governments should provide public goods and policies for which economies of scale are large and heterogeneity of preferences low. For instance, defense and foreign policy clearly “belong” to the national government, while education and school policy seem to have a more local nature.” (140)

which demos is the appropriate one for each decision.<sup>69</sup> This objection, I think, is informative but not insurmountable.

The preceding objection is informative in the sense that it shows what can go wrong with the attempts of drawing democratic boundaries along the principle of affected interest.<sup>70</sup> Namely, shifting democracy's focus from settling issues to settling boundaries does not seem like a very effective thing to do on a day-to-day basis. But the objection is misleading for a number of reasons. First, it fails to recognize how democracies can choose to devolve powers to lower governments in a principled and non-reductionist sense. Such devolution will not happen on daily basis as this objection suggests, but will be considered as a solution to well-studied cases of preference clustering that are known to have produced strong tensions and resentment.

On the other hand, the point that decentralization is unnecessarily complicating politics does not become more plausible even if one accepts the claim that central states could also remedy problems related to preference clustering. Daniel Treisman, in his sceptical study of decentralization, examines numerous arguments for and against decentralization. As far as preference heterogeneity is concerned, Treisman acknowledges that preferences can show clustering, but goes on to suggest that such preferences could effectively be satisfied through centralized governments.<sup>71</sup> Most of his examples are from authoritarian states such as the Stalinist period in Soviet Union and Ottoman Turkey.<sup>72</sup> In his consideration of the more democratic settings, Treisman suggests that constitutionalism could do the trick.<sup>73</sup> Although the specific points that he

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<sup>69</sup> This objection could be more powerful if – as Daniel Treisman claims in his sceptical account of decentralization – central states could equally effectively account for preference clustering.

<sup>70</sup> For a discussion of the "affected interests" principle see Goodin, "Enfranchising All Affected Interests, and Its Alternatives".

<sup>71</sup> Treisman, *The Architecture of Government*, 59-61.

<sup>72</sup> *Ibid*, 60.

<sup>73</sup> *Ibid*, 61.

raises are quite effective in demonstrating how decentralization is not always a ‘must have’ of political architecture, his general reasoning does not reduce the significance of the point that decentralization can be a democratic way of tackling certain problems; and more often, when other centralized avenues such as constitutionalism are not attractive or available, for one reason and another, it can be the only way out.

Underlying much of modern unease over the idea of decentralization is the worry that it will undermine democracy’s decision-making capacity, with the worst impact being on redistributive capacities. A common point of reference among those who subscribe to this view is the classical argument made in *The Federalist Papers*: multiplicity of the levels of governance will make mustering passionate majorities more difficult and hence make “it less probable that a majority of the whole will have a common motive to invade the rights of other citizens.”<sup>74</sup> That this argument has important democratic shortcomings as far as advancing non-domination is concerned has been widely pointed out. As Shapiro notes, “hamstringing government can preserve domination embedded in the status quo” or domination that could “occur in civil and private institutions.”<sup>75</sup> Shapiro thinks the modern calls from the political left and right alike for “political decentralization, “strong” civil society, and the transfer of government functions to civic groups ... pose the double danger of further reducing the institutional capacities of the state by dismantling them, and of creating additional veto points further to constrain governmental action in the future.”<sup>76</sup> Furthermore, some critics of devolution have drawn attention to other disturbing forms of reactionary conservatism that devolution could lead to. In the American context, being a supporter

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<sup>74</sup>*The Federalist Paper No. 10*

<sup>75</sup>Shapiro, *The State of Democratic Theory*, 56.

<sup>76</sup>Shapiro, *The State of Democratic Theory*, 110. Shapiro’s concern is widely shared by many contributors to the decentralization debates. To give an example from an earlier period, Harold Laski in the late 1930s criticized federalism for related reasons. See Laski, “The Obsolescence of Federalism”.

of state rights has sometimes been equated with an open or covert support for slavery, and in the more contemporary context with inegalitarian opposition to gay rights and other civil rights issues.<sup>77</sup>

To respond to the last point, these risks concerning racism and other forms of reactionary conservatism remind us that in such hostile environments decentralization and devolution will have to be more carefully managed, but they do not give one reasons to move away from all kinds of decentralization. The empirical and theoretical arguments against devolution that draw on these risks are marred by numerous exaggerations and flawed causal connections, and can at best serve a cautionary purpose. Theoretically, such arguments often fail to distinguish between its different types. The concepts of political devolution, fiscal decentralization, and constitutional federalism are often mistakenly thought to apply to the same phenomenon.<sup>78</sup> Critics often bring forth arguments against one of these and pretend that they hold true *vis-à-vis* the other types as well. For instance, Shapiro criticizes federalism for leading to “institutional sclerosis” but also dismisses devolutions of other types, which imply all proposals that carry the potential of bringing government closer to people.<sup>79</sup> It is true that different types of devolution may have a lot in common, but they do differ significantly as far as their democratic implications are concerned. The forms that matter to NMD as ways of protecting disagreement neither create racism/slavery nor tolerate any such injustice. As I have been arguing, concern for individual agency and equality have to remain key motivations when choosing to adopt these strategies.

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<sup>77</sup>For an influential defence of the state rights view from someone who also was a defender of slavery see Murray Forsyth, “John Calhoun: Federalism, constitutionalism, and democracy”; Feeley and Rubin, *Federalism: Political Identity and Tragic Compromise*, 108-110.

<sup>78</sup>“While federalism generally results in a fairly high level of decentralization, decentralization does not necessarily lead to federalism. This point is worth emphasizing because many of the arguments about the virtues of federalism advanced by both courts and commentators refer to decentralization, not to federalism.” Feeley and Rubin, *Federalism: Political Identity and Tragic Compromise*, 21-22

<sup>79</sup> Shapiro, *The State of Democratic Theory*.

Empirically, several studies have shown that there is less causal connection between decentralization and redistributive politics even in the context of federalism. As one scholar of federalism puts, “federalism may be one factor affecting welfare state spending, but it is by no means the most important one.”<sup>80</sup> There are other important contextual and historical variables such as “the government’s budgetary situation,” the composition of party politics, institutional design of the branches of government, institutional relationships between different socioeconomic interests that explain why some federations have more egalitarian distribution of wealth than non-federations, and also among federations some more decentralized ones are more redistributive than those less decentralized.<sup>81</sup> Another important fact about federalism often overlooked by its critics is that in many instances federalism has allowed some smaller provinces to act “as a laboratory for social experimentation”.<sup>82</sup> For example, Saskatchewan’s Universal Hospital Insurance enacted in 1947 was the main point of reference in the process that led to the adoption of Medical Care Act in 1966, which established universal government health insurance in Canada.<sup>83</sup>

I want to complete this discussion of decentralization by briefly drawing attention to how it could make the polity more disagreement friendly in the context of multiculturalism, for some of the most critical multiculturalism issues, as we will see in the following chapters, require a decentralized approach.

Bracketing off the possibility that decentralization could create a more intolerant province than the liberal state<sup>84</sup>, we can see how it can benefit even minorities that do

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<sup>80</sup> Richard Simeon, “Federalism and Social Justice: Thinking Through the Tangle,” 26.

<sup>81</sup> See Herbert, Leibfried, and Castles, *Federalism and the Welfare State*, 44; and Chapter 1 in general.

<sup>82</sup> *Ibid.*, 340-43.

<sup>83</sup> See Miller Chenier, “Health Policy in Canada.”

<sup>84</sup> Barry makes this kind of argument. It is important to note that decentralization will work only in environments where a strong democratic culture of accountability and critical citizenship has taken hold. Without these prerequisites in place, decentralization can create more problems. Moreover, there is a

not go on to constitute a majority in the newly created territorial unit. For instance, if a group of minority voters that make up 5% of the national population constitute 20% of the newly formed province, they can enjoy a significantly improved competitive advantage in the new democratic setting. Another important assumption – but one that should relatively easily obtain – behind the argument that decentralization will be a net benefit for minority groups is that the newly created territory mirrors the competitive electoral setting of the central government. Also, in a decentralized state, minority groups could use the channels of contestation more effectively than in a large centralized state at least for the reason that the channels of contestation would be multiplied.

The last point brings us to a different kind of decentralization that can be particularly helpful when, for one reason or another, federalism is not an attractive option or is not enough. Decentralization need not just mean devolving decision-making powers. Governments could decentralize, that is partly outsource, the deliberative and evaluative function to certain citizen-expert commissions, auditing bodies, etc. This could be done in a way that maintains democratic accountability and even decision-making. Findings of commissions and task forces could be used in more democratic and transparent ways than evaluations made in bureaucratic contexts. Such commissions would have strong input from citizens involved in issues at hand and through their strong advisory mandates could play the role of a democratic bridge between citizens and their representatives. The ensuing recommendations could be reported to the parliaments or adopted by politicians during election campaigns. It is important to note that such mechanisms have been employed by democratic governments for decades.

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worry in the literature that decentralization can lead to formation of regional parties, which can result in secessionism. This question will have to be dealt with in more detail in Chapter 7. But it is important to point out that theoretically and empirically the success of ethnic parties has more to do with other variables than the level of devolution.



Perhaps the most ambitious and famous of such commissions was the Canadian *Royal Commission on Bilingualism and Biculturalism*. The commission's recommendations were debated in the Parliament and ushered the official policies of multiculturalism and bilingualism. The democratic character of the process is open to debate. What matters most is that such commissions be democratically designed and their recommendations implemented in democratic ways.

**(c) Democratic Privacy**

Despite the merits of the previous two strategies in terms of making a democracy more difference friendly, one has to recognise that no degree of contestation or devolution will represent a satisfactory resolution to the issue of democratic disagreement. Even in the most devolved system of government backed by various genuine channels of contestation, there will remain some people who find themselves in a permanent minority status. Part of the difficulty has to do with the challenges of identifying the proper level of contestation and devolution for a decision to have democratic legitimacy. This probably depends on other considerations such as the urgency of making certain decisions, and also considerations that have to do with the nature of the issues being discussed, namely, the kinds of interests that are at stake.<sup>85</sup> The likelihood that, in any particular case, venues of contestation and devolution may eventually run out brings us to the discussion of the third element of democratic non-domination that NMD has to accept if it is to prove serious about its commitment to the normative significance of disagreement. This third element – privacy – may appear quintessentially different from the previous two because, in contrast to them, it seems to more seriously constrain the scope of democratic action. In reality, however, it allows

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<sup>85</sup> See Waldron, *Law and Disagreement*, 137-38; Shapiro, *The State of Democratic Theory*, 47; Shapiro, "Enough of Deliberation," 33-34.

us to more fully cash out the account of democratic agency that underlies preceding elements as well.

The notion of privacy has come under fire from different ideological camps. Its place in the corpus of democratic ideas has been questioned by radical democrats (most commonly feminists) and conservatives alike. Feminists have long claimed that “the personal is political.” For them, separation of life into two spheres – the private and the political – preserves the male domination and oppression of women that take place in the private sphere. From the other end of the political spectrum, conservatives and communitarian critics of liberalism have criticized privacy as another liberal invention that unjustifiably limits collective self-government. In this respect, it has featured prominently in the larger context of the debate over a majority’s right to steer the legislative wheel of the state on questions concerning public morality. For instance, Justice Antonin Scalia of the United States Supreme Court writes in his dissent from the Court’s majority opinion in *Lawrence v. Texas*: “Countless judicial decisions and legislative enactments have relied on the ancient proposition that a governing majority’s belief that certain sexual behavior is ‘immoral and unacceptable’ constitutes a rational basis for regulation.”<sup>86</sup> Scalia goes on to cite another Supreme Court majority decision, *Bowers v. Hardwick*: “The law is constantly based on notions of morality, and if all laws representing essentially moral choices are to be invalidated under the Due Process Clause, the courts will be very busy indeed.” This ironic convergence between these ideologically most opposed camps actually points to how important clarifying the relationship between democracy and privacy is.

We could start looking for a democratic justification for privacy by considering an influential argument that has been popularized in recent decades due to its frequent

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<sup>86</sup>*Lawrence v. Texas*, 539 U.S. 558 (2003)

invocation by American judges and legal scholars in landmark Supreme Court cases. This line of argument claims a close relationship between privacy and autonomy. In a nutshell, the argument maintains that decisional autonomy in *matters of private interest* underlies the exercise of fundamental political freedoms (e.g., those enumerated in the First Amendment to the United States Constitution) closely associated with the successful functioning of a democracy. There is also an extensive agreement among proponents of linking privacy with autonomy that *matters of private interest* can only include “certain unusually important decisions that will affect [one’s] own, or [one’s] family’s destiny.”<sup>87</sup> Another legal theorist tries to provide a more concrete definition of these interests: “Put compendiously,” Joel Feinberg writes, “the most basic autonomy right is the right to decide how one is to live one’s life, in particular how to make the critical life decisions – what courses of study to take, what skills and virtues to cultivate, what career to enter, whom or whether to marry, which church if any to join, whether to have children, and so on.”<sup>88</sup> However, there appears to be a kernel of truth in the critics’ suggestion that most attempts at defining privacy remain ambivalent and do not provide rigid standards for discriminating between what falls under the scope of privacy and what remains outside.<sup>89</sup>

As a first step in making the notion of privacy less ambiguous, I want to return to the idea that collective self-determination hinges on individual self-determination. It is difficult to think that a theory of government could place political authority in matters of collective action in democratically formed institutions on any grounds other than some form of reliance on individual capacity for self-direction, whether conceived in negative or positive terms. This position is even more difficult to reject following

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<sup>87</sup> Justice Stevens, dissenting opinion in *Bowers v. Hardwick*.

<sup>88</sup> Joel Feinberg, “Autonomy, Sovereignty, and Privacy: Moral Ideals in the Constitution?,” 454.

<sup>89</sup> We will see later on whether this is as problematic as it looks.

Schumpeter's potent criticism of such constructs as the Rousseauian general will.<sup>90</sup> Is it possible for one to reject individual agency and remain a proponent of collective self-determination organized along the lines of competitive elections, responsive governance and political equality? Only if one subscribes to a dubious ontology that meaningful democratic agency is impossible outside of the aggregate level. That is, individuals themselves are bad judges of how to live their lives, but when they exercise their individual judgment through secret ballots in general elections and referenda, the outcome is a far superior judgement of how individual lives should be lived. But most democratic theorists reject the claim that nations, states, or another group, can be self-governing in any meaningful sense of the word. Even those who disagree on whether democracy is a substantive or procedural idea agree on the notion that self-government "is a human good in its own right; certainly not the only human good, maybe hard to defend as the chief human good, but still a human good that is not paltry, and one that it does not seem that a group or community can have" because "we cannot see [the latter] as having a consciousness and a will of its own."<sup>91</sup>

This recognition of individual political agency reveals that even for a staunch collectivist who wants to remain a democrat there must be limits to what collective action can require from individuals. If we accept that the rationale for collective self-government is derived from individual agency, we can no longer view political society as a body that can move in any direction that the majority wants it to move. For example, political society could not meaningfully move in the direction of disenfranchisement or any comparable political outcome that permanently disadvantages one group of individual voters in relation to another. This is tantamount to the self-contradictory project of using democratic mechanisms to abolish a

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<sup>90</sup> *CSD*, Chapter 21.

<sup>91</sup> Michelman, *Brennan and Democracy*, 13-14.

democracy. Only normatively the most efficacious theory could be comfortable with such a direction. If we take it as a noncontroversial matter that a minimalist democracy should incorporate norms of protection against violations of democratic equality, then it is not clear why norms of protection of a similar kind with regards to protecting the minimal agency should raise concern.

Moreover, there is something counterintuitive, to say the least, about our staunch collectivist who wants to continue to lay claim to democratic legitimacy. Namely he/she seems committed to two principles that do not easily cohere in the absence of some third, often quite far-fetched, principle posited to glue them together: (a) citizens are capable of exercising adequate judgment in guiding collective action by directing legislation (b) citizens require guidance from the collectivity or the collectivity has paternalistic reasons to provide guidance to citizens on matters concerning agency in private matters. In other words, it seems unreasonable to claim that a citizen can choose when his/her compatriots should go to battle or what portion of their income they should pay in taxes, but is not capable enough to decide whether to use contraceptive or whom to marry.<sup>92</sup> One such third principle that could render (a) and (b)'s conjunction more reasonable is that (c) unlike an individual citizen who is not qualified to do either of the two tasks, a majority with its pooled knowledge is a better judge of public and private matters. But (c) makes an empirical claim that is very difficult to verify and also

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<sup>92</sup> We see a somewhat similar line of thought in Corey Brettschneider's *Democratic Rights*: There, Brettschneider uses the hypothetical Larry Legislator to point out the intuitive strength of the idea that individual self-determination central to the ideal of democracy cannot be replaced by collective freedoms that democracy offers. Brettschneider's Larry is a lawmaker of a country that has for centuries confined its democratically elected lawmakers to a cell from which they continue to engage in the debates, cast their votes, and exercise all other political rights reserved to lawmakers in contemporary democracies. Brettschneider goes on to ask whether "the conditions that coerce Larry in every other area of his personal life [are] consistent with his status as a citizen?" His answer is that "our intuition tells us that, despite his freedom to participate in making laws, Larry is not living the democratic ideal. If citizens are deemed capable of making decisions for others on the basis of rights of political rule, it should follow that they are capable of making decisions for themselves in the most important matters of their own personal lives." (31)

paves the way for a series of grave problems that eventually force one to renounce democratic proceduralism and find alternative, more technical and less democratic ways of grounding legitimate governance. To avoid these unwelcome consequences, epistemic democrats such as Estlund posit norms of individual acceptability, which reasserts what I said above about the relationship between (a) and (b).<sup>93</sup> I continue to explore the incoherence of extra-individualist justifications for democracy in chapter 6. For now, it suffices to see how difficult it must be to deny the essential place of some minimum democratic agency.

Objections to the agency-based justification of privacy are not just limited to the communitarian critique of the “disembodied self.” Some make the claim that this argument suffers from an analytical mistake; namely, those who reject state intervention in private matters base their arguments on principles that they cannot consistently apply to all cases.<sup>94</sup> For instance, proponents of autonomy-based privacy doctrine hold that miscegenation statutes or laws forbidding contraception constitute intolerable interventions into private life, while prohibition of polygamy or certain sexual deviances such as incest do not. To the opponents of autonomy-based privacy, this brings us back to Justice Scalia’s point that public morality constitutes a legitimate source of prohibitive legislation. But one could avoid this conclusion if one identifies a principled way of differentiating, say, disagreement over a tax code from that over sodomy or miscegenation laws.

The discussion up to now suggests two closely related criteria to avoid the claim of indeterminacy on which the foregoing objection draws. One of these has to do with the centrality of democratic equal concern, the other with the incongruence between

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<sup>93</sup> Estlund, “Debate: On Christiano’s *The Constitution of Equality*.”

<sup>94</sup> Rubenfeld, *Freedom and Time*, 224-25.

democratic agency and a totalizing state. Democratic debates, whether in legislatures or among wider citizen community, about resolving a given contentious issue should focus on whether its political resolution will reflect the kind of equal concern that democratic citizenship requires. For example, in a multicultural democracy that recognizes the importance of having a day off for citizens to fulfil their personal obligations such as religious, communal or familial ones, an insistence that Sunday can be the only publicly sanctioned day off – even when it is electorally the most popular preference – would probably fall short of the equal concern criterion.<sup>95</sup>

The second criterion is more directly related to the ideal of non-domination; it warns against totalizing tendencies in legislation. Whether this aspiration manifests itself in a push for rational consensus, or the more readily objectionable mere use of force, it has to be treated with strong scepticism. Some authors claim that there is a relatively straightforward solution to the problem of a totalizing state, and one need not focus too much on the contentious topic of an inviolable minimal agency. They claim that legislation may be said to have a totalitarian impact on citizens' lives if it attempts to prescribe a certain type of conduct as opposed to specifying the range of unacceptable actions. This model, as one author puts it, "calls for a shift in focus ... from the individual who finds that the particular life he would choose for himself is forbidden to him, to the individual who finds that a life is being forced upon him."<sup>96</sup> This distinction between proscriptive and prescriptive legislation is useful only if we keep in mind how easily proscriptive legislation can over time turn into prescriptive legislation. The fact that multiplication of restrictions can produce the kind of prescriptive effect that the anti-totalitarian nature of democracy so strongly detests adds strength to the significance of the democratic norm of privacy. Democracy's anti-totalitarian nature – the main basis

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<sup>95</sup> Example adopted from Joshua Cohen, "Privacy, Pluralism, and Democracy," 313.

<sup>96</sup> Rubenfeld, *Freedom and Time*, 240.

of the norm of non-domination – rules out such invasion of individual lives by the state. And quite unsurprisingly, it also implies that assimilative programs, insofar as they prescribe majority's way of life and make divergence difficult, have the same totalitarian impact.

### **3.3 Limits and Value of Consensus and Dissensus**

We can now more clearly see that both consensus and dissensus are common features of, and have an ineliminable place in, the political life of a properly functioning democracy structured along the lines of NMD. The distinction between these two, at times conflicting but not contradictory, tendencies largely maps onto the two concepts that lie at the heart of NMD. Democratic equality, insofar as it specifies the terms on which citizens will relate to each other and to their state, sets the terms on which they will work to reach political agreements. Non-domination marks the boundaries of democratic agreement and reminds us that disagreement is normal and indispensable and that one should not try to push too much to reach a greater, more comprehensive, deeper agreement. Disagreement is not objectionable or inferior. A priori, as far as one's democratic responsibilities are concerned, it is nothing to be ashamed of. Given the role that it plays, one has no good reasons to assume that it is less important than the consensualist disposition.

To be sure, a precise demarcation is not possible. It would obviously be wrong to say that equality means consensus and non-domination means disagreement in categorical terms. The distinction is meant to serve mostly an explanatory purpose, and is mainly concerned with showing that both consensus and dissensus are important elements of democracy rather than trying to isolate equality and non-domination. The classification also intends to point out the blind spot in many contemporary liberal



political theories rather than defects or shortcomings of the concept of political equality. Once we get to view the two concepts in conjunction, we see that non-domination is hard to explain without a reference to equality, while equality is hard to pin down without a reference to those aspects of democratic citizenship that allow us to clearly see and appreciate the normative significance of contestation and disagreement. The conceptualisation of the two elements as distinct is crucial, for the valorisation of consensus in much of contemporary liberal theory suggests that disagreement can be easily lost sight of or devalued. The endpoint is to be able to recognize that these two dispositions in the functioning of a healthy democracy operate to the benefit of each other and towards a better functioning of the system rather than in a kind of stark tension that would require subsuming one under the other. Submerging the two under one would be impracticable, as well as undesirable, from the perspective of NMD.

Also, the two are inextricably linked in another related way. Namely, we get an important degree of non-domination in the ideal of equality, and an important degree of equality in the ideal of non-domination. By itself, each concept would limit our understanding of democracy, but together they form the core of a normatively consistent modern practice. Let me give an example of the limitation of focusing on one element to the relative exclusion of the other. As we know from the previous chapter, the idea of non-domination developed in this work shares certain elements with Ian Shapiro's formulation of the same concept. I adopt Shapiro's suggestion that domination has to do with the exercise of illegitimate power. But there are also differences between the view defended here and Shapiro's notion of non-domination. Probably, the most important difference is that Shapiro holds that non-domination is sufficient as a foundational ideal for democracy. This he thinks makes a more suitable alternative to the foundational ideals espoused by liberals such as political equality. When asked why political equality

should not be included as a principle of equal normative worth within the concept of democracy, his response is that equality is too abstract and what people can often explain and complain about is inequality, which is captured and measured better by the concept of non-domination than by the notion of equality itself.

Shapiro is right about the limitations of the ideal of equality taken on its own. However, the concept of non-domination – no matter how broadly it is construed – seems unable to perform all the crucial work that the norm of political equality does within NMD. First and foremost, as Shapiro recognises, the degree of domination is open to debate and hard to pin down. The only way we can find out about domination is by looking at power hierarchies.<sup>97</sup> On most instances, grievances voiced by one of the sides involved in a relationship of power will be the best guide on the existence of domination. Perhaps the ideal solution would be always to decide on the basis of these subjective accounts of domination. But often there will be competing claims as to whether a certain move represents an act of domination or not. Shapiro seems to recognise this when he suggests that there is no *prima facie* case for eliminating all hierarchies – some hierarchies that serve a democratic purpose do not represent domination in the democratic sense of the term. Simply saying that those hierarchies or impositions that are not dominating satisfy the conditions of non-domination would be quite absurd. The truth is, even impositions that appear crucial for the proper-functioning of democracy can be perceived as gravely dominating by some people. Here, egalitarian benchmarks come to the rescue, and save the concept of non-domination from circularity. This is not to say that equality defines non-domination; the relationship between the two components is more complex and symbiotic than this. Just as domination rescues equality from becoming paralysis in the face of a series of

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<sup>97</sup> Shapiro, *The State of Democratic Theory*, 4.

technically correct applications that do not add up to a democratically acceptable picture, equality rescues the principle of non-domination from a potential stalemate.

This helps clarify how NMD has to mediate between agreement and disagreement. Democratic society is a kind of society where the contours of acceptable political arrangements must by definition remain open to reshaping and cannot be subject to constraints other than those mandated by the inner logic of the democratic ideal.<sup>98</sup> Recognition of such fluidity or indeterminacy, one may think, is more compatible with the norm of non-domination than the norm of equality, because the former is a norm that is based on the importance of disagreement. This would be a hasty conclusion, because the inner logic mandates that the meaning of equality be subject to the same reshaping that all the laws are subject to. What are kept outside of this reshaping, again as far as the equalitarian dimension is concerned, are those principles that make such re-evaluation and reform possible.<sup>99</sup> For this reason, I tried to focus on those elements in whose absence it makes less sense to speak of these concepts in an intelligible way, let alone expect them to perform the role with which they are charged.

The aforementioned point, however, does not mean that the right approach to theorizing democratic equality is always to narrow it down. The case of economic inequalities and their relation to political equality is a telling example of how broader notions of political equality that include its economic prerequisites could be important to democratic equality. It is almost axiomatic that effective exercise of political equality depends on certain social and material conditions: in the presence of vast social and

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<sup>98</sup> This account of democracy is procedural and does not appeal to instrumentalist defences of democracy. But it views procedures as implying values and norms. The values and norms, which are as internal to democratic theory as the procedures that they give rise to, provide direction for its reform and evaluation.

<sup>99</sup> Robert Post's and Bruce Ackerman's works on democratic equality contain certain elements of this view. Post notes that "Insofar as democracy is a form of government committed to self-determination, democracy must also encompass self-determination about the meaning of moral equality of citizens." Post, "Democracy and Equality"; Bruce Ackerman, *We the People: Foundations*.

economic inequalities, it would be difficult to speak of meaningful political equality. Empirical research, too, suggests that there is a clear correlation between levels of economic development and democratic stability, and the link between political equality and its social and economic prerequisites is hard to dismiss.<sup>100</sup> Although democratic institutions are designed in ways that take economic inequalities for granted, their spillage into the democratically unacceptable inequalities or forms of domination could result in serious legitimacy problems. Such spillage could (and does) take place relatively disguised from public (e.g., large donations to political campaigns by special interests) or could take more public forms (e.g., different levels of access to mass media).<sup>101</sup> Then, it would be wrong to read the argument of this chapter as trying to downgrade the importance of political equality's, and to that extent democracy's, social and economic prerequisites.

Finally, what role does the justificatory character emphasized by Beitz play in this picture? Coming to terms with the fact that democracy has two normal outcomes (agreement and disagreement) rather than one helps us vindicate the expressive function of equality without having to take Beitz's route. Because it recognizes the validity of two outcomes, NMD does not make promises about full justification that it cannot fulfil. The crucial point is that it need not make any such promises since the kind of justification that Beitz talks about is ruled out by recognition of the role of disagreement. With political equality and tools of non-domination in their hands, citizens can try to change whatever aspect of political life that they do not like. Because

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<sup>100</sup> When assessing research in disciplines of political science and political economics, Muller states that "Quantitative cross-national research on the economic determinants of democracy consistently finds that a country's level of economic development is associated positively and strongly with the extent to which the political system manifests properties of democracy." This is confirmed by more recent studies by Acemoglu and Robinson. See Acemoglu and Robinson, *Economic Origins of Dictatorship and Democracy*; Muller, "Economic Determinants of Democracy".

<sup>101</sup> For a detailed discussion of how money influences democratic politics see Rowbottom, *Democracy Distorted: Wealth, Influence and Democratic Politics*.

no such aspect, other than the very essential rules of the game – the values and norms, which are as internal to democratic theory as the procedures that they give rise to, provide direction for its reform and evaluation – is kept outside this process of change, there is not much that a debate about justification can add to this.<sup>102</sup>

### **3.4 NMD as a Distinctive Theory of Democracy**

The main objective of Part One has been to give an outline of the democratic theory that will be used to evaluate the normative interplay of democracy and multiculturalism. Normatively sound minimalist democracy (NMD) will continue to emerge more fully in Part Two and Part Three, as I go on to explicate what the theory implies with regard to the philosophical concerns of multiculturalism. By now, it should be clear how NMD differs from the consensualist democratic theories on the one hand, and the minimalist democracy propounded in Joseph Schumpeter's *Capitalism, Socialism, and Democracy* (including its more contemporary variants defended by Samuel Huntington, Giuseppe Di Palma, and others) on the other.<sup>103</sup> The features of NMD that have been clarified so far, however, may lead one to associate it with two other strands of democratic theory – (a) contestatory democracy, which espouses many of the institutional devices of minimalist democracy, and (b) agonistic democracy, which grows out of a radical critique of liberal consensualism. I will conclude Part One by considering how NMD differs from agonistic and contestatory democratic theories, which are normatively richer than Schumpeterianism, and more cognizant of the role of disagreement than the consensualist variants of democracy.

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<sup>102</sup> I borrow the term “rules of the game” from Norberto Bobbio's *The Future of Democracy*.

<sup>103</sup> The critique of Schumpeterianism developed in this work also applies to the neo-Schumpeterian theories propounded by Huntington, Di Palma and others. Whether made in the context of a general political theory or in the contexts of democratic transitions and consolidation, attempts to isolate the electoral dimension of democracy from the normative conditions that give meaning to the minimalist practices such as majoritarianism are similarly flawed. These theorists treat democracy as a mere method and ignore its normative underpinnings and rich ideational background.

### 3.4.1 In Relation to Agonistic Democracy

Agonistic democrats argue that "conflict and division are inherent to politics and that there is no place where reconciliation could be definitively achieved".<sup>104</sup> Because "social objectivity is constituted through acts of power" and "any political order is the expression of a hegemony", agonistic democrats hold that the political cannot be explained in the language of an inclusive and rational consensus.<sup>105</sup> Therefore, the consensualist character of liberal conceptions of democracy – e.g., their focus on public reason and rational justification – ends up disregarding the constitutive role of disagreement in the democratic order, and displacing politics.<sup>106</sup> Chantal Mouffe, for instance, argues that the theories of democracy that emphasise some combination of individual rights and representative institutions operating with a mixture of deliberation and bargaining are not only erroneous for being based on inapplicable ideals or relying on a faulty social ontology, but also are not conceptually democratic at all.<sup>107</sup> On Mouffe's account, liberal theorists mistakenly assume that liberal democracy is a straightforward reconciliation of the democratic emphasis on the exercise of popular sovereignty and the liberal emphasis on the idea of human rights. For Mouffe, liberal democracy can at best be conceived as a paradoxical co-existence of the two, and for the amalgam to count as democratic, one has to recognise that the very practice of democracy is based on the discriminatory and exclusionary exercise of power.<sup>108</sup> The agonistic democrat's answer is to bring power

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<sup>104</sup> Mouffe, *The Democratic Paradox*, 15-16.

<sup>105</sup> *Ibid.*, 99-100.

<sup>106</sup> See Mouffe, *The Democratic Paradox*; Honig, *Political Theory and the Displacement of Politics*.

<sup>107</sup> Mouffe, *The Democratic Paradox*, 113-118.

<sup>108</sup> *Ibid.*, 42-45.

and exclusion "to the fore, making them visible so that they can enter the terrain of contestation."<sup>109</sup>

The fact that NMD criticises the consensualist strand of democratic theory does not make it a variant of agonistic democracy. Let us consider some of the crucial differences between NMD and the agonistic democratic view summarized above. First, NMD and agonistic democracy diverge on their conceptions of disagreement and political conflict. In contrast to agonistic democratic theory's tendency to emphasize ineliminable exclusion, hegemony, and conflict, NMD operates with a different understanding of democratic politics, where winner-takes-all is usually not the case. Those who win often win only partial victories, and those on the losing side suffer partial losses. For this reason, disagreement in a polity structured along the lines suggested by NMD will also often be more partial than agonistic democrats can appreciate. Disagreeing parties will frequently find themselves in agreement on some other range of political issues. Moreover, continuous departures from this model – e.g., some groups finding themselves in disagreement with majorities on many issues and over multiple electoral cycles– imply the urgency of reassessing the situation to ensure that the normative conditions of non- domination, competitiveness, etc. are met.

Second, NMD disagrees with agonistic democracy's attempts to dissociate democracy from the notion of limits by defining democratic equality primarily in terms of the collective exercise of sovereignty and in direct opposition to the concern with expressing individuals' equal standing and agency. Agonistic democrats try to artificially divide modern democracy, and isolate or weaken the aspects of it that they consider to be liberal inventions. The idea of limited sovereignty is presented as

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<sup>109</sup> Mouffe, 'Democracy, Power, and the "Political",' 255.

undemocratic – something that renders democracy more paradoxical – in the same way that we saw in Schumpeter's famous thought experiment concerning Jews and heretics. But NMD views the idea of democracy sans limits as contradictory for reasons that have been explained in Part One. The norms of equal concern and non-domination impose a limit on what transient majorities can demand from their respective minorities, and NMD accepts these limits as an integral part of how democratic decisions ought to be made.

NMD and agonistic democracy also differ conspicuously in their approaches to politics. Agonistic democracy tends to valorize and celebrate politics as a transformative activity. For instance, on Bonnie Honig's argument that draws on Nietzsche and Arendt, partaking in the political transforms individuals – partly making up for their incompleteness through their engagement in the processes of political creation, amendment, and augmentation.<sup>110</sup> To be sure, Honig tries to qualify this celebration of political participation:

The perpetuity of contest is not easy to celebrate. My own affirmation of it is animated, not by teleological belief that politically active lives are necessarily fuller or more meaningful than their alternatives, but by my conviction that the displacement of politics with law or administration engenders remainders that could disempower and perhaps even undermine democratic institutions and citizens.<sup>111</sup>

That the political is celebrated due to the irreducible role it plays in making democracy possible rather than for being more meaningful than, say, poetry, however, does not alter the fact that this view of politics risks derailing the egalitarian individualism that underlies NMD. While agonistic democracy is primarily concerned

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<sup>110</sup> Honig, *Political Theory and the Displacement of Politics*, 115.

<sup>111</sup> *Ibid.*, 14.



with undermining "closures" and fighting "hegemonies", it is reluctant to spell out even minimal constraints on what contesting groups can do to each other, lest these constraints turn into permanent closures and undermine the Nietzschean "politics of self-overcoming".<sup>112</sup> The practice of protecting individuals against instances of inequality and domination through democratic rights perhaps does not completely fade away, but it certainly lacks the lustre of the larger concern with the proliferation and augmentation of political activity, and the overturning of existing closures. Not only are there no protections in place for those who do not want to contest, but "the human, all-too-human yearning for a freedom from politics or contest" is identified, according to Nietzsche, with death.<sup>113</sup> Any acknowledgement of the democratic potential of some minimal closure, entrenching some of the rules of the game, is followed by a caveat that renders the acknowledgement inconsequential: "Sometimes they enable a democratic politics, but their sedimentations also have disempowering effects that are not easily overcome or challenged."<sup>114</sup>

To be sure, NMD views citizen apathy as an undesirable condition; and, as we saw in Chapter 2, it holds democratic regeneration to be an important objective. Yet, NMD does not subscribe to the views that represent politics as part of the human good, or the fulfilment or aspiration to alleviate the incompleteness of the self. The goal of regenerating democratic activity is important, but it cannot be espoused in isolation from other normative considerations such as non-domination and individual equality. In contrast to agonistic democracy's assessment of democratic rights and constraints as an attempt to drive out disagreement or to displace the political, NMD views these as the rules of the game that have to be in place for democracy to make

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<sup>112</sup> *Ibid.*, 209.

<sup>113</sup> *Ibid.*

<sup>114</sup> *Ibid.*, 210.

sense as a system of government tied to the notions of equal concern and non-domination. Hence, the unacceptability of using tools that express inequality and asymmetry in order to advance the goal of a more lively, heroic, or extraordinary politics.

### **3.4.2 In Relation to Contestatory Democracy**

Contestatory democratic theories are often sceptical of the consensualist position, and draw attention to the role of competitive elections, institutionalized oppositions, and other non-consensualist devices in carrying out democratic governance. NMD accepts the normative significance of democratic disagreement and non-domination emphasized by contestatory democratic theorists such as Jeremy Waldron, Ian Shapiro, and Philip Pettit. Despite these similarities, there are important differences between NMD and contestatory democratic theory that have to do, mostly, with the minimalism of the former.

The most general difference between NMD and contestatory democracy is that the latter can combine various minimalist devices with thicker notions of common good, and even retain consensualism as a value while objecting to the adoption of consensualist procedures for decision making. In other words, a democratic theory that espouses certain aspects of Schumpeter's minimalism can continue to put these devices to the service of some other wider project not directly related to what is minimally required for political processes to count as democratic. For instance, NMD's dimension of non-domination draws on Ian Shapiro's work on the same concept. But the two views of democracy diverge to an important extent, because despite Shapiro's espousal of various elements of the minimalist approach (e.g., electoral competition and the importance of democratic oppositions) his theory expands significantly beyond

minimalism.<sup>115</sup> As we see in *Democratic Justice* and his other writings, Shapiro's theory is “simultaneously concerned with many domains of civil society.”<sup>116</sup> His “aspiration [is] to articulate ... a view of democracy that can be justice-promoting.”<sup>117</sup>

This doesn't merely have to do with Shapiro's theory offering a more comprehensive view of democracy, but is linked to the meaning of democracy on his account. For Shapiro, democracy is a subordinate good whose appeal ultimately rests on the way it relates to other values and people's superordinate goods.<sup>118</sup> Therefore understanding democracy requires analyzing how democracy relates to the value of social justice, and similar values that govern human activities involving other superordinate goods. NMD, however, is primarily interested in understanding the normative underpinnings of contemporary democratic practices. Although Shapiro tries to build the “anti-vanguardist” features into his theory, and tries to take into account the normative importance of dissensus, ultimately his theory could subsume a greater amount of disagreement under a thicker notion of common good. Shapiro tries to compensate for this by emphasizing the context-specific nature of democratic norms, and the norm that prioritizes insiders' wisdom.<sup>119</sup> Democracy on this account is much more pervasive, but Shapiro tries to make it less invasive by emphasizing the context-sensitivity and reliance on insider's wisdom. NMD, however, accepts minimalism – therefore picturing a less pervasive theory – while also accepting the egalitarian-individualist core of that minimalism in a less ambiguous way.

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<sup>115</sup> Specific differences between NMD and Shapiro's use of non-domination have already been discussed.

<sup>116</sup> Shapiro, *Democratic Justice*, 49.

<sup>117</sup> *Ibid.*, 21.

<sup>118</sup> *Ibid.*, 21-24.

<sup>119</sup> *Ibid.*, 25-28; 80-81.

A related difference is that contestatory democratic theory is still compatible with opposition to, or wariness of, the involvement of ethno-religious groups and interest groups in political processes, which leaves the door wide open for the use of political institutions to suppress or control undesirable differences. For instance, Philip Pettit argues for depoliticizing differences when they begin to challenge aspects of the common good. Pettit writes that “there are novel areas too where electoral interests are likely to militate against the deliberative quality of democratic decision-making, depriving considerations of the common good of the weight they are properly given.”<sup>120</sup> Depoliticizing contentious issues could lead to a more coolheaded search for the common good by keeping political passions and special interests at bay. One could prevent minorities that are disproportionately disadvantaged by a certain proposal, and feel more intensely about it, from organizing more effectively to avert that proposal.<sup>121</sup> Also, while suppressing undesirable differences is one side of the coin, promoting the more desirable ones is the other.

Finally, contestatory democracy and NMD differ also on the issue on which they appear more in agreement – their recognition of dissensus and what should follow from it. Contestatory democratic theories generally recognise dissensus, but tend to overlook the implications of dissensus for the need to build functional agreements. Recognising disagreement as a ubiquitous feature of politics, however, does not on its own settle the respective limits of consensus and dissensus. For instance, on Jeremy Waldron's account, the majority rule satisfies the normative conditions associated with democracy, including those concerning respect for disagreement.<sup>122</sup>

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<sup>120</sup> Pettit, "Depoliticizing Democracy," 53.

<sup>121</sup> *Ibid.*, 57.

<sup>122</sup> Waldron, *The Dignity of Legislation*, 157-160.

To be sure, Waldron accepts some limited notion of equality as the normative basis for majoritarianism, but his argument for the fairness of majoritarianism stops there, and seems to downplay the (very real) possibility that day-to-day majoritarian decisions may depart not just from some substantive notion of equal respect (e.g., Beitz's complex equality), but also the far more minimal notions of expressing equal status and equal concern for the interests of all governed. Voting that expresses equal respect in the two senses that Waldron upholds and NMD unwaveringly accepts – factoring in one's voice at equal worth and recording people's dissent<sup>123</sup> – can still express contempt for some minority's way of life, cripple the minimal sense of agency, form inescapable categories of permanent electoral marginalization, and commit other wrongs that violate democracy's egalitarian individualist norms. Moreover, Waldron's critique of the arguments that raise concerns over social engineering and rationalist projects, coupled with his focus on the merits of majoritarianism in enabling collective self-determination suggests that Waldron's contestatory democracy does not fully appreciate the internal democratic limits on what majorities of the day can do.<sup>124</sup>

On the other hand, NMD accepts the importance of majoritarianism to democratic theory, but is also seriously concerned with its normative limitations. When the link between majoritarianism (or other contestatory elements of democracy) and equal concern is not clarified and espoused, the idea of democracy risks either becoming paralyzed or gradually mutating into something contradictory. Merely recognizing the fact of disagreement is not sufficient for rendering majority rule a legitimate and fair decision procedure. For there will continue to be electoral scenarios that depart from the expressive function of equality even when the fact of

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<sup>123</sup> *Ibid.*

<sup>124</sup> *Ibid.*, 20-23.

disagreement is registered in the most respectful sense. For instance, some people will find themselves constantly on the losing side, and will turn into disenchanted, alienated, and most troublingly, permanent minorities. Once these scenarios have materialized, it is not enough as an expression of respect simply to take a count of those in disagreement. Thus, NMD takes the normative relationship between dissensus and consensus seriously as the present chapter has argued, and also, as the remainder of the dissertation will show, tries to account for it in a distinctive way by accepting a negative theory of groups, and an egalitarian re-interpretation of interest-group pluralism.

## **Chapter 4: Democratic Pretensions of Multiculturalists**

Multiculturalists and their critics alike summon up democratic ideals to support their respective views. They have democratic pretensions insofar as they claim that the demands of democratic legitimacy definitively support their, as opposed to their rivals', views on multiculturalism. The following two chapters will attempt to sort out genuine implications of democracy for multiculturalism from pretensions to democratic legitimacy that we see in the writings of both multiculturalists and their critics. In this chapter I take up the multiculturalist position, while the next chapter looks into the democratic pretensions of the critics of multiculturalism.

The chapter begins by outlining a certain approach to multiculturalism. In the first section I address the issue of multiple definitions and side with the claim that philosophical multiculturalism is better conceived of as an umbrella term, or a contested concept, with various related normative components, rather than as a full-fledged theory. I pick three groups of, not always easily cohering, claims that stand out in this normative amalgam, each representing a certain 'democratic' challenge to the political status quo. These are recognition, self-rule and inclusion. The overall point this chapter makes is that some important components of the multiculturalist challenges are either unrelated to core democratic principles or are undemocratic.

### **1. Multiculturalism as an Umbrella Concept**

In a nutshell, multiculturalism taken in its philosophical – rather than political or sociological – sense is an umbrella term for various normative claims about principles that should underlie the relationship of governmental power and ethno-cultural

plurality.<sup>1</sup> I refer to multiculturalism as an umbrella term for two related reasons. First, proponents of multiculturalism in this philosophical sense make various normative claims about reforming existing political structures and creating new types in order to bring about a political-legal order that does justice to their concerns. As one recent contribution to the debate points out, multiculturalism is best seen as “an interrelated set of political ideas” rather than an internally homogenous theoretical project.<sup>2</sup> In other words, any theoretical project associated with the term multiculturalism makes a diverse set of claims, and rests on a number of normative principles rather than being reducible to one claim or one underlying normative concern.

The second related reason for viewing multiculturalism as an umbrella notion has to do with the way the term has evolved and developed over time. What comes under the umbrella of multiculturalism is a list of themes or concepts that different theorists making important contributions to the multiculturalism literature have developed and used interchangeably with the term multiculturalism – “the politics of cultural recognition,” politics of difference, politics of cultural accommodation, etc. Given the influence that such concepts have had over our thinking on multiculturalism, any theoretical project that intends to contribute to the debate would require conceptual resources to assess these various normative ideals and adjudicate different claims that they give rise to. Hence, another important advantage of referring to multiculturalism as an umbrella term – in addition to recognizing the term’s internal diversity – is that

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<sup>1</sup> The sociological term simply states the fact of cultural diversity, while in its political sense the term multiculturalism could refer to a number of different sets of legislation enacted by different jurisdictions. Canadian multiculturalism, in its sociological sense will bring up the fact that Canada is an immigrant nation made of different ethno-cultural components. It will not tell us much about the relationship between these components and between components and various levels of government. Political sense of the term will offer a more detailed view but will lack conceptual resources for evaluating the existing legal enterprise concerning multiculturalism. One sense in which the political term would allow us evaluate multiculturalism would be pointing out differences and similarities between, say, Canadian and German or British multiculturalism. Normative multiculturalism, on the other hand, offers a set of principles that should guide policy-making and reform of existing institutions.

<sup>2</sup> Modood, *Multiculturalism: A Civic Idea*, 19.



one retains conceptual resources to draw distinctions between different combinations of these. So the best way to conceptualize multiculturalism is to identify these concerns and principles that motivate it, before making any attempt to determine whether these add up to a full-fledged theory or not, or also whether these show internal consistency or not.

The taxonomy offered in this chapter focuses on three broadly-defined themes. I group normative principles of multiculturalism into the categories of 1) cultural recognition, 2) inclusion, and 3) self-rule. Other important concerns such as cultural integrity and representation can be treated under one or several of these three categories. However, theorists of multiculturalism usually attempt to justify the latter types of multiculturalist concerns by drawing on one of these three overarching normative categories. For example, representation comes up as an issue because existing forms of representation fail to recognize difference, or are not sufficiently inclusive. Before we move to evaluate each category's relation to democratic theory, let us briefly consider their relationship with one another – how they differ from one another and how they are related.

The first point to note about these categories is that they are not just multicultural catchphrases as each represents a certain normative concern in theory. Recognition appeals to equality of status – however differently this could be understood. Self-rule appeals to various ideals of freedom. And inclusion appeals primarily to the fact of one overarching community, no matter how heterogeneous, dispersed, and diverse that community is envisaged to be.

Among these categories, recognition and self-rule are often thought to refer to similar claims. However, recognition does not yet involve a definitive self-rule claim

and it does not have to directly appeal to various freedom-related norms. It is primarily concerned with status. The main demand is that equality of different ways of social interaction be recognized. A recognition claim, to be sure, could also contain a demand for a certain degree and type of self-rule, which shows that the two principles are closely related. One can argue that recognition of a certain identity will tend to empower that identity and result in an increase in the extent of self-government for the group that makes the recognition claim. This conclusion, however, depends on how self-government is defined: If self-government is narrowly defined to include having full, unshared, sovereignty over internal affairs of the group, it could be at least unsustainable, from a conceptual point of view, to expect recognition to involve equal self-government. What Jacob Levy observes about recognition could be helpful in understanding differences between the two concepts. Although he writes with a specific meaning of recognition in mind – recognition of customary laws – his observation seem to hold true in the case of recognition construed more broadly to include other identity matters and not just customary laws. In Levy's words, "granting recognition/enforcement claims does not necessarily give members of the group any special standing in the determination of their laws; often, it is up to courts of the general society to decide when customary law has or has not been followed." Levy adds that because such claims made by minority groups often involve "gaining recognition from the general legal system (for the group's marriages, property laws, and so on) outsiders may be given more power over the group in a very real sense, hardly what one expects from self-government."<sup>3</sup> Then, recognition and self-government, despite their interrelatedness, do not collapse into one category.

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<sup>3</sup> Levy, *The Multiculturalism of Fear*, 147.

Likewise, inclusion and self-government may look similar, and they do have a lot in common; but each has a distinct concern. No matter how interrelated their claims appear, it is important to differentiate them because, as we will see in the remainder of this chapter, they spring from different normative considerations and vary in terms of their political recommendations. *Self-government* in the context of multiculturalism tends to push for diversity, while *inclusion* invokes the idea of one public, notwithstanding how heterogeneously that public is conceived.

Another point to note about this classification of multiculturalist principles is that different strands of multiculturalism attach varying degrees of significance to each of these three normative categories. All prominent theorists of multiculturalism have something important to say on each of these normative categories, but everyone familiar with the debate will quickly notice that each category evokes some theorists of multiculturalism rather than others. This has to do with the fact that assigning more importance to one of the three normative concerns over the other two gives the theory a different shape, resulting in different compatibilities and incompatibilities with the democratic ideals. In this chapter I evaluate the works of mainly three theorists who make interrelated claims about the relationship of multiculturalism and democratic ideals. Each theorist places a higher degree of significance on one of the three ideals.

In light of this taxonomy of multicultural principles and concerns, we can try to provide a better definition. Multiculturalism is about challenging one conception of unity with a different one because the former fails to accord respect to the central principles of liberal democracy – equality and self-rule. This however does not prove the compatibility of multiculturalism and liberal democracy because there are questions such as equality of what and self-rule by and over whom that remain open to interpretation.

As a result, along the axes of recognition, self-rule, and inclusion, substantially different theories of multiculturalism have emerged. These theories seek different types of recognition for different groups, but they are all committed to the view that cultural plurality is an ineliminable feature of social life to which laws cannot remain oblivious. Similarly, despite pervasive disagreement over the degrees of self-rule appropriate to different groups, multiculturalism theories generally emphasize the normative weight of this idea. Inclusion is perhaps the least visible of the three threads, but it is the most pervasive one. Without it pluralism and self-rule would not resemble multiculturalism, which, at least in its current shape implies the idea of one state. My aim in differentiating these three categories is to bring to light how complex a concept philosophical multiculturalism is; namely, philosophical multiculturalism, like democracy, is an essentially contested concept. When we try to maximize one element, let us say self-government, we make another element, inclusion, less attainable. Similarly mutuality of recognition represents a limit on what one can argue in the name of self-government.

## **2. The Recognition Challenge**

One of the claims at the core of multiculturalism literature is that liberal neutrality fails to extend adequate recognition to socio-cultural diversity. Recognition, of course, means different things to different writers. For example, some writers such as Iris Young claim that nothing short of public affirmation of positive value can satisfy the requirement of recognition, while others are more sceptical about the necessity of affirming equal worth and limit their arguments to acknowledging the temporary significance of difference in overcoming present inequalities.<sup>4</sup> But a generally accepted point among proponents of multiculturalism is that the failure to recognise different

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<sup>4</sup> See Williams, *Voice, Trust, Memory*, 143.

cultures making up the political unit amounts to an undeserved disadvantage for some ways of life. As one famous contributor to the debate points out “the idea that the government could be neutral with respect to ethnic and national groups is patently false.”<sup>5</sup> What these writers commonly agree on is the claim that recognition is needed to stop majority biases from appearing neutral under the guise of progressive universalism.

Charles Taylor’s essay, ‘Multiculturalism and the Politics of Recognition’ (hereafter, ‘MPR’) is probably the best place to begin to understand the centrality of the notion of recognition to the multiculturalism debates because, in addition to being by far the most influential piece of work on this question, it is informed by Taylor’s rich scholarship on philosophical issues underpinning recognition.<sup>6</sup> In one of the most quoted passages of ‘MPR’, Taylor writes that “misrecognition shows not just a lack of due respect. It can inflict a grievous wound, saddling its victims with a crippling self-hatred.” Taylor goes on to define recognition as a “vital human need” rather than a mere “courtesy we owe people”.<sup>7</sup> Without spending any more time summarizing Taylor’s well-known argument, I want to focus on his specific claim that the challenge of recognition is a particularly democratic one. Let me rephrase this so that we can more fully appreciate the significance of the claim Taylor makes. In Taylor’s view, social and political democratization is what makes recognition an important human good whose denial to some can amount to “a grievous wound”. Taylor asserts a necessary connection between recognition and democracy, which is for our purposes something that must be closely examined. Although in what follows I mainly focus on Taylor, the aim of that engagement is to scrutinize the link between recognition and democracy

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<sup>5</sup> Kymlicka, *Multicultural Citizenship*, 110-11

<sup>6</sup> Central themes of that article can be traced to Taylor’s scholarship on Hegel, his critique of rights-based liberalism, individualism and secularism. E.g., see Taylor, *Sources of the Self: The Making of the Modern Identity*.

<sup>7</sup> *MPR*, 26.

rather than grapple specifically with Taylor's political theory of multiculturalism; and I expect my conclusions to apply to other views that appeal to recognition as a democratic challenge to the status quo.

Although he does not present recognition as an invention of modernity, Taylor deems two changes in human relations coinciding with that period – the rejection of social hierarchies and the acceptance of universal human potential – responsible for problematizing recognition.<sup>8</sup> With the disintegration of social hierarchies that distributed honour unequally, and in doing so settled the recognition question, came the age that made the promise of equal recognition.<sup>9</sup> What makes recognition in this new age more fragile is the second related change induced by democratization. In Taylor's view, the human equality that democracies recognize is the "equal human potential" to decide one's place in society and determine one's own identity. Identity-formation in this novel democratic sense, however, Taylor adds, is not as self-centred or "monological" as some authors presuppose. The necessity that in the democratic age identities be authentic does not entail their being formed in isolation from others. Because persons "negotiate" their identities "through dialogue, partly overt, partly internal, with others", and one's "identity crucially depends on [one's] dialogical relations with others", recognition gains an important political dimension that it lacked in the previous ages.<sup>10</sup>

The two norms underlying these changes that democratised human relations do not go hand in hand. In a multicultural democracy, the norm of universal equal dignity, and the norm of recognizing the authentic particularity press conflicting claims, giving

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<sup>8</sup> *MPR*, 26-27

<sup>9</sup> In his *Bound by Recognition*, Patchen Markell casts doubt on Taylor's suggestion that recognition was problematised in the post-Enlightenment period.

<sup>10</sup> *MPR*, 34

rise to the politics of recognition. In this new regime, misrecognition, Taylor claims, stands out as a more perilous wrong. Tensions arise between these two norms when the norm of equal recognition prescribes uniform treatment and the norm of authenticity mandates being true to one's particularity and difference: "Where the politics of universal dignity fought for forms of nondiscrimination that were quite "blind" to the ways in which citizens differ, the politics of difference often redefines nondiscrimination as requiring that we make these distinctions the basis of differential treatment."<sup>11</sup> It is policies such as those that grant specific rights to Aboriginals, or rights to exclude others for the sake of maintaining cultural integrity granted to other minority cultures that anger and disappoint those who place more emphasis on equal dignity. On the other hand, proponents of the politics of difference claim that the principle of equal dignity is guilty of homogenizing societies and suppressing difference under the pretext of upholding universal values, which are in reality nothing more than the particular viewpoint of the dominant.<sup>12</sup>

The weight NMD places on equality of status and other aspects of expressive equality will rightly lead one to think that some form of the recognition challenge has to find itself room in the democratic perspective. It is not difficult to see how political institutions and less formal structures of societal interaction can cast people in a negative light and play a role in their vilification hence resulting in a shortfall of recognition. What Taylor says about the two changes resulting from consolidation of democracy and the role they play in problematizing recognition is not alien to NMD. The poor that find themselves shut out of social mobility and effectively confined to crumbling inner city neighbourhoods will rightly feel like the rules of the game do not express equal concern for them. Similarly, it makes sense to claim that a cultural

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<sup>11</sup> *MPR*, 39-40.

<sup>12</sup> *MPR*, 44.

minority whose practices are cast by governments or mainstream cultures as repressive, or unworthy of human attachment, and who find themselves vilified in many aspects of everyday life, will not think highly of what I tried to explain as the core of democracy's egalitarian dimension, particularly the claim of expressing equal status. If misrecognition is to be interpreted as a denial of equal human potential and an expression of disdain rather than equal status, NMD leaves us no choice but to accept recognition as a vital democratic good.

However, the story is more complicated than this. As a result, recognition supported by multiculturalists may prove a thicker concept than NMD can fully espouse. The thicker notion is not just an attack against intolerance, social contempt, and other wrongs that violate modern democracy's egalitarian principles. It is also, partially, a condemnation of things that, to a large extent, make modern democracy distinctive. The thicker notion of recognition sees individual rights as, at least, partly responsible for our modern predicament.<sup>13</sup> To be sure, on this thicker model, recognition is still, albeit partially, about respecting equal human potential, and authenticity of the individual. But it is also underpinned by an authenticity of a different kind, in whose absence the term does a poor job of capturing social facts about us. Drawing on Herder, Taylor sums up this related aspect of authenticity in the following way: "Just like individuals, a *Volk* should be true to itself, that is, its own culture."<sup>14</sup> Then misrecognition will occur not only when our fellow humans' individuality is disrespected, but also when one fails to accept that "moral accent" does not have to be placed uniformly on the inner voice of an atomistic individual.<sup>15</sup> There are goods that

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<sup>13</sup> In his Massey Lectures, Taylor depicts individualism as one of three major contributors to our modern predicament together with the "primacy of instrumental reason" and their political ramifications in the form of "soft despotism". (*The Malaise of Modernity*, 2-12)

<sup>14</sup> *MPR*, 31.

<sup>15</sup> *MPR*, 28-29.



individuals can attain and enjoy only in community, and collective provision of these goods requires that communities' and cultures' rights to survival be recognized.<sup>16</sup> When approached from this vantage point, persons' authenticity is not thwarted only when they are treated unequally as persons. A similar wrong can occur when their collective identity is thwarted by a state that is unwaveringly committed to individualism in its legal and political discourse. To give an example, I suffer not only when as, say, a French Canadian I am denied social and economic opportunities, but also when my group is precluded from taking the necessary measures to perpetuate its way of life, which is a distinctive source of good, even in the face of significant opposition from within.

This thicker concept of recognition not only casts culture as a source of meaning and good, but also ties it to what it means to function in a fully human way. In Isaiah Berlin's words, it is a teleological view that presumes belonging to an organic culture to be part of "the human essence".<sup>17</sup> Denying humans a right to thrive in their cultural environment, e.g., expecting them to integrate into a majority's way of life in order to prosper or withholding resources necessary to secure the integrity of their culture, is akin to forcing them into poverty.<sup>18</sup> The culture of a group, on this view, has a normative weight that is not reducible to, or explainable in terms of, the instrumental worth that liberal theories often recognise. It is characteristic of the flawed logic of liberal proceduralism to try to reduce this weight to the instrumental benefit that group life or a certain cultural practice has in terms of individual wellbeing. Aggregating individual benefits does not account for the holistic phenomena of collectively producing and enjoying these goods. In Taylor's words, "just adding these monological

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<sup>16</sup> Taylor, "Atomism," in *Philosophy and the Human Sciences*, 207.

<sup>17</sup> Berlin in Tully (ed), *Philosophy in an Age of Pluralism*, 2.

<sup>18</sup> Kymlicka, *Multicultural Citizenship*, 86.

states does not get us the dialogic condition where things are for us.”<sup>19</sup> Generalizing from this, Taylor thinks that the conception of political community as “merely convergent I-Identities” lacks “viability”.<sup>20</sup> What follows from this is that because we need culture to function in a fully human way, we owe a degree of deference to culture that requires us not to hold its survival hostage to our petty interests.<sup>21</sup>

In light of the above exposition, it should not be difficult to see how recognition of a collective good such as culture is in tension with individualist precepts of liberalism and democracy. The first source of the tension is the homogenizing dispositions of individualism. Taylor regards Rousseau as an exemplary offender with respect to “the charge of imposing a false homogeneity”.<sup>22</sup> Rousseau’s claim that the absence of a cohesive general will and departures from uniform treatment will lead to dependency – the opposite of liberty – gives way to homogenizing policies.<sup>23</sup> Decoupling Rousseau’s version of liberalism from its most apparently homogenizing features such as the *general will* or its proscription of “differentiated roles”, does not, according to Taylor, in itself acquit liberalism of the foregoing charge. Taylor considers the variants of liberalism influenced by Kant’s emphasis on autonomy – the view that “understands human dignity to consist largely in autonomy” – to commit a similar error to the extent that they “(a) [insist] on uniform application of the rules defining these rights, without exception, and (b) [are] suspicious of collective goals.”<sup>24</sup> Taylor’s claim seems to be that (b) follows naturally from (a), namely, an understanding of rights that turns a blind eye to all contextual variations that arise from the fact of cultural diversity is bound to be inhospitable towards distinct collective goals of different cultures making up a

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<sup>19</sup> Taylor, *Philosophical Arguments*, 189.

<sup>20</sup> *Ibid*, 192.

<sup>21</sup> Taylor, “Atomism,” in *Philosophy and the Human Sciences*, 198.

<sup>22</sup> *MPR*, 44.

<sup>23</sup> *MPR*, 51.

<sup>24</sup> *MPR*, 60.

diverse society. So if one wants to prevent such a Rousseauian homogenization it is insufficient to decouple liberalism from a cohesive general will. One has to go even further and ensure that equal rights and equal respect are not understood in a restrictive fashion that rules out contextual adjustments. He sides with other critics of the inflexible focus on autonomy and rights such as Michael Sandel in holding these procedural models of liberalism inappropriate to a democratic society. In Taylor's view, these models of – he uses Sandel's phrase – the "procedural republic" vest powers in the hands of an unelected judiciary and obstruct democratic majorities' attempts to pursue legitimate collective aspirations.<sup>25</sup>

Despite the wideness of the philosophical gap between this view of the normative significance of culture and views that put the normative emphasis on the individual, Taylor thinks the two views can be brought together. He writes that "[a] society with strong collective goals can be liberal". The key is to be able to make the following distinction: "One has to distinguish the fundamental liberties, those that should never be infringed and therefore ought to be unassailably entrenched, on one hand, from privileges and immunities that are important, but that can be revoked or restricted for reasons of public policy—although one would need a strong reason to do this—on the other."<sup>26</sup> Taylor employs the example of the Canadian Charter of Rights and Freedoms and the decades-long controversies surrounding it to explain the point. In Taylor's view the fuss over the "distinct society" clause – its absence from the Charter, and attempts to introduce it in the form of a constitutional amendment in the following decade – represented the showdown between these two visions of rights. Namely, those

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<sup>25</sup> See *MPR*, 58. Although Taylor does not use the word legitimacy in the passage to which I refer in this paragraph, throughout the essay he makes numerous references to the issue of legitimacy. In one instance, he writes: "After all, if we're concerned with identity, then what is more legitimate than one's aspiration that it never be lost?" (40)

<sup>26</sup> *MPR*, 59.

who saw Quebec as a distinct society within Canada demanded a break from the Charter's unified applications in those matters that they considered vital to the Quebec society's survival as distinct.<sup>27</sup> On the other hand, those who held to a vision of uniform rights applied across the board without sensitivity to diversity, are guilty of not offering due recognition to members of the Quebec society.

The above discussion artificially divided Taylor's account of recognition into two parts in order to test the strength of the connection between the two democratic changes and the notion of recognition as a democratic challenge. The upshot of the first part of the discussion was that recognising equal human potential and authenticity are indeed connected to democratic norms. For the generic (thin) version of recognition draws on familiar democratic ideals such as respect for equal human potential. Thus, the critical question is whether or not the thicker interpretation of recognition that draws on complicated ontological claims regarding collective goals (e.g., how meanings are articulated and attached to various instances of life) is as central to democracy as the thin notion of recognition discussed above. If yes, the kind of delineation outlined by Taylor in the previous paragraph is necessary. Namely, individual rights, especially the ones that are not 'fundamental' have to be curtailed to pave the way for a satisfactory degree of recognition for those aspects of collective life that provide crucial social goods and meanings.

However, distinguishing between the two kinds of recognition helps one see that one is more straightforwardly democratic than the other. As we saw earlier, the connection between the first kind of recognition and democratic principles is hard to miss. But we cannot claim the same about the second kind of recognition that, building on the idea of dialogical identity formation, introduces the Herderian dimension of

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<sup>27</sup> Quebec's Bill 101 was regarded as one such necessary measure.

being true to one's *volk*. Although the second kind of recognition is not unequivocally undemocratic, it is not a requirement of democracy either. It is not hard to see that historical contingencies will decide the degree to which the thick notion of recognition will depart from the model of democracy presented in the previous two chapters, and even from any model of democracy that can meaningfully lay claim to democraticness. Taylor is probably right that it is possible to accept his teleological theory and remain a liberal or democrat. But this does not make his teleology liberal or democratic. Unlike in the case of the relationship between democratic principles (e.g., egalitarian aspects of democracy) and the thinner notion of recognition, the degree to which the thicker notion of recognition is compatible with democratic principles hinges on not the principled connection between thick recognition and democracy, but on contingent qualities of the object of recognition – the good espoused by a particular (often, segment of a) community. If the community happens to embrace values and practices that are amicable to the individualist-egalitarian core of democracy (e.g., affirmation of individualism and some scepticism of political authority), the separateness of the two entities will be hardly noticed. That is, there will appear to be a strong link between democracy on the one hand and culture and its recognition on the other. However, if the community happens to have more collectivist characteristics (e.g., valuation of the community life over and above the individual wellbeing or recognition of a rightful authority in the form of a caste, king or an elderly clan leader), then it will be harder to defend the claim of connectedness between thick recognition and democratic principles. Whether the link appears to be strong or weak, the two remain conceptually distinct and with very little principled connection. Then it is a mistake to deploy the thick concept of recognition in the name of a more genuine democracy. Multiculturalists mistakenly think that there is a direct principled relationship between culture and democracy,

whereas, in reality, the relation is one of contingency rather than logical or normative entailment.

Now the last statement has to be qualified in anticipation of the multiculturalist counterargument that takes issue with the fallacies of atomism. Because culture is such a broad notion, NMD has to acknowledge that some aspects of it are connected to democratic principles in the genuine way that we saw with the thinner notion of recognition that takes establishing equal respect for persons as its goal. To see this more clearly, we need to consider another clarificatory distinction between broad and narrow senses of culture, which maps onto the distinction between the two senses of recognition.

In the multiculturalism debates, we can see a tendency to distinguish culture in its strictly ethno-linguistic sense (e.g., French Canadian or Aboriginal Haida culture) from a generic sense of the term that is used much more broadly in order to group together and describe an eclectic range of social phenomena (e.g., capitalist culture, queer culture, police culture). Will Kymlicka's use of the term *societal culture* is in this regard paradigmatic. Kymlicka's societal culture "provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres."<sup>28</sup> Kymlicka goes on to add that "these cultures tend to be territorially concentrated, and based on a shared language", and are "almost invariably" connected to some nation.<sup>29</sup> The distinction that helps single out *societal culture* as the focus of the political theory of multiculturalism is important for the following reason. It forms an important part of the link between the official multiculturalism as practiced or

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<sup>28</sup> Kymlicka, *Multicultural Citizenship*, 76.

<sup>29</sup> *Ibid.*, 80.

advocated today and the philosophical idea of choice-enhancing aspects of culture that we see in the writings of Kymlicka, Taylor, Raz and others. It directs public policy to *recognise* culture in the ethno-linguistic sense rather than leading in the direction of more individual-centred solutions. Because Kymlicka places autonomy in the form of making individual choices at the heart of his theory and making meaningful choices requires a cultural background that gives value to one's available options, he argues that equality requires protection of societal cultures. The distinction continues to play a role even when one moves away from choice towards less individualistic criteria such as sources of good or meaning.

But this distinction is not nuanced enough to justify the link presumed to exist between culture as the medium of choice or precondition of authenticity and ethno-linguistic (sometimes with religious additions) cultures because it overestimates the rigidity and distinctness of cultures (or underestimates their porousness). A distinction between broad and narrow senses of culture has more explanatory power in this context. The broad sense corresponds more closely to the choice-enabling aspect of culture that Raz and Kymlicka emphasize.<sup>30</sup> It is closer to Waldron's cultural kaleidoscope than Kymlicka finds acceptable.<sup>31</sup> This sense of culture is very porous and does not lend much support to the politics of recognition outlined in the writings of multiculturalists like Kymlicka and Taylor. On the other hand, culture in the narrow sense – with its strictly particularistic connotations – is not directly tied to autonomy or identity other than in contingent and ever-changing ways. This does not mean the narrow sense of culture is totally useless. My claim is much more limited than this; its use in the

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<sup>30</sup> See Joseph Raz, *The Morality of Freedom*.

<sup>31</sup> Kymlicka, *Multicultural Citizenship*, 85

political theory of multiculturalism is not as extensive as Kymlicka and Taylor assume.<sup>32</sup>

The above should not be interpreted as a dismissal of the thick recognition's relevance to democracy. What is being challenged is the presence of a necessary, permanent link between the two concepts. Actual thick recognition itself may not be directly connected to democracy, but the democratic struggle, even, for thick recognition that revolves around the narrow sense of culture is indirectly supported by principles of democracy. Groups may not have a positive right to cultural continuity and integrity, but the following chapters will build the case that as aggregates of individuals they do have many negative rights such as the right to resist assimilation – overall amounting to a social order which is not less group-friendly than the one exalted by the multiculturalists.

Although from the perspective of multiculturalists like Charles Taylor and Will Kymlicka, the foregoing point about contingency of the link between the thicker recognition and democracy may be perceived as a disadvantage to their theories, from the perspective of NMD, the contingency does not pose any problems. The fact that certain groups gain the thicker recognition for some aspects of their identity while certain others do not falls in line with democracy's indeterminacy and fluidity as a system of government. Just as who gets what cannot be determined in advance of politics, the question of which aspects of the cultural phenomena get more recognition than others cannot be resolved prior to a democratic process. Then what NMD objects

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<sup>32</sup> The question that Kymlicka cannot offer a good answer to is how appropriate is it to place excessive normative weight on a contingent relationship? One's conclusions, Kymlicka accepts, will change according to how narrow or broad definitions of culture one employs. The more localized definitions will reveal multiculturalism even in the world's most homogenous states, while definitions that concentrate on wider patterns will group together all Western democracies. (*MC*, 18) Furthermore, Kymlicka recognizes the fact of contingency when he writes that societal cultures are largely creations of modernity. (*MC*, 213n4)



to is not the concept of recognition, not even its tentative thickness. It is the ultimate stability and permanence accorded to it by some theorists of multiculturalism, and their underlying claim that these characteristics follow from democratic norms and principles.

### **3. The Self-Government Challenge**

Having discussed the challenge of recognition, in this section I turn to consider a different, but closely related multiculturalist challenge that also claims to speak from the perspective of democratic theory. This challenge originates in another promise often attributed to democracy – that of self-rule. It is a widely held view that democracy has a normatively significant collective dimension, which is neatly supported by the etymology of the term – a rule of the people or of the relevant demos. Scholars who make the self-government challenge in the context of multiculturalism allude to the democratic ideal of being self-ruling – governing one’s polity with the laws authored jointly by the members of that polity rather than laws imposed from above or outside. The critical claim made by the authors who make this challenge is that in turning a blind eye to other sub-communities’ distinctive ways of relating to each other, and imposing on them uniform laws representing the will of the culturally distinct majority, liberal democracies violate the crucial promise of self-rule. Charles Taylor, Will Kymlicka, and other noted voices in the multiculturalist side of the debate deploy some version of this argument to advocate self-rule for some, if not all, minority groups. But it is in the work of James Tully that we get a sophisticated philosophical account to back the alleged connection between democracy and the self rule challenge. Therefore, I will try to cash out democratic pretensions of this challenge mostly by considering Tully’s arguments.

Tully places the notion of self-rule at the centre of his study of democratic multiculturalism. In his words, “demands for cultural recognition are aspirations for appropriate forms of self government.”<sup>33</sup> Problems of recognition are rampant in the modern age because constitutions of our time do not live up to their democratic promise. Instead of laying out the terms of coexistence to which all culturally diverse parties can freely agree, modern constitutionalism, to use Tully’s phrase, represents “an imperial yoke, galling the necks of the culturally diverse citizenry”.<sup>34</sup> Thus, nothing short of a constitutional makeover can satisfy the demands for recognition.

The solution is to democratize constitutions – remove imperialistic, and, in Tully’s opinion, anti-democratic, elements – “by means of an intercultural dialogue in which [citizens’] culturally distinct ways of speaking and acting are mutually recognised.”<sup>35</sup> Tully identifies three components to a democratic constitution suitable to the conditions of cultural diversity. These three guiding principles – “mutual recognition, consent, and cultural continuity” – together mark a sharp departure from the dominant theories of constitutionalism that currently, on his account, thwart freedom and suppress difference.<sup>36</sup> Before we turn to examine what is particularly democratic about these criteria and whether Tully’s alternative constitutionalism is genuinely democratic, let us expand on what he thinks is wrong with modern constitutionalism.

Whether they view citizens as equal in the strictly formalistic sense of being bound by a uniform system of laws (as is the case with liberalism) or as part of a more substantive community of values (e.g., communitarianism), “authoritative” schools of

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<sup>33</sup>James Tully, *Strange Multiplicity (SM)*, 4

<sup>34</sup>*SM*, 5.

<sup>35</sup>*SM*, 28-29.

<sup>36</sup>*SM*, 30.

modern constitutionalism<sup>37</sup> “presuppose the uniformity of a nation state with a centralized and unitary system of legal and political institutions.”<sup>38</sup> This – in Tully’s view, spurious – connection between uniform institutions and democratic governance predetermines answers that modern constitutionalism can offer to the question of how to deal with the diverse others whose institutions and practices do not resemble the asserted standards. In identifying a well-functioning state with a “centralised and uniform system of legal and political authority, or clear subordination of authorities, to which all citizens are subject in the same way, and from which all authority derives”, modern constitutionalism makes a normative case for assimilation of already-existing practices and institutions of diverse others into society’s dominant institutions and practices.<sup>39</sup> In this, Tully thinks, lies the error of most contemporary theories of political constitution as far as the question of diversity is concerned; namely, all major theories of political constitution are similarly flawed insofar as they ignore diverse institutions and practices that precede them. In Tully’s words, “The independent institutions and traditions of the Aboriginal nations, which pre-exist Rawls’ authoritative institutions and traditions by hundreds of years, are either ignored or, at best, imperiously discussed with the very uncosmopolitan institutions and conventions that have been forged to assimilate them.”<sup>40</sup>

The most fundamental undemocratic consequence of the aforementioned mistake of modern constitutionalism is that the political order it creates fails to satisfy very important democratic norms – consent and self-rule.<sup>41</sup> It is not the case that it no longer matters if members of a particular community find a certain rule oppressive or

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<sup>37</sup> *SM*, 63-64.

<sup>38</sup> *SM*, 9.

<sup>39</sup> *SM*, 83.

<sup>40</sup> *SM*, 82.

<sup>41</sup> In his later work, drawing on Habermas, Tully writes that in his definition of democratic citizenship the principle of self-rule is coequal with the principle of rule of law. (*Public Philosophy in a New Key*, vol. 1, 163-164)

inimical to their way of life, but these questions become relevant only in the context of institutions and practices of modern constitutionalism. If these concerns can be voiced in terms specified by the dominant assimilationist institutions, they can be debated and settled. In other circumstances, where these concerns do not fit the framework of uniform constitutionalism, in Tully's words, "[t]he responsibility of listening to others is also bypassed".<sup>42</sup> In all of this, the acceptability of the assimilationist framework to the diverse others whose consent it bypasses is not debatable.<sup>43</sup>

Modern constitutionalism often justifies this silencing of debate by alluding to the ideal of democracy. Tully draws two famous examples from the North American context— Trudeau government's bypassing of Quebec's consent in the Charter debates of 1982 and the abandoning of the Articles of Confederation in the U.S. Constitution of 1787. In both cases, constitution-making disregarded existing arrangements and "the ancient convention of consent was reduced to an expendable means".<sup>44</sup> It no longer mattered if some of the thirteen colonies or the province of Quebec disagreed with their respective majorities at moments of constitution-making: "Once the people are seen in this unconstituted light, then it is undemocratic not to proceed when the convention had the consent of nine of the thirteen states with a majority of the population, or to consider 'the absurdity of subjecting the fate of twelve states to the perverseness or corruption of a thirteenth'."<sup>45</sup>

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<sup>42</sup> *SM*, 131.

<sup>43</sup> "The question of a federation capable of accommodating the diverse ways citizens are already culturally constituted by means of a variety of legal and political institutions is either beyond the pale of Rawls' 'reasonable pluralism', which must converge on a uniform legal and political order, or an unfortunate deviation from the norm of uniformity. In either case, the norm of uniformity remains unexamined, whereas its presumed impartiality is exactly what interculturalists are attempting to call into question." (*SM*, 55-56)

<sup>44</sup> *SM*, 156.

<sup>45</sup> *SM*, 157.

In all of this, Tully wonders how the liberal principle of consent – “the most fundamental constitutional convention”, ubiquitous in the works of prominent liberal thinkers such as Locke – has been dislocated. Also absent from the modern constitutionalism is the derivative thesis of cultural continuity. While the convention of consent proscribes making a new constitution or amending an existing one without gaining consent of those who will be affected by the constitutional acts, the convention of continuity states that constitutional practices hold as long as people do not explicitly withdraw their consent.<sup>46</sup> For Tully, this transformation appears staggering when one juxtaposes it with the ancient constitutionalism. The latter for centuries had allowed members of different cultures to politically interact on peaceful terms without affirming a uniform and homogenous legal-political system that the writings of Hobbes, Pufendorf and their modern followers exalt as precondition of a functioning government or “the essence of a state”.<sup>47</sup> Because the ancient constitutionalism recognises “how the people are already constituted by the assemblage of fundamental laws, institutions and customs”, even dramatic transformations do not in themselves justify modifying or overriding constitutions without gaining the consent of those who are affected.<sup>48</sup> Much of the self-rule challenge draws profusely on the stark contrast between the ancient constitutionalism and the modern modes of constitution that expect everyone living within the state's boundaries to accept the unquestionable primacy of the homogenizing state.

Is the self-government challenge right in claiming for itself democratic credentials? Are modern democracies susceptible to the charge of colonialism if they fail to grant ‘*quod omnes tangit*’ – the ancient principle of ‘what touches all should be

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<sup>46</sup> “*quod omnes tangit ab omnibus comprobetur*, ‘what touches all should be agreed to by all’. Enshrined in the codex of Roman law, *q.o.t.* is the most fundamental constitutional convention.” (SM, 122)

<sup>47</sup> SM, 84.

<sup>48</sup> SM, 60.

agreed by all – and its corollary right to cultural continuity, to all constituent groups that make such claims? There is certainly a good amount of historical and contemporary evidence to back Tully’s observation that modern states, including the most democratic ones, are guilty of assimilation and other offences against minority groups – often committed in the name of democracy and progress. In the previous two chapters we saw that democratic norms require laws to express equal concern for all citizens as well as to deem peoples’ coercion into lives that they do not want to live as unacceptable totalizing acts. Although what NMD suggests and what the self government challenge claims bear resemblance and may lead to an even more important degree of convergence in practice – something that we will more extensively discuss in part three of the thesis – the multiculturalist challenge, similar to the one we examined in the previous section, operates with important presuppositions that are either undemocratic or unsupported by democratic principles. This challenge, similar to the recognition challenge, is too quick in drawing connections between certain ideals and democratic norms. To see this, we only need to take a closer look at the notions of self-government, consent, and culture that bear much of the normative weight of this challenge.

The overarching point to note is that most of the dissimilarities between NMD and the self-rule challenge have to do with the collectivist undertones of the latter. The multiculturalists that we have considered so far and some that we will go on to study in sections and chapters to come are reluctant to espouse this contrast. Tully, for instance, thinks that the distinction between individualist and collectivist theories is not useful when trying to classify his own theory.<sup>49</sup> Taylor, in a similarly vague way, holds that

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<sup>49</sup> Tully writes that "these further descriptions in the abstract language of modern constitutionalism [i.e., the talk of individual and collective rights] occlude the ways of reasoning that actually bring peace to the conflict. Projecting such a general scheme over particular cases is analogous to, Wittgenstein suggests, a

individualism at the level of advocacy can be separated from that at the level of ontology.<sup>50</sup> However, one's reluctance to accept the collectivism that lurks in this particular multiculturalist challenge does not change the fact that it not only exists but also alters the role concepts such as self rule, consent, and culture play in our understandings of democracy.

We can see how the notion of consent and self-government perform a different role in this multiculturalist challenge than they normally do in democratic theory by considering how Tully conceives of freedom in political society. On Tully's account, freedom in political society consists of two intertwined aspects; free people and free citizenship. A *people* is considered free if it can impose on itself the two coequal values of the rule of law and self-government. A *citizen*, on the other hand, is considered free if he/she can participate in the governance of society and make his/her views count.<sup>51</sup> It is obvious that this twofold conception of political freedom contains various democratic elements. However, the presence of these elements should not conceal the collective ethos lurking in this twofold notion.

To be sure, Tully thinks both of these aspects are essential for the complete experience of freedom. Hence, a multiculturalist could raise the objection that there is little reason to be concerned that the notion of free peoplehood will result in the suppression of the individual. That is, to the extent that the individualist aspect of freedom is cast as a coequal component of the concept of freedom, the more collectivist element of freedom, the abstract idea of a *free people*, should appear harmless from the perspective of democracy. In other words, to the multiculturalist, this combination could

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pupil in geography bringing a mass of falsely simplified ideas about the course and connections of the routes of rivers and mountain chains." (*SM*, 173)

<sup>50</sup> See Taylor, "Cross Purposes," in *Philosophical Arguments*.

<sup>51</sup> Tully, *Public Philosophy in a New Key: Democracy and Civic Freedom*, vol. 1, 161.

appear to strike the ideal balance between the important values of individual and community. It is only when we juxtapose the ideal of free peoplehood with concrete situations that it is expected to mediate, and also consider it in conjunction with Tully's cultural continuity thesis, that we develop a better sense of its ambiguities. Particularly, open to an array of collectivist interpretations is the second of the two coequal values whose realization renders *a people* free – the notion of self-rule. My main concern is that the notion of self-rule, when it is applied in the context of already “constituted” peoples, performs a role different from the one it would play if it were to apply in a democratic society implied by Tully's second sense of being free. Namely, a people that comes to constitutional negotiations itself pre-constituted by its own culture and forms of governance, all of which cannot be discontinued without the “consent” of those whom such discontinuation touches poses a paradox that Tully's theory is unable to resolve.

The paradox is that the principles of consent and continuity seem to bring multiplicity to an abrupt stop at a ‘strange’ place. Tully emphasizes multiplicity of ways of life and conceptions of the good in open societies such as Canada. But giving the metaphorical wolf and bear a place around the table is an indicator of homogeneity, as well as it is a sign of diversity. To reject this, Tully claims that his conception of culture is different from the paradigmatic “billiard ball” notions, and hence it bypasses the problems of essentialism.<sup>52</sup> But the substance of his theory, insofar as its collectivist undertones are concerned, tells otherwise. After all, those in the black canoe represent the dominant majorities of their own groups. Majorities can use the principles of continuity and consent (mainly the withholding of it) to negotiate with other groups, in terms that are in their interest, and to the detriment of their internal dissenting

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<sup>52</sup> *SM*, 10-11.



minorities. The fact that identities being debated in the black canoe are *aspectival* rather than self-contained or essentialist, to be sure, is an improvement, but in the absence of effective guarantees against the internal minorities being silenced or treated as less than equal, it may offer little consolation to the dispersed dissenters.

Tully himself is aware of this difficulty but chooses to gloss over it by emphasizing the graveness of the problem that he is trying to solve – the problem of colonialism and neo-colonialism. It is important to point out, as Tully does, the normative weight of the concept of self-government in addressing the multicultural questions. However, it is also important to differentiate between democratic and non-democratic meanings of the concept of self-government, and then to explain if the present use falls under the democratic or non-democratic category. For instance, it is one thing to criticize the inflexibility of existing modes of constitutionalism with regard to non-western types of rule, as Tully does, but quite another to explain whether these non-western types and their justification in terms of self-rule reveal a democratic character. Doing the former, and even showing a good deal of bias on the part of modern constitutionalism, does not tell us much about the democratic merits of non-western types of rule. This is clear from the response that Tully offers to the objection that weakening modern constitutionalism can strengthen local despots. He recognizes that this logic of sovereignty can place so much power in the hands of local elites that members of such communities “may not be able to control them.”<sup>53</sup> But the answer Tully has to offer simply restates the position that gave rise to this objection in the first place. Even his passing suggestion that the three norms of democratic constitutionalism have to apply across the board is overshadowed by the forcefulness of the following disclaimer: “The presumption that non-Aboriginal people may sit in judgement, from

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<sup>53</sup> *SM*, 191-193.

the unquestioned superiority of their constitutions and traditions of interpretation, and guard the transition of the Aboriginal peoples from colonialism to self government smacks of the imperial attitude that contemporary constitutionalism aims to dislodge.”<sup>54</sup>

The argument developed in *Strange Multiplicity* cannot offer a solution to this problem insofar as the author is unwilling to qualify the collectivist ontology on which it rests. Critical voices from within and outside may have to yield to existing customs, traditions, and ways of life because groups come to constitutional negotiations already constituted by these practices. On this view, cultures matter independently of their benefits to individuals and cultural belonging is considered an intrinsic good.<sup>55</sup> Of course, given the history of abuse that Aboriginal peoples of North America, Tully’s primary case study, have lived through, the case he makes for self-rule is forceful. But this does not obviate the task of elucidating complex normative considerations surrounding democratic exercise of self-rule. In other words, the democratic credentials of Tully’s argument hinge on this latter question that Tully almost completely ignores more than it does on the former question about the history of an abusive imperial relationship. In order to reconceptualise the constitution in a way that engenders a *democratic multilogue* in which different groups making up diverse societies such as Canada can cooperate freely in a post-imperial and democratic way, Tully will have to qualify the collectivist notion of consent that seems to be doing lots of work in his argument and accept some minimal universalizing norms of democracy, particularly its individualistic core, as legitimate.

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<sup>54</sup> *SM*, 191.

<sup>55</sup> In contrasting the viewpoint defended in *Strange Multiplicity* to liberalism, Tully writes: “Consequently, although liberals place no value on cultures in their own right, they are now classified as a primary good of a liberal society because they provide the support for liberal values.” (189)

To be sure, the acceptance of such universalizing claims of democracy – notwithstanding the fact that they represent a minimalist conception – would constrain the ‘fluidity’ of the multilogue and the shape that intergroup relations can take. The changes could result in terms that may not please one or the other party at any given time, but this seems to be the most straightforward way Tully’s theory can lay a claim to democraticness in the modern sense of the term, where the focus is more on individual-centred considerations such as rights and welfare than collectivist goals such as communal greatness or pride.<sup>56</sup> The upshot is that Tully’s *black canoe* could symbolize peaceful coexistence, but to represent a democratic coexistence the author will have to clarify and espouse the universalizing core of democratic norms. This will probably require accepting that it is democratic for groups to have varying levels of influence depending on their electoral strength. Otherwise, one would be overlooking the competitive nature of modern democracy, which accounts for a great part of its normative appeal and its stability.

There is still an important caveat to be made. The self-government challenge does identify an important problem. It is easy for individualist political theories to fail to recognise the collective dimension of democracy. For example, when we say that persons have the individual freedom to cast a ballot, there are implications of this at the collective level (e.g., drawing electoral boundaries, etc.) that have to be clarified and espoused, which can easily slip out of sight in the case of individualist theories of liberalism and democracy. This is an important reminder, but recognising the normatively important collective aspect of democracy does not require a commitment to collectivism.

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<sup>56</sup> Alternative conceptions that depart too much from this mode of conceptualizing democracy result in revisionist theories that have little basis in the common understandings of democratic norms or little relation to existing democratic institutions.

#### 4. The Inclusion Challenge

Another important theme from the political theory of multiculturalism is concerned with the terms in which multicultural societies should include their minorities. Most theorists favourable to multiculturalism at some point draw on the notion of inclusion. The commonly voiced concern is that the liberal democracies of our time show exclusionary tendencies with respect to their cultural minorities. This often manifests itself in underrepresentation of minorities in formal socio-political structures and/or their lack of influence over key policy areas (e.g., cultural and other socioeconomic rights) even when they approach numerical representation. Inclusion is an important concept and any principled stance on multiculturalism that does not discuss it remains incomplete for the following reason. It is not sufficient to recognize cultural difference or cultural minorities' entitlement to various degrees of self-rule. Although the preceding two themes of self-government and recognition tell us more about the positioning of cultural minorities in a multicultural society, the theme of inclusion is more directly concerned with the relational aspects of such positioning. Hence, in exploring inclusion we gain more insight into power relations between minorities on the one hand and majorities and the democratic system on the other. To be sure, the terms of inclusion, to a great extent, are determined by the kind of recognition that multicultural groups obtain and the kind of self-rule that they demand. But to stop here is to miss the point that multiculturalism is also concerned with the adjustments that the rest of the society has to make and also the features of the multicultural polity that emerges as a result of such changes. In other words, talking exclusively about what minorities should have in terms of rights and privileges ignores the bigger picture of what the *body politic* should look like.

Below, I examine a particular formulation of this challenge by Iris Young, who was among the first proponents of multiculturalism and developed ideas that have had a

lasting impact on the literature. Young's formulation of the inclusion challenge makes the unqualified claim that the politics of difference not only is compatible with democracy, but it is also an outright requirement of democracy. The necessary connection Young draws between the two ideas rests on a familiar conception of democracy, which, however, is rendered peculiar by its attachment to certain ontological and epistemological claims about how persons relate to each other.

Democracy, for Young, despite its intrinsic merits is primarily valuable for an instrumental reason; that is, for its capacity to produce just results.<sup>57</sup> Just decisions materialize when democracy “*includes* all equally in the process that leads to decisions [for] all those who will be affected by them.”<sup>58</sup> For Young, “what counts as a just result is what participants would arrive at under ideal conditions”.<sup>59</sup> However, the obvious logical circularity of this view of democratic justice – justice is what ideal democratic procedures produce, and ideal democratic procedures are the ones that produce just results – in Young's view, necessitates fixing some of the ideals of justice. Because the primary forms of injustice that characterize modern democracies are oppression and domination, and the two corresponding ideals of self-determination and self-development are in Young's view quite uncontroversial principles, she chooses these as her starting point.<sup>60</sup> Then, for Young, democratic justice will be about minimizing oppression and domination, and hence, advancing self-determination and self-development. This, among other things, “involves a reconception of the meaning of equality.”<sup>61</sup> In the inclusive democracy, equality is no longer limited to the procedural sense of the term that requires mechanisms of collective decision-making to stand in

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<sup>57</sup>Young, *Inclusion and Democracy*, 17-18; (Hereafter, *ID*).

<sup>58</sup> *ID*, 11. Emphasis added.

<sup>59</sup> *ID*, 32.

<sup>60</sup> *ID*, 32-34.

<sup>61</sup>Young, *Justice and the Politics of Difference*, 157-58; (Hereafter, *JPD*).

equal distance to all citizen interests, but is cast as a substantive principle that will ensure “full participation and inclusion of everyone in a society’s major institutions”, which in turn requires providing everyone with conditions “to develop and exercise their capacities and realize their choices.”<sup>62</sup>

At first, Young’s move to make inclusion the guiding principle of her redefined conception of democracy may not look like she is advocating a radical break from contemporary democratic theory, because the ideal of inclusion has featured prominently in the writings of many twentieth century democratic theorists.<sup>63</sup> The same could be claimed about her calls for deeper democracy and redefinition of equality, which have been recurrent themes in the normative theory of democracy.<sup>64</sup> This impression of familiarity, however, does not survive a close scrutiny of Young’s conception of democracy and its central notion of inclusion.

Young’s redefinition of equality requires divorcing the latter from its modern dimensions of neutrality and impartiality. Because current terms of inclusion are dictated by an exclusionary moral language, an inclusionary democracy has to find itself new guiding principles. The Enlightenment language of impartiality, which according to Young remains as the foremost legitimizing idea in political theory, stands as a huge obstacle to this reformulation.<sup>65</sup> It is an undemocratic force that allows the portrayal of upper-class bourgeois biases as the general interest.<sup>66</sup> As I mentioned in the introduction to the section, a complex epistemological and ontological argument underlies this formulation of the inclusion challenge. Let us take a look at the complicated picture before elaborating on its claims to being democratic.

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<sup>62</sup> *JPD*, 173.

<sup>63</sup> Robert Dahl probably deserves most credit for making the term popular in political science.

<sup>64</sup> Benjamin Barber and Jane Mansbridge are just two examples.

<sup>65</sup> *JPD*, 112; “The idea of the impartial decisionmaker functions in our society to legitimate an undemocratic, authoritarian structure of decisionmaking.”

<sup>66</sup> *JPD*, 110-11.

First, on the ontological argument. Young rejects what she calls atomism of the distributive paradigm in favour of the view of social groups that underlines relations between individuals as matters of social justice.<sup>67</sup> Most political theories, according to Young, often disregard these relations and do not have conceptual resources to account for them because they operate with an individualist methodology. The most common understandings of groups – the *aggregate model* and the *association model* fail to capture the social, cultural, and political significance of groups for persons' identities. Social groups are important because they partly constitute our identities: "A person's particular sense of history, affinity, and separateness, even the person's mode of reasoning, evaluating, and expressing feeling are constituted partly by her or his group affinities."<sup>68</sup> Given this, Young thinks it is wrong to subscribe to an ontology that views individuals as prior to groups. Individuals despite not being prior to groups, remain as agents capable of choosing from the available sets of options.<sup>69</sup> Thus, Young views her conception of social groups as an anti-essentialist one. Namely, what justifies grouping people together under some banner is not a set of common attributes that can be found among all members of that group, but the social relationships in which group members stand to one another.<sup>70</sup>

Despite, its avowed anti-essentialism, Young's challenge does not shy away from placing culture at the normative core of inclusion.<sup>71</sup> In Young's definition, culture encompasses "all aspects of social life from the point of view of their linguistic,

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<sup>67</sup> *JPD*, 18.

<sup>68</sup> *JPD*, 45.

<sup>69</sup> *JPD*, chapter 2.

<sup>70</sup> *Ibid.*

<sup>71</sup> However, in a later paper Young writes that "[c]onsidering how debates about the politics of difference played out, if I were to rewrite my version of the structural inequality approach, I would not give the term culture so prominent a place as it has in that book, and would substitute several more specific terms, such as normalization, habit, and practice. I nevertheless stand by the intent of the definition as identifying an aspect of processes that produce and reproduce structural inequality." (Young, "Structural Injustice and the Politics of Difference," 374)

symbolic, affective, and embodied norms and practices.”<sup>72</sup> Because these unreflective meanings that people attach to one another’s persons, actions, and their values and norms comprise “the background and medium of action,” they “often significantly affect the social standing of persons and their opportunities.”<sup>73</sup> Given this fact about human interaction, Young holds that, bringing about equality of persons and their opportunities requires “politicizing culture”.<sup>74</sup> Moreover, this has the urgency of being a matter of social justice because in modern democratic societies oppression often takes place through, and disguises itself behind, cultural forms. Oppression takes different shapes from open violence towards certain cultural forms to visibly less hostile but still unjust forms such as marginalization and assignment of inferior meanings to other groups’ norms and practices by the dominant groups that “have exclusive or primary access to what Nancy Fraser calls the means of interpretation and communication in a society.”<sup>75</sup> In this latter shape, discussed by Young under the title of “cultural imperialism”, dominant groups not only inflict direct harm on those they dub anomalous and inferior in various ways, but also cause the oppressed groups to internalize these negative images, resulting in the development of “double consciousness”.<sup>76</sup> “Double consciousness” or the more visible kinds of disadvantage associated with cultural imperialism are not always results of exercising cultural hegemony through derogatory and openly hostile language and gestures, but can emerge from norms and practices that are widely presumed to be egalitarian. The norm of impartiality, being the cornerstone of liberal-egalitarian justice theories, is one such norm that, Young thinks, contributes to cultural imperialism by denying that subjects occupy different social positions and hence experience social life differently. In reducing such diversity into unity,

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<sup>72</sup> *JPD*, 86.

<sup>73</sup> *JPD*, 86, 23.

<sup>74</sup> *JPD*, 86-87.

<sup>75</sup> *JPD*, 59.

<sup>76</sup> *JPD*, 60.



impartiality often unreflectively registers the dominant group's particularity as the universal.<sup>77</sup>

The contours of Young's argument against impartiality are by now becoming clear. Impartiality justifies the idea of a homogenous public, which in turn sweeps most instances of domination and oppression under the carpet for being private differences unworthy of public attention. The inclusive democracy has to decouple itself from these deceptive elements that create the false impression of equality and embrace a conception of communicative politics that allows persons to participate in a truly equal way characteristic of the ideal of inclusive equality.<sup>78</sup>

Part of the strategy for achieving such deep equality has to do with changing the terms of participation for everyone by recognizing forms of political communication that are not restricted to the dominant forms of argumentation.<sup>79</sup> Although the rationale behind this move, to eradicate the disadvantage of groups currently struggling from structural inequality, is targeted at specific groups, this expansion can still be interpreted as falling in line with the universal core of normative democracy. The other part of the response to structural inequality, however, seems to depart radically from the ideal of equality that we saw in the previous chapter. In Young's own words, "equality as the participation and inclusion of all groups sometimes requires different treatment for oppressed or disadvantaged groups. To promote social justice, I argue, social policy should sometimes accord special treatment to groups."<sup>80</sup> Before we discuss the democratic credentials of this claim of special treatment, we have to briefly consider the

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<sup>77</sup> *JPD*, 102-03.

<sup>78</sup> *ID*, Chapter 2.

<sup>79</sup> *Ibid.*

<sup>80</sup> *JPD*, 157-58.

related epistemological argument that underlies Young's particular conception of democracy.

The ontological argument about groups and structural inequality operates in conjunction with an epistemological argument. The epistemological claim is that the "heterogeneous public, in which persons stand forth with their differences acknowledged and respected"<sup>81</sup> is better qualified to make just decisions because it boasts a better pool of social knowledge.<sup>82</sup> Knowledge at issue in this argument is not just the subjective understanding of other people's disadvantage, but an "an objective understanding of the society, a comprehensive account of its relations and structured processes".<sup>83</sup> Social difference in this model becomes a resource rather than an impediment to justice because it provides an access to this objective knowledge. In addition to assuming that affirming other people's differences produces a better knowledge pool, the argument, of course, operates with the assumption that the availability of such knowledge will dispose "participants in political debate to transform their claims from mere expression of self-regarding interest to appeals to justice".<sup>84</sup> The shame of appearing unjust will motivate the advantaged participants to become more cooperative.

Of the three challenges that I have considered so far, the inclusion challenge may appear the most unproblematically democratic since it seems to avoid some intractable difficulties that we see in the multiculturalist claims for recognition and self-rule. Unlike Tully's anti-colonialism, Young's difference-friendly pluralism does not rest on the cultural continuity thesis whose democratic credentials are highly

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<sup>81</sup> *JPD*, 119.

<sup>82</sup> *ID*, chapter 3.

<sup>83</sup> *ID*, 118.

<sup>84</sup> *ID*, 116.

controversial. Unlike Taylor, Young is more hesitant about conceptualizing deep disagreement as a consequence of multicultural plurality and differences in basic world-views. She thinks many of these disagreements represent structural inequalities rather than more intractable cultural disagreements. More specifically, most relevant social differences, on Young's account, emerge from variances in people's social perspectives. Also, Young notes that she disagrees with Taylor and others who claim "that misrecognition is usually a political problem independent of other forms of inequality and oppression."<sup>85</sup>

Furthermore, many other elements of the inclusion challenge are supported by principles underlying NMD. At the most general level, Young's claim that inclusion is a core democratic value is something that normatively sound minimalist democracy has to accept. For as we saw in chapter three, inclusion is an idea that follows directly from NMD's egalitarian core. Also, Young's specific goal of making political exchange more receptive towards needs of minority groups, and what she says about the social reality of groups, are commitments that NMD has to take seriously for reasons that chapters six and seven will discuss in detail. I want to leave these similarities aside for now, and focus on important differences between NMD and the inclusion challenge.

Young's account rests on important misinterpretations and overstatements of what democracy can, and ought to, do with respect to pluralism and difference. Not surprisingly, it is when considering the inclusion challenge that we can more clearly see the dangers associated with over-ambitious, transformative projects advocated in the name of democracy, and how these carry the risk of undermining even minimal, core democratic principles.

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<sup>85</sup> *ID*, 106.

The ideal of deep democracy at work in the inclusion challenge operates with a distorted picture of the normative standing of the individual. NMD agrees with Young's suggestion that a fuller account of democracy has to take relations between individuals into account. However, it disagrees with Young's claim that inclusion of relationality has to come at the expense of democratic theory's commitment to individualism. In *JPD*, Young writes that her theory "promotes a notion of group solidarity against the individualism of liberal humanism."<sup>86</sup> To be sure, Young does not uphold the ideal of community in quite the same way that Tully and Taylor do. Despite being inspired by Sandel's critique of Rawls, particularly the former's views on the embeddedness of persons and criticisms of the view from nowhere<sup>87</sup>, Young criticizes the standard communitarian account for remaining a homogenizing ideal – one that continues to "exhibit the logic of identity."<sup>88</sup> Therefore, she advocates a different kind of community – one that shares many characteristics with the communal life of a city– that is not subject to similar homogenizing impulses. In the city, culture, solidarity, and other communal attachments can survive without being subject to the totalizing, and assimilating, urge of achieving familiarity or clarity through identifying all as symmetrical parts of the whole that Young attributes to communitarians like Sandel.<sup>89</sup>

One could grant that the above are factors that mitigate Young's critique of individualism. Nonetheless, this does not change the fact that in Young's theory there remain important elements that elevate community and depreciate the individual. The first thing to note is that many cities still comprise a community. There are some notable exceptions to this claim; some cities are conglomerations of historically and culturally independent communities that have been brought together in recent decades

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<sup>86</sup> *JPD*, 166.

<sup>87</sup> See Young, "Reply to Tebble."

<sup>88</sup> Young, "The Ideal of Community and the Politics of Difference," 3-5.

<sup>89</sup> *Ibid*, 7.

for reasons such as bureaucratic efficiency. But in those cases, the city is literally made of several sizeable cities, which in their own right comprise more or less homogenizing communities.<sup>90</sup> Indeed, the reason why Young chooses the city as her desirable model of politics is that it allows more local solidarities to flourish. In Young's own words, the city "bring[s] differently identified groups together without suppressing or subsuming the differences."<sup>91</sup> Young may ultimately wish to eliminate the juxtaposition of individual and community in a dialectic symbiosis that recognizes the connectedness of the two, but in this alternative (Young calls it a "third way"), important elements of individualism – e.g., assertion of rights, the desire to press one's own interests – still remain reprehensible. We can recall from the previous two chapters, how democratic theory would be rendered less coherent when collective entities are bestowed with characteristics that are more properly attributed to individuals such as will and rights or when individualist characteristics of democracy such as its competitive dimension or equality of status are undermined.

Young is not completely unaware of the risks associated with the normative devaluation of individual. There are sporadic comments scattered through her writings affirming a belief, albeit reluctantly, in the importance of the individual. My point here is not to cast these comments as attempts by a critic of liberal democracy to mitigate the harshness of her critique in order for her theory to appear more palatable. After all, the aim in Young's case is to eradicate oppression and domination which is ultimately suffered by individuals.<sup>92</sup> Her theory has emancipatory objectives; and given her claim

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<sup>90</sup> The point here is not to deny Young's claim that cities leave more room for cultural differences, but to draw attention to how they still contain subunits that carry many of the homogenising tendencies of other communities.

<sup>91</sup> Ibid, 23

<sup>92</sup> Several commentators have noted that Young does not reject "constitutional or ethical individualism" but rejects the notions of assimilation and the private as opposed to the public sphere as the proper place for social differences to flourish. This does cause some significant divergence between liberalism and Young's position, but not as much as many critics claim. (See Fullinwider, "Citizenship, Individualism,

that groups are not ontologically real, the objects of emancipation are ultimately individual members of groups. Perhaps the spirit behind her radical argument is given the best articulation in the following passage from another distinguished voice in the debate on the politics of difference. “Caution is of course the watchword of the moment, and the more likely danger for the immediate future lies less in the risk of non-democratic alternatives to liberal democracy than in the complacency of those who feel they have reclaimed the political agenda.”<sup>93</sup> Young, like many other voices in the debate who side with differentiated citizenship, is not scared of social experimentation. She seems to think that the repulsiveness of injustice in modern liberal democratic societies outpaces the risks of a carefully designed social experimentation going wrong. Given this background of injustice, to quote from Phillips again, “it would be a sorry outcome for democracy in general if the extraordinary political events of the 1980s and 1990s ushered in a period of unquestioning celebration of the limited democracy we currently enjoy.”<sup>94</sup> The problem in all of this is that many of the solutions advocated in the name of the deeper democracy are not very democratic. The ultimate goals of Young’s project, when taken in their abstract form, may prove compatible with democratic goals outlined in the previous two chapters. But for us to find consolation in this fact, we would have to overlook the spatiality and temporality of actual politics – something that Young wants political theory to take very seriously, and criticises liberalism and communitarianism for failing to do so.<sup>95</sup>

The inclusion challenge also helps us cash out the consensualist and transformative utopia. (Let us recall that I defined normatively sound minimalist

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and Politics,” 500-502) Adam Tebble makes similar points about Young’s theory. See Tebble, “What Is the Politics of Difference?”; Tebble, “Does Inclusion Require Democracy?”.

<sup>93</sup> Phillips, “Must Feminists Give up on Liberal Democracy?”, 81

<sup>94</sup> Ibid.

<sup>95</sup> Young, “The Ideal of Community and the Politics of Difference,” 5.

democracy partly in its opposition to the two.) In this case, the consensualist utopia takes a rather strange form. The inclusion model accepts all the diversity and pluralism (something NMD upholds) that other consensualist theories disregard and abstract away in order to make consensus more attainable, but goes on to assume an even stronger, more comprehensive consensus. Young's consensualism manifests itself in her principled opposition to majoritarianism and other competitive elements of democracy.<sup>96</sup> The consensus to which the inclusion challenge aspires is more comprehensive in the sense that no stone that is related to oppression and domination is left unturned.<sup>97</sup> Let us rephrase the above in order to fully appreciate how perplexing it is. We are going to affirm all the differences among a large number of groups, and at the same time expect to end up in a politics where the common and quite substantive purpose of a justice is served. The transformative utopia helps explain this rather optimistic view. Young thinks a social revolution, taking place mainly at the level of civil society, will transform citizens into deliberative individuals who will have a motivation to do justice to their fellows. I do not want to question the practicality of this motivation – people need to have to have a sense of justice, and probably a motivation to help publicly achieve what they perceive as just. I also think what the inclusion challenge says about the need to affirm particular experiences is not as problematic as many liberals would regard. This may indeed be the right way of achieving justice in a society where deep structural differences render the universalist moral language not nuanced enough, and less useful by itself. My main problem is with Young's optimism that such pooling of particular knowledge will somehow result in deliberative outcomes that satisfy all different points of view. There seem to be no good reasons to presuppose that asserting the parochial knowledge will result in a more enlightened commitment to

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<sup>96</sup> See *JPD*, 72-74.

<sup>97</sup> *JPD*, Chapter 3.

some kind of, albeit heterogeneous, universal truth. This looks very similar to the consensualist presuppositions of liberal social contract theory.

The above scenario points not just in an unlikely, utopian direction, but takes its toll on democracy. There is the very real risk that the transformative project will run amok, not only deploying undemocratic means, but also undermining the real gains made by the expansion of liberal democracy. For what is supposed to keep such grand scale transformation in check – constraints like individual rights and competition between partially self-interested factions – have already been devalued by the inclusion challenge. As we will see in the next two chapters, the worry of the transformative picture is not just an instance of reactionary conservatism, or put mildly, a wariness of social change. There are normative reasons built into the idea of a sustainable democracy that militate against large-scale blueprints of the kind espoused by the inclusion challenge.

On the culture side of the equation, NMD shows signs of agreement with Young on her point that politicizing cultures may not, after all, be as dreadful a possibility as critics of multiculturalism suggest. However, as we will see in the following chapters, particularly when discussing the unacceptability of politicizing motives, NMD operates with a definition of culture quite different from Young's. Finally, Young's critique of difference-blind impartiality is convincing when she deploys it against liberal egalitarianism's propensity to take individuals' different social positions as fixed rather than relational. However, her culturalism, by presupposing fixed and unchanging value of culture and group affinity for personal identity, seems to do precisely what her logic of relational justice argues against.



As far as Young's ontological argument is concerned, NMD denies that individualism commits democratic theory to atomism or impoverishes its capacity to explain social reality. Many liberals have long articulated coherent criticisms of the psychological atomism of Mill or similar claims in Hobbes without having to affirm any positive value for groups.<sup>98</sup> The individualism that underlies various theories of liberalism and democracy has no difficulty in accounting for complex social relations. Even the most individualist thinkers of the twentieth century were critical of atomism and had no problems accepting the claim that "the whole is more than the mere *sum* of its parts".<sup>99</sup> For instance, Hayek holds that "The overall order of actions in a group is [...] more than the totality of regularities observable in the actions of the individuals and cannot be wholly reduced to them" because "these elements are related to each other in a particular manner."<sup>100</sup> Hayek goes on to add that "the existence of those relations which are essential for the existence of the whole cannot be accounted for wholly by the interaction of the parts but only by their interaction with an outside world both of the individual parts and the whole."<sup>101</sup> Similarly, Popper's rejection of atomism can be summed up in the following statement: "That it is unwarranted is shown by the need for a theory of the unintended social repercussions of our actions, and by the need for what I have described as a logic of social situations."<sup>102</sup> What Popper means by this, among other things, is that an explanation of individual human action, let alone more complex actions involving a far greater number of individuals, cannot be reduced to the

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<sup>98</sup> See Popper, *The Open Society and Its Enemies*, Vol. 2, 87-92.

<sup>99</sup> Hayek, *Studies in Philosophy, Politics, and Economics*, 70-1.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*

<sup>102</sup> Popper, 92.

explanation of psychological or behaviourist terms, for individuals act in an “environment [that] is very largely of a social nature”.<sup>103</sup>

## **5. Conclusion: Multiculturalist Pretensions and the Way Forward**

Some clear conclusions emerge from the above analysis of the three multiculturalist claims made in the name of democracy. Each challenge identifies important issues with the ways in which modern democratic societies respond to questions of diversity. Examination of these challenges, in turn, reveals certain misconceptions that affect the multiculturalists' judgment – which often lead to exaggerated diagnoses concerning the gap between existing and genuinely multicultural conditions. Had their diagnoses been accurate, NMD could be more sympathetic to what these authors claim about the relation of democracy and multiculturalism. But the diagnoses these authors put forward are often far-fetched as they draw on some conceptions of democracy that have little foothold in contemporary political conditions or conceptions that are normatively unattractive insofar as they recklessly run the risk of undermining what makes democracy a coherent system of government. And unsurprisingly when diagnoses are off the mark, the chances of arriving at satisfactory solutions are also slim. However, this should not be a reason to overlook important problems that multiculturalists identify for democratic theory. And the full force of what is genuinely democratic in these challenges, can only be appreciated after the respective anti-multiculturalist responses are evaluated in the next chapter.

For now, we can safely sum up that the three core concepts multiculturalists are operating with are not completely foreign to the type of democratic theory proposed in this work. In all three cases, especially if we are to think of the three challenges together

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<sup>103</sup> *Ibid.*, 86.

rather than in isolation, what sets NMD and multiculturalism apart has to do more with nuanced interpretation of the three concepts than an outright incompatibility between them and the core democratic principles. For example, as we saw in section 2, recognition *per se* does not place multiculturalism in conflict with NMD; it is certain features of the concept as developed by Taylor that causes tensions. The same applies to the other two challenges as well.

There are some singular threads that run through all three charges, and form the fault lines between multiculturalists and their critics that we began to see in this chapter. One has to do with the place of individualism in democratic theory and whether it shuts out groups from claiming any normative significance or not. Another related thread has to do with the place of culture in politics. The work done in this chapter gives us a good idea of where NMD stands on these contentious issues, but a more accurate and complete picture will emerge only after we have examined the mistakes of anti-multiculturalists. For if rejection of multiculturalism produces equally bad or even worse outcomes for democracy, our conclusions concerning the degree to which the two are compatible will have to reflect this fact.

A crucial point to keep in mind when moving forward is that these are not mutually-exclusive or self-standing normative ideals, but always remain related to each other in a myriad of ways. Moreover, their interrelations are also normatively significant in addition to being important for reasons of conceptual clarity. At critical junctions where normative theory is being tested with hard cases that involve the violation of certain democratic commitments, and when answers offered by anti-multiculturalists are not satisfactory either, examining internal tensions within multiculturalism will provide us with a better understanding of what democratically acceptable resolutions have to look like.

## **Chapter 5: Democratic Aspirations of Anti-Multiculturalists –**

### **Is Multiculturalism Bad for Democracy?**

The last chapter tried to elucidate the democratic pretensions of multiculturalists – the way supporters of multiculturalism draw on democratic ideals, often unsuccessfully, in order to make their theories more normatively appealing. The singular thread that ran through all arguments examined in the previous chapter was that not only is multiculturalism good for democracy, it directly follows from some very important democratic principles. There, I identified several flaws in the multiculturalists' attempts at explaining democracy and multiculturalism as necessarily connected. In this chapter, I turn to examine the opposing view that multiculturalism is bad for democracy or that it is ruled out by several core democratic principles. Theorists who fall into this camp usually claim that multiculturalism and democracy are two incompatible and contradictory projects. For instance, a democrat's commitment to the defining elements of democratic theory such as individualism and egalitarianism contradict the collectivist spirit of multiculturalism. Although from the last chapter we know that the link between multiculturalism and democracy is not as strong as multiculturalists argue, largely for reasons that we will see anti-multiculturalists invoke in this chapter, we should not rush to embrace the anti-multiculturalists' side of the story either. Subjecting the latter's arguments to a similar scrutiny reveals how these theorists deploy democratic principles in support of their case in a similarly erroneous way, and thus also have democratic pretensions.

#### **1. Anti-Multiculturalist Arguments**

In chapter four, we saw the role the triad of recognition, inclusion, and self-rule plays in the multiculturalists' answers to the guiding question of the dissertation.

Coincidentally, another – this time, a much more familiar – trichotomy bears the normative weight of the anti-multiculturalist arguments. *Freedom, equality, and solidarity* are the three main concepts in the arsenal of anti-multiculturalists. Together, the three ideas encapsulate the philosophical opposition to multiculturalism that we see among writers who consider themselves liberal egalitarians. At the nexus of this new triad, we can identify three distinct clusters of arguments that animate the political thought of multiculturalism’s critics. These are (a) the more familiar liberal egalitarian *equal rights argument*, (b) the solidarity argument, and (c) the arguments that combine a more historical and holistic perspective about the shape of liberal democracy with some normative elements of (a) and (b). Here I will mainly focus on (a) and (b), but will include a brief discussion of (c) to ensure that I am not leaving out something conceptually relevant. Unlike in the last chapter where the three themes – despite being interrelated – were easily distinguishable, and keeping them conceptually distinct could have some normative significance, specifically for allowing one to adjudicate a multicultural concern, in this chapter keeping the three anti-multiculturalist arguments separate does not serve the same kind of clear-cut purpose. Therefore, I will present these three challenges in the first part and evaluate them together in the second part of the chapter.

### **A. The Equal Rights Argument**

In several articles published in the late 1990s, Will Kymlicka assesses the trajectory of “the multiculturalism wars”<sup>1</sup> and notes that “the multiculturalists have won the day” because “few thoughtful people continue to think that justice can simply be *defined* in

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<sup>1</sup> See Kymlicka, “Comments on Shachar and Spinner-Halev: An Update from the Multiculturalism Wars” in *Multicultural Questions*; Kymlicka, “Introduction: An Emerging Consensus?”. Things look slightly different in the aftermath of 9/11. Even supporters of multiculturalism such as Kymlicka recognize that there has been “a retreat from some multiculturalism policies for some types of ethnocultural groups in some countries”. (*Multiculturalism and the Welfare State*, p. 7)

terms of difference-blind rules or institutions.”<sup>2</sup> While in the late 90s many including Kymlicka began to celebrate the success multiculturalists have had in “punctur[ing] the complacency with which liberals used to dismiss claims for minority rights”<sup>3</sup>, others continued to question the philosophical foundations of multiculturalism.<sup>4</sup> Just as the claims of equal rights and freedoms played a pivotal role in what some now regard as the premature or transient<sup>5</sup> success of the multiculturalist arguments, in critiques the claim that multiculturalism undermines equal rights is at the fore.

Brian Barry’s passionate and comprehensive anti-multiculturalist treatise *Culture and Equality* and Susan Okin’s essay “Is Multiculturalism Bad for Women?” are eminent examples of the *equal rights challenge* against multiculturalism.<sup>6</sup> Barry’s arguments are particularly relevant because he presents anti-multiculturalism as a corollary of one’s commitment to liberal democracy. Barry regards principles and concerns associated with multiculturalism as a threat to the fundamental tenets of liberal democracy and its Enlightenment foundations. Because Barry’s work has already generated some excellent reviews and responses, I want to limit my engagement with it, just as I did with other thinkers in the previous chapter, to identifying his democratic pretensions. But first let us identify what the democratic challenge is.

To Barry, principles underlying multiculturalism, and the demands that they make on society at large, undermine the egalitarian essence of liberal democracy in several important ways. One of the crucial arguments *Culture and Equality* makes against multiculturalism in order to weaken the latter’s illusive egalitarian appeal takes

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<sup>2</sup> Kymlicka, “Comments on Shachar and Spinner-Halev”, 114.

<sup>3</sup> Ibid.

<sup>4</sup> Barry, *Culture and Equality*, 6-7; (Hereafter, *CE*).

<sup>5</sup> Phillips, *Multiculturalism without Culture*.

<sup>6</sup> As one commentator has noted, *Culture and Equality* stands “as the most prominent criticism of the turn to multiculturalism in political theory and philosophy.” (Levy, “Liberal Jacobinism,” 319)

issue with the introduction of group rights. In Barry's view, claiming, as multiculturalists do, that – in addition to individual rights – there are certain rights that can be attributed to cultures, undermines liberal democracy's commitment to individual rights. Barry regards the arguments for cultural rights made by political theorists such as Kymlicka and Tully as “perversion[s] of common sense” because “[c]ultures are simply not the kind of entity to which rights can properly be ascribed.”<sup>7</sup> In Barry's words, elevating “cultural survival ... to the status of an end in itself” turns individuals into “mere cyphers, to be mobilized as instruments of a transcendent goal.”<sup>8</sup> Hence Barry dismisses Taylor's suggestion that the survival of *Quebécois* culture can provide a justification for overriding some of the non-fundamental rights of the English Canadian minority living in the province of Quebec.

Not only cultures are not the kinds of entities to which rights can be attributed, but they also cannot stand as a special source of justification for our actions.<sup>9</sup> Barry writes that “[t]he defining feature of a liberal is, I suggest, that it is someone who holds that there are certain rights against oppression, exploitation and injury to which every single human being is entitled to lay claim, and that appeals to ‘cultural diversity’ and pluralism under no circumstances trump the value of basic liberties and rights.”<sup>10</sup> Whether “assault, battery and false imprisonment” are done for cultural reasons or reasons that liberals regard as criminal or sadistic does not change the fact that these actions involve violation of basic rights whose defence, according to Barry, is the primary responsibility of liberalism.<sup>11</sup> To claim otherwise is to commit oneself to cultural relativism, which is a view that not only is incompatible with liberal democracy

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<sup>7</sup> *CE*, 67.

<sup>8</sup> *CE*, 67.

<sup>9</sup> *CE*, 253-258.

<sup>10</sup> *CE*, 113.

<sup>11</sup> *CE*, 257.

but also faulty in logic. It is incompatible with liberal democracy in the sense that the latter makes universalistic claims about the status of certain normative principles such as those concerning equal rights and liberties that the former rules out.<sup>12</sup> Value pluralism and its offshoot in the context of multiculturalism – equal recognition of cultures – are according to Barry logically incongruent in addition to being inappropriate to democracy: “The inescapable problem is that cultures have propositional content. It is an inevitable aspect of any culture that it will include ideas to the effect that some beliefs are true and some false, and that some things are right and others wrong.”<sup>13</sup> Our societies, according to Barry, are full of cultures that make mutually-exclusive claims: such as the evangelical Christians’ aversion to homosexuality and homosexuals’ affirmation of homosexuality. Barry regards it absurd to think that these can be reconciled in the form of equal mutual recognition of worth and affirmation of value demanded by theorists like Young.<sup>14</sup>

Barry goes on to point out that this objection to cultural rights does not extend to individual rights or entitlements that at any given time disproportionately benefit certain groups including some cultural ones (e.g., affirmative action). Barry holds these are not cultural rights, for they do not ascribe any rights to a "corporate entity", and they benefit individuals *qua* group members "only as the by-product of a programme that is aimed at increasing the opportunities of individuals."<sup>15</sup> To be sure, Barry shows strong scepticism towards this latter group of policies for a different reason. Namely, he thinks that the group-based system of differentiated entitlements often falls short of its liberal-egalitarian objective of removing undeserved disadvantage due to being either under-

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<sup>12</sup> CE, 265.

<sup>13</sup> CE, 270.

<sup>14</sup> CE, 271.

<sup>15</sup> As regards affirmative action Barry writes that “the gains to blacks in general accrue only as the by-product of a programme that is aimed at increasing the opportunities of individuals. There is still no corporate entity that receives special treatment, and hence still no question of 'group rights'” (CE, 113).



inclusive or over-inclusive.<sup>16</sup> He, nonetheless, allows for the possibility of group-rights of this latter type under circumstances where it is impossible to rectify the disadvantage by some other more efficient means. In Barry's words, "egalitarian liberalism does not rule out special treatment for members of certain [disadvantaged] groups".<sup>17</sup> This, however, comes with a strong proviso that multiculturalists such as Kymlicka, Taylor, Young, and Tully would reject as another evidence of "Enlightenment" liberalism's incapacity to appreciate the role of culture.<sup>18</sup> What multiculturalists regard as unacceptable assimilationism, Barry regards as "an assimilationist virtuous circle".<sup>19</sup>

In a closely related move, Barry argues against the multiculturalists' critique of impartiality and legal uniformity. The multiculturalists' reliance on such arguments is, for Barry, yet another indication of the inegalitarian nature of their project. In equating impartiality with oppression and injustice against cultural minorities, multiculturalists undermine legal equality which had been the main achievement of the Enlightenment, consequently paving the way for our return to the "Dark Age".<sup>20</sup> Here, the targets of Barry's criticism are thinkers such as Iris Young and James Tully whose theories, as we saw in the previous chapter, are critical of the assimilationist tendencies they attribute to the norms of impartiality and legal uniformity. Barry's response to these critics, and their post-structuralist forerunners, is to point out that the conceptions of impartiality and uniformity at work in multiculturalism are caricatures of liberalism and ignore the underlying value of equal concern. First, Barry thinks critics such as Young and Tully misunderstand what equal treatment entails. In Barry's view, impartial treatment and legal uniformity are compatible with a system that is sensitive to differences among

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<sup>16</sup> *CE*, 115.

<sup>17</sup> *CE*, 116-17.

<sup>18</sup> *Ibid.*

<sup>19</sup> *CE*, 116.

<sup>20</sup> *CE*, 32.

citizens and takes the appropriate measures to ensure the demands of equal concern are fulfilled in the face of these differences. In Barry's words: "The contrast is not with uniformity in the sense that everybody pays the same amount of tax but with uniformity in the sense that everybody faces the same tax system. A good deal of anti-Enlightenment rhetoric depends on systematically confusing these two senses of uniformity."<sup>21</sup> Furthermore, Barry points out, in the absence of uniformity of treatment, privileges will proliferate.<sup>22</sup>

Related to these points is a more pervasive error of judgment. Multiculturalism offends the egalitarian moral outlook by operating with a distorted image of individuals as moral agents. Barry takes issue with the multiculturalist arguments that criticise individualism and exalt the more social aspects of human interaction (e.g., the fallacies of atomism arguments that we saw in the last chapter), for such arguments end up supporting a political environment in which a person "swerves toward a belief in superiority."<sup>23</sup> On multiple occasions Barry draws parallels between principles underlying multiculturalism and those that gave rise to reactionary movements such as fascism and racism. Here, an obvious target is Taylor, whose sympathies towards the Herderian belief "that each *Volk* has a *Geist* that is uniquely suited to it", in Barry's view, gives way to a concern with cultural autonomy or purity, and self-conscious resistance to any kind of change in the cultural structures.<sup>24</sup> This Barry thinks is a particularly "fertile ground" for the growth of reactionary politics, which is anathema to the progressivism of liberal political thought. Moreover, some multiculturalists' disparagement of civil rights as "worthless in the absence of a 'cultural revolution'" weakens resistance to the anti-individualist and totalitarian effects of cultural

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<sup>21</sup> *CE*, 16

<sup>22</sup> *CE*, 10, 261

<sup>23</sup> *CE*, 261

<sup>24</sup> *CE*, 260

conservatism. By moving away from a strict commitment to individual rights towards an agenda that calls for a complete overhaul of culture, multiculturalists create a milieu in which political culture of liberalism can be more boldly attacked by reactionary conservatives of the kind that write for the *Weekly Standard*.<sup>25</sup> For radical egalitarians, this is an unfortunate by-product of their calls to politicize culture and unleash the democratic potential for transformation of social norms and meanings, which are currently kept stagnant by liberalism.

Barry's final criticism of multiculturalism is that it has made inroads through anti-democratic means and its claims are often anti-democratic in principle for being counter-majoritarian.<sup>26</sup> He writes that "It is not simply that debate on the general principles of multiculturalism is strenuously avoided [in Britain]. In addition to that, the specific fixes that constitute practical multiculturalism are negotiated behind closed doors."<sup>27</sup> On the other hand, Barry conceives multiculturalism and democracy as representing contradictory socio-political ideals: "The 'politics of difference' thus rests on a rejection of what we may call, in contrast, the politics of solidarity. ... This [democratic] way of looking at politics is altogether different from the one characteristic of multiculturalists. For them, there is 'no such things as society' – not in the sense intended by Margaret Thatcher ... but in the sense that a society is to be conceived of as a fictitious body whose real constituents are communities."<sup>28</sup>

### **B. The Solidarity Argument**

Many contemporary liberal egalitarian, communitarian, and republican theories draw on the notions of trust and solidarity, but a particularly relevant formulation – because it

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<sup>25</sup> *CE*, 276-77.

<sup>26</sup> *CE*, 299.

<sup>27</sup> *CE*, 295.

<sup>28</sup> *CE*, 300.

takes issue, heads on, with multiculturalism – can be found in David Miller’s work. The argument revolves around the claim that, in order to function well – that is, to dispense duties commonly attributed to modern liberal democratic states – a state needs more than a mere commitment to “constitutional patriotism” or other kinds of substantively empty formalism that assert the framework but say very little about how it is to be achieved.<sup>29</sup> This has to do with how “[m]uch state activity involves the furthering of goals which cannot be achieved without the voluntary co-operation of citizens.”<sup>30</sup> The success of these goals that range from supplying basic public goods such as clean air and security to deciding and running a complex system of social justice is preconditioned on citizens’ cooperating with each other and mutual awareness of such cooperative attitudes. In the absence of trust and solidarity, “each sectional group jealously guards its own interests” which makes it impossible for communities to generate democratic support for income redistribution and other policies that comprise our conceptions of welfare state. For citizens lend their support to these policies mostly thinking that others will do the same when they happen to be in need of the community’s assistance.<sup>31</sup>

Miller thinks it is “virtually self-evident” that with “large aggregates of people, only a common nationality can provide the sense of solidarity that makes this [cooperative environment] possible.”<sup>32</sup> Because there are so many distinct communities defined along so many axes of difference, in the absence of a shared identity it would not be possible for modern states to garner enough solidarity to keep the government apparatus moving. Miller presents a careful argument to obviate the charge that his

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<sup>29</sup> David Miller writes that “we have no examples of successful democracies with extensive welfare states where nothing holds the citizens together beyond their allegiance to the state itself, or what is often referred to as ‘constitutional patriotism’.” (“Immigrants, Nations, and Citizenship,” 378)

<sup>30</sup> Miller, *On Nationality*, 90-91

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*, 98

principle of nationality would result in the same kind of repressive and reactionary policies known from other examples of nationalism. Miller's story radically differs from its less liberal counterparts insofar as it rejects the centrality of ethno-racial characteristics to defining a nation. To be sure, on Miller's account, "distinct national cultures do exist". However, these common traits do not owe their existence to being displayed by all members of a particular nation in a uniform way. Instead, we have to recognise them because among groups commonly recognised as nations there is an undeniable overlap in terms of cultural traits which holds true even after one has considered all the individual and subgroup variations. In other words, it makes sense to speak of a common experience of nationality even in places with diverse ethno-racial and religious composition, with the important caveat that these groups can come together to produce a common narrative of nationality by downplaying the significance of their differences and emphasising the importance of what they share.<sup>33</sup> For instance, it is perfectly consistent with Miller's principle of nationality that a community partly defines itself in relation to its inclusiveness and pluralism: "Right-wing would-be defenders of the nation who stress the homogeneity of the British people proper (in contrast to the immigrant communities) overlook the deep-seated pluralism that has always been a characteristic of Britain as a nation."<sup>34</sup> Thus, Miller's account of nationality is multicultural to an important extent that would dishearten proponents of the more right-wing variants of nationalism.

Although this widely-known principle of nationality is radically more progressive and egalitarian than its less liberal counterparts, it continues to draw amply on the idea of cultural unity, which brings it into tension with multiculturalism. To be sure, it is not necessary for the solidarity argument to have a strict anti-multiculturalist

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<sup>33</sup> *Ibid.*, 85-86

<sup>34</sup> *Ibid.*, 174

ethos, but it is not hard to see that the argument is animated by scepticism and even wariness of cultural pluralism. Often, in the context of modern liberal democratic states, the sheer multiplicity of identities mitigates this tension, as the chances of any single identity becoming decisive on its own are significantly reduced. But the difficult issues of ethnicity and religion reveal the inherent tension between cultural pluralism and the principle of nationality.<sup>35</sup> They help explain why from even a liberal nationalist perspective, the underlying assumption that the more (particularly, cultural) unity, the better it is remains crucial. Everything else being equal, cultural homogeneity is preferable to cultural heterogeneity, because the former is going to produce more solidarity and hence carry a potential for greater social justice and democratic deliberation.<sup>36</sup>

Miller singles out what he calls ‘radical multiculturalism’ as ‘[t]he version of multiculturalism that poses the most direct challenge to the principle of nationality’.<sup>37</sup> On Miller’s account, radical multiculturalism is characterised by its commitment to public affirmation of equal worth and respect for all cultures. This, Miller finds incompatible with the principle of nationality, because it turns a blind eye to the costs of such public affirmation in terms of erosion of nationality. A nation, if it wants to remain socially just and democratic, has to find ways of transcending divisions that risk undermining solidarity and trust among constitutive groups. Miller recognises that this is never a one-way street and emphasizes the importance of integration. He favours thinking of the issue of multiculturalism more as a question of getting the balance right rather than whether multiculturalism is good or bad. Of course, one’s response to pluralism is confined by other important liberal values such as tolerance and non-

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<sup>35</sup> *Ibid.*, 122.

<sup>36</sup> *Ibid.*, 141.

<sup>37</sup> *Ibid.*, 131.

discrimination.<sup>38</sup> However, Miller thinks that this does not make it principally unjust to expect minorities to reciprocate by doing their ‘fair share’ of integrating into a national identity.<sup>39</sup>

### C. The Holist Arguments

There is another type of argument against multiculturalism that draws attention to its supposedly anti-democratic tendencies. The sense of democracy that this argument employs differs in an important way from an immediate concern with enactment of a highly unpopular decision that we see Brian Barry invoke time after time in discussing issues such as religious slaughter or other cultural exemptions or violation of individual rights. This argument is more directly concerned with the long-term outcomes engendered by day-to-day adjustments demanded in the name of multiculturalism. At its heart lies the presumption that if people originating in different ‘communities of descent’ live their lives in a democratic environment, their intermingling results in a different type of diversity that principles of multiculturalism are unable to explain. In the words of intellectual historian David Hollinger, we need a view that “accepts the formation of new groups as a part of the normal life of a democratic society.”<sup>40</sup> Multiculturalism is unable to accept that in democracies, citizens can hold multiple identities, cherish multiple affiliations, and even through their free engagement over-time can contribute to the formation of new communities of descent: “Not every descent-community will retain its members; some of these communities will retain its members; some of these communities can be expected, over time, to decrease their role in the lives of individuals and of the larger society. New affiliations gradually replace

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<sup>38</sup> *Ibid.*, 132.

<sup>39</sup> Miller, "Immigrants, Nations, and Citizenship."

<sup>40</sup> Hollinger, *Postethnic America*, 116.

old and eventually come to be called ethnic.”<sup>41</sup> This inability of multiculturalism, Hollinger thinks is due to the prominence that it gives to cultural pluralism over its equally important cosmopolitan foundations. In Hollinger’s words, multiculturalism has outgrown itself and is contributing to the same racism and ethnocentrism that it was launched to resist because it has embraced a “pluralism [that] is more concerned to protect and perpetuate particular existing cultures” and “likely to identify each individual with reference to a single, primary community.”<sup>42</sup> Moreover, this shift is misguided because it is informed by a mistaken social psychology – one that does not fit countries with egalitarian and democratic aspirations such as the United States. A social psychology usually invoked to justify this kind of pluralism, Hollinger points out, often presumes that we are products of our cultures. “A postethnic perspective”, on the other hand, “denies neither history nor biology – nor the need for affiliations – but it does deny that history and biology provide a set of clear orders for the affiliations we are to make.”<sup>43</sup>

A closely related holist point against multiculturalism has to do with whether social and political condition of modern western liberal democracies is appropriate for a project like multiculturalism or reliance of the latter on social reality of a previous age renders it anachronistic. Christian Joppke’s case against multiculturalism, presented in his study of citizenship in contemporary North American and European liberal democracies, is a combination of these sociological and normative arguments. The sociological argument consists in the restatement of the disparity between the claims of multiculturalism and realities of contemporary liberal democracies in which these claims are made. This disparity manifests itself in what Joppke calls a retreat from

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<sup>41</sup> *Ibid.*, 118.

<sup>42</sup> *Ibid.*, 85-86.

<sup>43</sup> *Ibid.*, 119.



multiculturalism in favour of anti-discrimination across the U.S. and Europe. Joppke writes that ‘The root of the cooling down on multiculturalism is that liberal states are intrinsically geared “to treat the people as individuals rather than as members of a class” (Starr 1992: 156), leaving the constitution of social groups to the individuals themselves.’<sup>44</sup> Joppke concedes that a good deal of group-recognition takes place even in the face of this official flight from multiculturalism because “even notionally group-destroying antidiscrimination cannot but be factually group-making” for the simple reason of having to identify a target group.<sup>45</sup> However, Joppke goes on to point out, this mode of recognition that takes place mainly in conjunction with “the politics of reparations” is “a far cry from the principled “politics of recognition” decreed by Charles Taylor.” The biggest difference between the two is that the former, the only type of politics of recognition that, Joppke’s sociological survey reveals, finds support in Europe and the U.S. “is pragmatic, not philosophical”.<sup>46</sup>

The more normative strand of Joppke’s argument questions whether multiculturalism is what liberal democracies need– or, in an even stronger claim, can incorporate –at a time that they increasingly rely on universality even when trying to assert their own particularity. The question of ‘multicultural citizenship’, Joppke’s answer seems to suggest, is a misconstrued one not only because multiculturalism gives the wrong answer to the problem of identity, but also because the problem of identity in contemporary liberal democracies is rendered paradoxical and beyond resolution.<sup>47</sup> This is because the decoupling of nationality and citizenship has already reached an irrevocable stage because of the move towards procedural liberalism and mass

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<sup>44</sup>Joppke, *Citizenship and Immigration*, 108.

<sup>45</sup>*Ibid.*, 97.

<sup>46</sup>*Ibid.*, 110.

<sup>47</sup>*Ibid.*, 130.

immigration.<sup>48</sup> At this modern stage, any attempt by the state to enforce an identity on its citizens ends up becoming oppressive.<sup>49</sup> Then, multiculturalism is ruled out if it is conceived of as a struggle on the part of groups to institutionalize their identities.<sup>50</sup> Multiculturalism is also an unhelpful ideal in the liberal age, because in existing liberal democracies of Europe and North America it is always pursued as a way of generating loyalty among immigrants: When society is conceived in multiculturalist terms as made of “different groups ... [that] get on well together” one is drawing on an ideal of cohesion with strong claims on the identity of citizens that is unavailable in the present context.<sup>51</sup> In this context, multiculturalism seems only to contribute to deepening the paradox faced by modern citizenship.

## 2. Response to Anti-Multiculturalists

### 2.1 Does the Equal Rights Argument Vindicate Anti-multiculturalism?

Having seen in the first part of the dissertation that a commitment to equal individual rights lies at the heart of a normatively sound minimalist democracy, one cannot but recognise that many points Barry raises in defence of equal rights have genuine connections to the democratic theory those chapters (and this project as a whole) advance. For instance, if we consider one of the cases discussed by Barry, the case of *Thomas v. Norris* that involved the Salish rite of Spirit Dance, democratic principles are firmly on the side of Thomas in his struggle to seek legal retribution for incarceration and beating by the members of his tribe.<sup>52</sup> Treating someone in the way the Salish treated Thomas would violate even a very minimal notion of agency that must underpin

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<sup>48</sup> *Ibid.*, 162.

<sup>49</sup> *Ibid.*, 115.

<sup>50</sup> *Ibid.*, 123.

<sup>51</sup> *Ibid.*, 131-32.

<sup>52</sup> The case (*Thomas v. Norris*) involving the Salish rite of Spirit Dance was heard by the Supreme Court of British Columbia in 1992. Barry discusses it with reference to Tully's discussion in *Strange Multiplicity* (172).

any meaningfully democratic notion of equal status. Barry is right that the claims of the defendants that the assault and kidnapping took place to perform a cultural rite do not make these offences against the individual more defensible.<sup>53</sup> Similarly, there would be a serious breach of democracy's egalitarian norms if a functioning democracy decided to exonerate rapists who would simply offer marriage to their victims.<sup>54</sup> For laws have to express equal concern for all citizens, and there is not much likelihood that an act that renders women vulnerable in such an obvious way could pass any reputable test of equal concern. Also, not much can be said from the democratic perspective developed in this dissertation in defence of bride capturing, wife beating/killing or divorce laws that burden one sex to the benefit of the other.<sup>55</sup> NMD clearly rules out such violations of individual rights. Barry is also right that multiculturalist demands for exemptions sometimes put excessive pressure on the legal-political framework whose main job is to protect the wellbeing of individuals as we repeatedly witnessed in chapter four.

To the extent that this is what multiculturalism stands for, NMD leaves us no choice but to take a critical stance. In a technical sense, however, this way of making an equal rights argument – contrasting liberal rights with their multicultural violations – does not give one a repudiation of multiculturalism on grounds of equal rights. We can see how this is the case by considering an interesting mistake that *Culture and Equality* makes. One could well be right in pointing out that there is a shortfall with respect to individual right  $x$  when a group  $g$  is allowed a benefit  $b$  (e.g., an exemption) in accordance with a multiculturalist demand. But to draw out a grandiose equal rights argument from this (or any number of such violations) as Barry does, one would also have to seriously consider what the denial of  $b$  means in terms of the right  $x$  or some

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<sup>53</sup> *CE*, 257.

<sup>54</sup> Okin, *Is Multiculturalism Bad for Women?*, 15.

<sup>55</sup> *Ibid*, 18-19

other relevant right. The more general point that this seems to support is that Barry's legitimate criticism of multiculturalism does not validate his anti-multiculturalism. If individual arguments Barry makes are right, they could convince us that some multiculturalist concerns are ruled out by some liberal or democratic concerns. But this is a much weaker outcome than what Barry wants to achieve, namely, convince political theorists that the multiculturalist theories are not worth the paper they are written on.

Even if this technical issue were resolved, the equal rights challenge would not go all the way to discredit multiculturalism as a perspective – a theoretical approach to conceptualising issues of pluralism in modern liberal democratic states. One obvious reason for this is that multiculturalism as we saw in the previous chapter stands for more than a defence of cultural practices that violate individual rights in the abovementioned ways. Many multiculturalists rightly distance themselves from the extreme versions of cultural relativism that would justify such practices – which, as many of them have convincingly shown, Barry often mistakenly attributes to them – and look for ways of addressing these adverse implications in a way consistent with their own multiculturalist theories as well as with basic liberal and democratic norms.<sup>56</sup> It would be highly misleading to read, say Young's critique of impartiality, as lending support to such outright cases of violence against persons because Young makes it quite clear that what she writes concerning cultural pluralism should be read in the wider context of her emancipatory agenda.<sup>57</sup> What underlies such an unjustifiably hostile approach espoused by the particular version of the equal rights challenge is the strategy it adopts to undermine the foundations of multiculturalism. Namely, it dramatizes many of the original problems that multiculturalists grappled with in their own writings, while largely ignoring or belittling reasons that pushed multiculturalists in those particular

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<sup>56</sup> E.g., see Kelly, *Multiculturalism Reconsidered*, 103-110.

<sup>57</sup> See *Inclusion and Democracy*.

directions, usually away from some formal aspects of liberal democracy. For instance, in *Culture and Equality* we see a rejection of how Iris Young tries to make multiculturalism less essentialist and an equally dismissive approach to Tully's attempts to square the freedom of well-defined minority communities with that of society at large by ridding the framework of governance (political constitution) of its imperial biases.

To be sure, there is nothing wrong with criticising these authors for violating egalitarian norms of democracy. If there were, what I tried to do in the previous chapter would have been equally misguided. This will make more sense if we recall the key claim of the argument that the last chapter began to sketch: it was claimed that these multiculturalist attempts at identifying policies that are *socially just* and *diversity-friendly* at the same time fail for more nuanced, but not less important, reasons. Undermining institutional mechanisms that are supposed to protect persons is probably one extremely crucial reason that runs through most of these cases including Young's inclusion challenge, Tully's anti-colonialism and Taylor's concern with recognition. But unless one has exhausted all institutional options and entertained most possible responses, it is hard to deny that the act of recognising a culture and the adverse implications that follow from some aspect of that recognition – despite being in some kind of causal relationship – do not have to be necessarily connected. This point is also related in an important way to my rejection of theses such as those of cultural stability and continuity while accepting the struggle even for thick recognition as compatible with democratic politics.<sup>58</sup> Thus, what is objectionable in the anti-multiculturalist challenge is not the claim that multiculturalism may undermine equal rights but the way Barry wants to build a theory by exaggerating these tensions and belittling the risk of injustice and oppression identified by multiculturalists.

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<sup>58</sup> See Chapter 4.

Although Barry sets out to refute the entire project of multiculturalism, and views multiculturalism mostly as a romantic interjection to the ongoing mission of the Enlightenment, he reluctantly recognises that some of the sources of inspiration for multiculturalism have deep roots in the liberal political outlook. As a self-declared liberal democrat, Barry has to accept that tolerance and associative diversity are important characteristics of a liberal polity that distinguish it from illiberal ones. In a rare move that seems to provide some reprieve for the pluralist viewpoint, Barry accepts that associations should be left free to define themselves in traditionalist and inegalitarian terms, and principles of liberal democracy should not apply to their internal organisation as long as they satisfy a test of voluntariness. The test of the latter is whether an association imposes unjustified exit costs that make a disgruntled member's exit too costly. If an individual finds breaking his/her ties with an association burdensome, according to Barry, there could be a good reason to compel that association to liberalize.<sup>59</sup> Barry quickly notes that not all costs are objectionable. Through his distinction between intrinsic, associative and external costs, Barry tries to distinguish legitimate costs from the illegitimate ones.<sup>60</sup> This analytic distinction has been subject to some convincing criticism, but here I am not concerned with its merits.<sup>61</sup> What matters for the purpose at hand is the larger point that the logic of this argument seems to fall in line with the much larger theme of a liberal being a supporter of private freedoms and differences, and the role this argument plays in making ERA more palatable to liberals. However, the underlying account of privatization cannot stand critical examination.

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<sup>59</sup> *CE*, 149.

<sup>60</sup> *CE*, 150-154.

<sup>61</sup> See Kukathas, "The Life of Brian," in *Multiculturalism Reconsidered*.

### 2.1.2 The (In)adequacy of Privatization

Apart from the fact that the equal rights argument does not give us a refutation of multiculturalism for technical reasons, the argument also suffers from a crucial theoretical weakness. Although the equal rights challenge gains some plausibility within the larger pool of egalitarian individualist arguments through its connection to individual freedoms and the private/public distinction, shortcomings of the notion of privatization on which this challenge rests takes that advantage away.

As we saw towards the end of chapter three, privatization is an important element of democratic non-domination. That chapter argued that together with decentralization and contestation, privatization allows democracies to avoid subjecting to domination – and expressing less than equal concern and status for – those citizens that happen to disagree with a given majority on a given issue. One (I have the impression that Barry too)<sup>62</sup> may want to think that this is what the equal rights challenge is after. However, evidence suggests otherwise.

On the view that chapter three defended, privatization is implied by the norm of democratic non-domination. Non-domination, in turn, is concerned with protecting some minimal notion of agency. Then, the main purpose of privatization (similar to contestation and decentralization) is to prevent domination of an individual or a collective of individuals by other individuals or collectives. Displacing agency from the centre of privacy and treating privatization as an end in itself – which I think is largely implied by Barry's suggestion that privatization is a panacea to problems of diversity – distorts this purpose. The reason for this is that while privatization may be the most agency-protecting solution for some diversity issues, (I can think of an acute case of

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<sup>62</sup> *CE*, 132.

religious conflict such as those that Barry cites from the Reformation era) in other cases not only could there be more agency-protecting solutions but privatization could be agency-impinging and stand as a source of domination. Then, we should examine how obscuring the link between agency and privatization runs the risk of turning privatization from a democratic protection against domination to a potential problem.<sup>63</sup>

Two other assumptions implicit in the notion of privatization at work in the equal rights argument help explain its inadequacy. First, privatization – unlike what Barry’s ERA assumes – is often not a categorical step. Very rarely, that is on very few issues, would the public and the private be conceived of as permanently detached, without any significant intermingling. As the jurisprudence to which Barry frequently appeals shows, privatization is usually a matter of gradation. Some aspects of a contentious issue are privatized while some other aspects are left more in the public realm. Even in the most recognisably liberal states, very few (if any) issues are regarded as fully private or public. Family law is an obvious example that demonstrates how liberal states can directly or indirectly give shape to many aspects of the most private area of our lives. The more complex a social phenomenon, the more likely it is to be subject to such gradation.

Another related assumption that seems to lurk in Barry’s account is that the delineation of the private and the public is somehow free of contention. In reality, however, such delineation itself is political and subject to disagreement. People want to redefine the present boundaries of the private and public in order to advance their interests. Then, privatization itself is a decision that democracies make through a contentious political process. To be sure, NMD recognizes the role that the more fixed

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<sup>63</sup> Ironically, the theorists that Barry criticizes for having liberal pretensions have a more consistent notion of privatization as far as the link to agency is concerned. Kukathas, for instance, justifies letting people live their lives as they see fit on basis of freedom of conscience.



norms such as non-domination and equal concern as well as more pragmatic considerations for democratic regeneration have to play in this process of debating what the private consists of substantively. But these conditions are interpreted in the minimalist fashion that Part One outlined – they guide the process rather than predetermine the outcome.

Once we restore agency to the centre of the private and take note of its gradational and contentious nature, we can see that the private involves a triadic relation, which I think is going to prove the ultimate benchmark of how democratically the state handles issues of privatization. Privatization in the context of value disagreements could be conceptualized as a triadic relation that involves the interests of two disagreeing parties as well as concerns for the association, which in turn has to do with commonly shared interests of both disagreeing parties. We could have a privatization on the basis of associational interests, on the basis of the interests of person *a*, or person *b*. But each would probably give us a privatization that is contestable for its exclusion of one or the other concern. This seems to be the case in Barry's account, where there is an obvious asymmetry that works to the detriment of minorities. Unfortunately, *Culture and Equality* gives us only a partial picture of this relationship. If the three groups of interests are represented as A, B, and C, and A is taken as the interests of the persons representing a minority, Barry's account of privatization seems to be asymmetrical to the detriment of A. That is, the interests of persons belonging to a minority in having an issue privatized are not balanced, or given due consideration, against more dominant interests in the community. What this implies is that the principles of privatization should give due attention to all the interests involved, not that the actual agreement (or a particular act of privatization) should satisfy all segments of society or all parties to the conflict. Minorities should feel that

their concerns are heard and dealt with in accordance with principles that are not inimical to their minority status. That the case does not appear decided even before there is a hearing. I will elaborate on this aspect of democratic decision-making in section 2.3.

As we see in the example of Barry's equal rights argument, the relative absence of minority interests (A) and the predominance of the associational and majority interests (B and C) in the formula of privatization ends up giving support to policies that can leave people with impinged senses of agency and private lives that appear violated and interfered with to those who live them. Barry thinks that what certain dominant sections of the public (including the scientific public) think about the acceptable levels of animal suffering provide us with the last word on religious slaughter, and Jews and Muslims should not complain as the option of vegetarianism leaves their private freedom of religion unobstructed. The same line of argument justifies many other concerns that these minority religious groups currently have in some jurisdictions. Namely, one could argue that if the dominant section of the public (including its liberal political theorists) feels that particular elements of a particular faith convey support for illiberal practices such as indoctrination or subjugation of women, liberal governments can accord to these elements reduced presence in the public. For instance, their places of worship would not be closed as long as they are left unmarked. Or the places of worship could be relocated to areas of a city where they would get a limited public exposure. This would not undermine their private freedoms, because the latter are defined in a narrow way that allows public interest to trump the narrow self-interests of a group.

These critical and clarificatory remarks about privatization I think may help us correct some anomalies in Barry's stylized and static account of privatization. On this modified picture, the dangers of Barry-like privatization that his equal rights challenge

presupposes are laid out before our eyes. It is a permissive system that risks undermining individual freedoms in ways quite similar to Iris Young's, Tully's, and Taylor's accounts. Barry manages to remain a liberal, only if private is defined as having to do with what happens behind the walls of one's home. But such a distinction makes the two assumptions that do not obtain in practice. NMD's conception of privacy can deal better with these issues than Barry's. Unlike Barry's privatization strategy that risks further marginalizing members of minorities by pushing them more into more reclusive forms of life, NMD can genuinely privatize disputes rather than privatizing ways of life, and marginalizing minority groups out of political process.

The upshot of this discussion is that Barry's equal rights challenge is at an important disadvantage because he is not very serious about exploring the normative significance of privatization, and some of the most crucial assumptions with which it operates. Had he been more serious about these, his equal rights challenge could become normatively more appealing, but then that would also mitigate its anti-multiculturalism by bridging (although by no means closing) the gap between what multiculturalists demand and what democratic principles can accommodate. The above-discussed asymmetry allows Barry to articulate an anti-multiculturalist political theory, albeit while reducing its liberal democratic credentials. Given that Barry proclaims himself to be a liberal ultimately concerned with oppression of individuals, this deficiency appears even more striking.

## **2.2 Is a Plurality of Groups Bad for Democracy?**

The last subsection showed that one cannot justify the comprehensive anti-multiculturalism we find in *Culture and Equality*, and also in more qualified forms in Susan Okin's and David Miller's writings, by dramatizing tensions that arise between

individual rights and multiculturalist claims.<sup>64</sup> However, that line of argument does not rule out that such comprehensive anti-multiculturalism may still be valid. What could vindicate it is the relative accuracy and soundness of its underlying principles and philosophical worldview. To an extent, by focusing on the question of privatization we have begun to look at such macro issues, but more remains to be done mainly on the more general attributes of the conceptions of democracy that are at work in these anti-multiculturalist arguments. A critical exploration of these more holistic claims about democracy, however, reveals that they deploy some poorly substantiated views about culture, pluralism and individual equality. Hence not only is the equal rights argument weak on its own, but the ideas of democracy that underpin it are not quite sound either.

Three related misconceptions concerning democracy may help us explain the anti-multiculturalists' scepticism about pluralist politics. The first of these misconceptions has to do with the proliferation of groups. The anti-multiculturalists are worried that the politics of difference will open a can of worms, and politicize identities that would otherwise remain irrelevant. This concern rests on the assumption that there is a limit to the amount of pluralism a democracy can function with, and one has to worry that multiculturalism will jeopardize democracy by surpassing that limit. The second concern relates to the way democracies make decisions. Anti-multiculturalists fear multiculturalism will lead to a decision-making impasse or to suboptimal decisions due to erosion of trust and solidarity among members of different cultures. As what citizens share in common begins to lose significance compared to what sets them in conflict through their newly politicized identities, trust gives way to mistrust, and cooperation to confrontation. The third is a more general characteristic shared by the anti-multiculturalists' views on democracy that arises largely in response to the first two

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<sup>64</sup> E.g., see Okin, "Feminism and Multiculturalism: Some Tensions"; Okin, "'Mistresses of Their Own Destiny': Group Rights, Gender, and Realistic Rights of Exit".

concerns. To prevent the proliferation of groups and avoid an impasse or shortage of trust, dismissing multiculturalism is not sufficient; the state has to take a more proactive role to achieve a manageable level of pluralism and sufficient levels of solidarity. This latter presumption manifests itself in Barry's anxiety over control. Notwithstanding the fact that it draws on some important liberal ideas such as the notion of privatization, this conception of democracy aspires to a great, and often unrealistic, deal of control by the state. By exposing these mistakes we will be able to dissipate doubts that may arise as a result of the solidarity and holist arguments that were introduced earlier in the chapter. Let us begin by elaborating on why it is wrong to presume, as multiculturalists do, that democracy and pluralism are conflicting goods.

The view that takes multiplicity of self-defined groups as an impediment to democracy was famously presented by Rousseau: "The will of these particular societies always has two relations: for the members of the association, it is a general will; for the large society, it is a private will, which is very often found to be upright in the first respect and vicious in the latter."<sup>65</sup> Rousseau, like many eighteenth century rationalists believed in the presence of a transparent *volonté générale*.<sup>66</sup> Contemporary democratic theory largely dismisses this view with respect to a majority of groups. At a time when the theory of democracy places non-negotiable significance on inclusiveness and equality, the suggestion that certain economic, ideological and professional interests are to be discounted has lost the intuitive appeal that it might have enjoyed in earlier ages when suffrage was more exclusive and formal inequalities were more common. The only noticeable exception seems to be the case of multicultural groups brought up constantly by critics of multiculturalism such as Barry. These critiques hardly specify what is so special about religious or ethno-cultural interests as opposed to other interests

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<sup>65</sup> See *Discourse on Political Economy*.

<sup>66</sup> See chapter 2, for Schumpeter's critique of general will.

that revolve around, say, political ideology and economics that justifies the exclusion of the former from the ambit of democratic discussion. To be sure, they do often speculate about the risks of culture or religion inciting violence and division based on some historical and modern examples, but they do not offer any reasons as to why cultural interest is to be viewed as inherently dangerous from the perspective of democracy. Then what one would expect to accompany Barry's, and other similar variants of, anti-multiculturalism is a theory about the incompatibility of culture and democracy that takes into account not only the scant empirical evidence but also the counterevidence, and not just the dangers of including culture but also the pragmatic and normative problems that arise from excluding it. What these critics offer, however, is a list of historical anecdotes to which a contrary list can almost always be offered.

Egalitarian anti-multiculturalism that also claims to show democratic credentials misinterprets the link between democracy and pluralism. It seems to be an improvement over previous doctrines that waged an outright war against pluralism, but in its essence it remains incapable of understanding the limits within which democracy can and should respond to the fact of diversity. In understanding these limits, the contrast between the ways two prominent voices of French political thought interpreted democracy can be instructive. Against Rousseau's blatant attack on "partial societies" that I quoted in the preceding paragraph, Tocqueville wrote that "There are no countries in which associations are more needed, to prevent the despotism of faction or the arbitrary power of a prince, than those which are democratically constituted."<sup>67</sup> But as Dahl notes, the contrast between the views of these two theorists goes beyond a stark ideological divergence and has more to do with the kinds of worlds that they idealize.<sup>68</sup> The world idealized by Rousseau in his *Social Contract* is the eighteenth century

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<sup>67</sup> Quoted in Dahl, *Toward Democracy: A Journey*, 119.

<sup>68</sup> Dahl, *Toward Democracy*, 117-120.

Geneva – a city-state resembling Athens in many respects. Tocqueville’s views are set in the context of the 19<sup>th</sup> century America– a society more plural in its composition than the European societies of Rousseau’s time, let alone Rousseau’s favourite example of Geneva, where “the bonds of blood as well as the laws unite almost all [citizens]”.<sup>69</sup>

In a world like ours – more similar in terms of pluralism to Tocqueville’s America than Rousseau’s Geneva – pluralism and democracy are no longer an optional, nice-to-have, coupling of two ideals. In the words of one prominent theorist of democracy, Norberto Bobbio “[w]hat follows from this fact [of undeniable pluralism] is simply that, unlike what happened in democracies in the ancient world, democracies in the modern world have to come to terms with pluralism.”<sup>70</sup> Pluralism of the type that Barry dreads– a multiplicity of “groups which represent various political movements which contend with each other for the temporary and peaceful exercise of power”<sup>71</sup> – is a necessary but not sufficient condition of legitimacy in modern representative democracy.<sup>72</sup>

Pluralism is a necessary condition of the legitimacy of modern democratic power because in modern democracy the rulers and the ruled do not overlap. This absence of overlap, however, does not mean rulers and the ruled are two different classes of people. Many aspects of modern democratic practice such as the democratic rule of law, political equality, and the fact that all rulers finish their terms in power and resume their lives as private citizens while other private citizens go on to fill those vacancies, show that the rulers and the ruled are not two distinct classes. The proper way to conceptualize the lack of identity between the two is to acknowledge that

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<sup>69</sup> Rousseau, *Discourse on the Origin of Inequality*.

<sup>70</sup> Bobbio, *The Future of Democracy*, 58.

<sup>71</sup> See Bobbio, *The Future of Democracy*, 60.

<sup>72</sup> Because I have not yet discussed the democratic conception of groups, let us think of groups as centres of power rather than in terms advocated by multiculturalists such as Young and Tully or anti-multiculturalists such as Barry.

political power – despite being delegated by individual citizens – is not exercised by them directly. Because those who exercise political power and those over whom power gets exercised are not always the same, the bottom-up control can be effective only up to a point.<sup>73</sup> It can be effective only when there are other groups competing for political legitimacy. Accumulation of all political power in the hands of a government would make the survival of modern representative democracy very difficult. Citizens, on a representative model of democracy, can exercise effective control only when there are alternatives to choose from and alternative sources of power that compete against each other. For this reason, modern democracy cannot aspire to singular projects and unity of will, as this would diminish its democratic potential.

The upshot is that as a matter of principle the argument the anti-multiculturalists rely on is not one that brings democratic advantage. If it is to be used, one has to note that it takes away from the quality of democracy rather than adding to it. Just as martial law would limit some crucial individual liberties to avoid a greater, more immediate harm, this argument would limit some aspects of democracy in order to prevent a grave harm to it. Under circumstances of extreme conflict such proposals could make sense, but denoting them democratic would be a mistake. Instead, resisting such attempts at finding some room these measures within definitions of democracy has normative importance. Separating the issue of democracy in times of conflict from democracy in times of peace has the important benefit of keeping these non-democratic instruments from the hands of overzealous theorists and minimizing the damage that could be done through irresponsible and untimely invocation of these principles.

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<sup>73</sup> “Where direct democracy, because of the vastness of the territory to be governed, the number of inhabitants, and the host of problems demanding solutions, is impossible and it becomes necessary to resort to representative democracy, the guarantee against the abuse of power cannot derive solely from control from below, which is indirect, but must also rely on reciprocal arrangements between groups which represent various political movements which contend with each other for the temporary and peaceful exercise of power.”(*The Future of Democracy*, 60)



### 2.3 How Democracies Make Decisions

There is also another crucial reason why diversity need not be a problem from the viewpoint of democracy. This is related to the second misconception lying at the heart of the anti-multiculturalists' scepticism towards pluralism, which has to do with the way democracies normally reach decisions. As we saw in Part One of the dissertation, democracy has an undeniable contestational and non-consensual dimension, which limits both the scope and depth of agreement that democracies may try to reach. Anti-multiculturalists misconceive democracy to the extent that they are preoccupied with agreement and disregard the normative significance of disagreement.

To be sure, one may think that because Barry repeatedly draws attention to the majoritarian aspects of democracy, he cannot be criticised for having the pro-consensus bias, which is probably more obvious in the case of Miller because of the latter's focus on deliberative democracy. It is true that Barry does not set consensus as a goal or procedure, but he still works within the consensualist framework that remains oblivious to the normative significance of political disagreement. This manifests itself in Barry's attempts to compensate for the impracticality of consensus by significantly shrinking the domain of decision-making to those issues on which more enduring agreement might materialize, while many issues are "disregarded" through privatization. Moreover, Barry's repeated references to the majoritarian aspects of democracy should not mislead us into thinking that he has come to terms with the normative limits of the consensualist model. Let us recall that multiculturalism on his account would be bad even if there were majority support for it. Indeed, all but one of Barry's arguments that we saw in the preceding section remain unaffected by any possible change in public opinion towards multiculturalism. Namely, on Barry's account, recognising groups or accepting some sort of legal pluralism is bad for democracy irrespective of what

majority of citizens happen to think. Only the last argument that accuses multiculturalism of undermining democracy through back-room deals is overturned by actual political disposition of the public towards multiculturalism. In other words, had Barry given more consideration to the uncertainty of democratic outcomes, his arguments against multiculturalism would have been harder to reject from the perspective of democratic theory.<sup>74</sup>

It is true that there is some important sense in which non-unanimous resolutions still have to be acceptable to all parties. Otherwise, violence and chaos would replace the relative order and civility of democratic politics or the state would have to recourse to the use of excessive force to maintain order. However, this sense of agreeableness has to be different from the sense that pictures an agreeable decision as one that all parties would vote for. It is in the nature of electoral systems to produce winners and losers and any electoral loss registers a democratic disagreement between a majority and corresponding minorities. Given this fact of life, the latter type of agreement is rare and cannot serve as a realistic aim. But the claim that in order to be democratically agreeable a resolution cannot aspire to consensus is not specific enough about what democratic agreement has to look like.

Positive and normative political theorists have offered different views on what democratic agreement has to look like. Those in the positive theory tradition have tended to neglect the normative commitments that foreground their own understanding of democracy, while normative theorists have tried to abstract away from the *dissensus* that characterizes the democratic practice. In Chapter two I tried to develop the argument that the proper theory of democracy has to try to balance the pragmatic

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<sup>74</sup> As we will see below, uncertainty seems to militate against rather than in favour of Barry's anti-multiculturalism.

considerations and the normative concerns that guide our ways of thinking about the pragmatics of democratic politics.

One argument from the positive strand of democratic theory comes close to explaining agreeability in the democratic sense as opposed to the practically unattainable and normatively undesirable requirement of consensus. The central thesis of that argument (also known as the thesis of “institutionalized uncertainty”) firmly in line with the Schumpeterian conception of competitive democracy is that “Political forces comply with present defeats because they believe that the institutional framework that organizes the democratic competition will permit them to advance their interests in the future.”<sup>75</sup> The claim that potential future gains motivate those on the losing side of a particular vote to choose compliance over noncompliance rests on an important observation about political processes in consolidated democracies. That is, particular defeats, whether in a legislature or on an election day, very rarely represent, or are perceived as, death of a political party or an ideology; political life often continues as usual, or sometimes groups reorganize under a new banner and around slightly new interpretations of their old ideals and continue their work guided by the belief that today’s opposition will form tomorrow’s government, or the present minority will be part of a future winning coalition. The “prospect of future gain” is kept strong because “democracy generates the appearance of uncertainty” through its institutional framework.<sup>76</sup> On this account, however, legitimacy is mostly an empirical condition that is satisfied as long as the equilibrium of democracy remains undisturbed; that is, as long

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<sup>75</sup> Adam Przeworski, *Democracy and the Market*, 19

<sup>76</sup> *Ibid.*, 12-13.

as “the cumulative value” of compliance for losers remains greater than the perceived immediate and future gains of subversion.<sup>77</sup>

Przeworski’s thesis of democracy as *equilibrium* and *institutionalized uncertainty* sheds light on an important aspect of democratic decision-making by helping us understand why democracies remain so stable and functional despite high levels of disagreement. It comes close to offering us the alternative, democratic, conception of agreement that can serve as a benchmark in judging whether certain aspects of multiculturalism are compatible with democracy or may end up subverting it. But the lessons we learn from discussing the Schumpeterian and normative aspects of democracy in Part One also apply to Przeworski’s thesis. Przeworski’s thesis is rendered deficient insofar as it fails to take note of the normative presuppositions that underlie the notions of competition, uncertainty, and fairness.<sup>78</sup> Przeworski, when he writes that “to evoke compliance, to be consolidated, democratic institutions must to some extent be fair and to a complementary degree effective”<sup>79</sup>, is committing the very same error that Schumpeter commits when he specifies his list of apparently normative conditions required for his democratic method to come true. What has to supplement the institutional and pragmatic measures of acceptability and legitimacy is an account of normative commitments that give meaning and coherence to those institutions. The upshot is that in democracies losing can be a perfectly acceptable outcome for an interest group, political party, or any other relevant group as long as the conditions associated with acceptability and their normative underpinnings are satisfied.

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<sup>77</sup>*Ibid.*, 29.

<sup>78</sup>Przeworski writes that “normative commitments to democracy are ... not necessary to understand the way democracy works. ... [A] theory of democracy based on the assumption of self-interested strategic compliance is plausible and sufficient. ... Thus, neither, normative commitments nor “social contracts” are necessary to generate compliance with democratic outcomes.” (*Ibid.*, 24-25)

<sup>79</sup>*Ibid.*, 33.

The above gives us an overview of the framework within which multicultural issues can be decided in a democratic way. For sustainable agreements to obtain, the majority has to feel that it is not being unduly burdened by a certain democratic resolution and the system is discernibly responsive to the electoral dynamics of the polity. In a functioning democracy where the requirements of NMD are largely satisfied (e.g., competition is not curtailed, equal concern and status is extended to all persons, etc.), for the most part, electoral outcomes are on their own likely to produce this feeling of contentment for majorities. On the other hand, for such equilibrium to obtain, certain conditions have to be met with respect to minorities as well. Minorities have to feel that their concerns are being addressed, voices heard, and interests not left out or excluded. Moreover, those who are currently on the losing side of a particular debate have to find the view that they can in the future regain some of the ground they have lost in the recent past not vacuously optimistic.

In the non-ideal world, however, there is a major obstacle that the above stipulated conditions of sustainable agreement (mainly that of institutionalized uncertainty) commonly face – the problem of permanent minorities. What is problematic from the perspective of democratic equality is not that some people end up losing in a particular vote, but that those same people could be stuck in an electoral setting in which they have lost all or most of the votes to the present, and likely, will continue to lose in the future.

This could indicate several problems for the particular democracy in which such marginalization occurs. First, it reveals a pattern of determinacy, which is in tension with the democrat's commitment to, and reliance on, competition and indeterminacy. This could also indicate that there are entrenched power relations that prevent certain policy options from gaining competitiveness. Here, we should remember the discussion

in chapter two of how even informal status hierarchies could result in determining what issues gain political prominence.<sup>80</sup> The formation of such status hierarchies makes the problem of permanent minorities more relevant to democratic equality. A related concern has to do with the expressive function of citizenship discussed in detail in chapter 3. It is hard to think that democratic procedures continue to express equal status for those who are constantly at the losing end of the democratic politics. In order to be effective, this expressive function would have to entail, at a minimum, a degree of affinity towards democratic process on the part of all citizens.<sup>81</sup> For a democratic theory with strong procedural undertones, such concerns with political outcomes may sound a bit unconventional. This confusion, however, is bound to dissipate as soon as one realizes that in actual democracies, rather than ideal theoretical situations, what one is dealing with are not merely different policy alternatives but citizens with complex psychological attachments to those policy options. Some concern with outcomes becomes essential not because a particular distribution of outcomes is important in itself, but because certain patterns are likely to disrupt the expressive function of democratic equality.

If failing to take account of the normative importance of uncertainty and disagreement is a blind spot in the anti-multiculturalists' conception of democracy, remaining insensitive to the problem of permanent minorities is the harmful outcome of that blind-spot. Anti-multiculturalism is rendered more philosophically lacking precisely because it disregards this kind of electoral marginalization. For denying the political significance of culture makes it impossible to properly detect the problem, let alone deal with it in an adequate way. Given that whether or not sustainable agreements persist could ultimately be decided by the success a particular democracy has in dealing

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<sup>80</sup> I think the objection that some options are just repulsive does not apply across the board.

<sup>81</sup> See Post, "Democracy and Equality."

with the issue of permanent minorities, it is important to expand on how anti-multiculturalists fail in a conspicuous way with respect to this issue.

The problem is that neither the traditional solution to the issue of permanent minorities (including its less radical nonetheless still harmful forms) nor the more reformed solutions that the next two chapters will argue for are permitted by the staunch rejection of culture that we see in the anti-multiculturalist position. Let us first take a brief look at what these solutions are before we conclude the section by expounding how anti-multiculturalists fail with respect to these responses.

The traditional response to the problem of permanent minorities was based on the hypothesis of “cross-cutting cleavages,”<sup>82</sup> which claims that pluralist democracies will be stable to the extent that citizens associate with multiple groups whose political interests do not pull in the same direction.<sup>83</sup> Such stability will arise because citizens who have conflicting loyalties as a result of the cross-cutting cleavages will feel a stronger need to compromise and much less anger over losing a particular vote.<sup>84</sup> David Truman gave an example of the theory’s compromise-generating effects: “the leaders of a Parent-Teacher Association must take some account of the fact that their proposals must be acceptable to members who also belong to the local taxpayers’ league, to the local Chamber of Commerce, and to the Catholic Church.”<sup>85</sup> There is empirical evidence to hold that much friction in pluralistic democracies (that is to say all western liberal democracies) can be eliminated by the cross-cutting nature of cleavages. Hence, this can be taken as a mitigating factor. However, the contemporary multiculturalism literature has brought to our attention the fact that some cleavages can stand out even in

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<sup>82</sup> David Truman, Douglas Rae, Arend Lijphart, Seymour Martin Lipset have all written on the subject.

<sup>83</sup> Rae and Taylor, *The Analyses of Political Cleavages*, p. 86.

<sup>84</sup> Rae and Taylor, 88.

<sup>85</sup> Quoted in Rae and Taylor, 89.

the face of many other cleavages intersecting with, and offsetting, each other. The thesis of cross-cutting cleavages cannot explain away the problem of permanent minorities, because it already assumes a degree of integration into the political system and concern with a similar set of issues. Although the assumptions of the thesis remain quite realistic and plausible, in order to minimize the risk of domination and status inequality that arise in the cases that multiculturalists focus on, we need to supplement it with other measures that are supported by NMD. These are measures like decentralization and devolution that are intended to ease preference clustering, as well as those aimed at improving the contestational capacity of citizens (and their groups) and protecting their agency through privatization.

We study these measures more systematically in the next two chapters, particularly by placing them in the context of a negative theory of groups. For now, I want to emphasise that attempts to purge politics of cultural claims do not just end up undermining the logically flawed demand for equal affirmation of all cultural practices by the state;<sup>86</sup> but they also make it hard to tackle problems such as that of permanent minorities, which have to be dealt with if democracies are to restore equal status to those currently marginalized. To be sure, egalitarian anti-multiculturalists do offer ways out of marginality. On these views that rely mostly on assimilation, dissociating oneself from those practices that result in marginalization is often considered to be sufficient to avoid the negative circumstances that multiculturalists complain about.<sup>87</sup> Whenever groups cannot undergo such assimilation on their own, they may legitimately expect some assistance from the rest of society in the form of differentiated treatment until their differences become unrecognizable and disappear as grounds for discrimination.<sup>88</sup>

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<sup>86</sup> *CE*, 270.

<sup>87</sup> See *CE* and Okin, *Is Multiculturalism Bad for Women?*

<sup>88</sup> *CE*, 114-118.



However such assimilationist solutions are not satisfactory from a democratic vantage point, because in the process of protecting citizens against rights violations they risk engaging in violations that are equally or even more serious. Barry thinks this should cause no concern; just as the side-effects of chemotherapy are to be tolerated if a patient wants to be cancer-free, assimilation should be embraced despite its side-effects because it contributes to the greater good of liberal justice.<sup>89</sup>

This is a dangerous line of thinking, as we saw at the end of the last subsection. But as far as the issue of democratic decision-making is concerned, what matters most is that anti-multiculturalism's rejection of the political relevance of culture and groups comes at a hefty cost. Sustainable agreements (those that balance the normative significance of disagreement and agreement) have a great deal to do with the dynamics of minority-majority relations. One cannot simply assume away the importance of the group dynamics of democratic politics as anti-multiculturalists do. Independent of how much liberals want to think of a political community exclusively in terms of right-bearing individuals and reject the relevance of groups, groups will continue to play an important role in shaping the dynamics of democratic politics, and ultimately making or breaking these sustainable agreements. Similarly, communitarians may feel committed to the centrality of the narratives of community, but the fact of interest-based group-making and breaking will play a role not only with respect to mundane questions but also will go on to shape those very identities that communitarians most exalt. To assume that a liberal democratic state can manage such disputes without coming to terms with the group dynamics of these relations and the role played by culture in defining these lines of tension does not change the impact these have on such important democratic considerations as non-domination, equality of status, regeneration or responsiveness.

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<sup>89</sup> *CE*, 25.

This brings us to an important distinction that a more properly democratic response to multiculturalism has to make. The recognition of the role culture inevitably plays in pluralist politics and the implications of this role for the resolution of multicultural disputes is not tantamount to the acceptance of the demands for thick recognition and affirmation of particular beliefs and practices that some groups occasionally make, often in response to stigmatization. An across-the-board dismissal of all demands for recognition because of a fear that it would eventually boil down to a logically incoherent cultural relativism is an answer that democratic theory cannot endorse.

#### **2.4 How Justified are Concerns with Solidarity and other Holistic issues?**

In the preceding two subsections our evaluation of the arguments anti-multiculturalists make in the name of democracy focused on NMD's link to pluralism and democratic decision-making. As a result, we are now in a position to see more clearly that the claims of incompatibility between multiculturalism and democracy are not as convincing as these authors claim; many of their arguments either rest on misconceptions concerning how democracies function or misrepresent the importance of certain principles to normal democratic functioning.

A relevant question that we have not discussed so far has to do with what would go wrong from a democratic perspective if we were to accept rather than reject the two misconceptions discussed above. An anti-multiculturalist could argue that existing democracies may show these minimalist characteristics, whereby dissensus, competition, and uncertainty appear as unproblematic characteristics, but a deeper, a more ideal, democracy would not have to view such characteristics as normal (one could say would have to reject them). It is on this view of a more genuinely egalitarian democracy that, the critic could argue, the citizenry needs to show more virtuous

dispositions (e.g., higher levels of goodwill, cooperation, rationality) than the ones NMD considers normal (e.g., scepticism of authority and more limited trust and solidarity). An acceptance of the first two misconceptions would commit us to a third problem that besets the anti-multiculturalist arguments, ironically in quite similar ways to those of their multiculturalist opponents. Just as satisfying some of the multiculturalist concerns requires giving governments so much unqualified power that compromises democratic qualities, rejecting some other multiculturalist views in favour of their anti-multiculturalist counterparts seems to do precisely the same.

Arguments concerning solidarity and social unity are of this nature. Namely, they will become more urgent and demanding if our expectations of democracy are similar to those we saw in the two misconceptions examined in the earlier subsections. The putative relation between solidarity and diversity is as follows: the more consensus over singular projects becomes the aim of a polity, the more solidarity and trust that polity will need to achieve these goals.<sup>90</sup> As a polity becomes accepting of more plural and tentative agreements its needs for solidarity and trust change as well. It is not hard to see that sustainable agreements discussed in the previous subsection rely on a substantially different degree of trust and solidarity than ideals of hypothetical or actual agreement that animate many radical egalitarian views on democracy. This is not to say that goodwill or trust no longer plays an important role in the minimalist conception of democracy. It certainly does; but because plurality and heterogeneity (as opposed to the idea of transparent and homogenous general will that we saw Schumpeter criticise in chapter 2) are important characteristics of any vision of common good that gains support under NMD, we are looking at more room for disagreement and variability.

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<sup>90</sup> For a critique of the trust and solidarity argument, see Eisenberg, "Equality, Trust, and Multiculturalism."

Because their citizens maintain certain relations of trust and solidarity, sustainable agreements are part of day-to-day life in established democracies. We may be unsatisfied with these relations and may try to reformulate them. However, one's dissatisfaction with what seems achievable under existing levels of trust does not justify ignoring the problems that would arise if states were to amplify their existing supplies. The conceptions of trust and solidarity that promise to engender deeper democracy lead us in a direction of a theory of governance whose holistic attributes are at odds not only with the principles of NMD but also with those of any theory that takes human fallibility and the abuse of power seriously.

Having seen how the variants of multiculturalism examined in chapter 4 risk placing too much power in the hands of groups to the detriment of individuals, we are now able to recognise a similar threat in the holistic arguments made by anti-multiculturalists. Anti-multiculturalism too runs the same kind of risk by placing too much power in the institutions of the community at large rather than in those of its subgroups. Barry, Okin, Miller and others sceptical of multiculturalism try to convince us that this option is to be preferred because a liberal and/or social democratic state has at least the prospect of acting more justly than illiberal groups that have not even shown interest in liberal egalitarian values.

Finally, in response to NMD's apprehensions about power abuse, an anti-multiculturalist could point out that a good liberal egalitarian theory can cater to the sceptics' concerns through the promise that once conditions of justice are secure, everyone will do their utmost to respect difference and disagreement. But this promise strikes us as insufficient once we remember a crucial lesson from Part One: the concern with disagreement is not just a sceptical interruption to an otherwise well-defined theory of social consensus – a healthy thing for a democrat to engage in and (settle by some

balancing acts) before decisions are made. As chapter 3 argued disagreement is a value built into NMD in no less important a sense than the value of agreement. The job of balancing the two values is too important a job to be left merely to the goodwill of the parties involved in the democratic process. It requires that the importance of disagreement be recognised in theory-building as well as institutional design in ways comparable to the recognition of the value of agreement through the acceptance of principles and mechanisms that are intended to facilitate agreement.

This leaves us with the job of engaging in a more constructive theoretical exercise – that of articulating a theory of groups and recognition that, as much as possible, abstains from repeating the errors of both multiculturalists and their critics. If such a theory manages to steer clear of the two sides' mistakes, it would not only stand as a more democratic alternative to these two sides, but could also offer a more genuinely democratic perspective on multiculturalism. The next two chapters take on this challenge. The first of these chapters spells out an alternative view of groups and their engagement in democratic politics on basis of lessons we learned in the first two parts of the dissertation. The last chapter expands our understanding of what NMD's approach to multiculturalism implies by defending it against objections from the multiculturalists and anti-multiculturalists.

## CHAPTER 6: Individualist Overtones of NMD and a

### Negative Theory of Groups

There is a voluminous political science literature that studies the dynamic relationship between groups and democratic policy-making, and treats the former as a fact of life in advanced democracies. In contrast, most political theorists approach the topic of groups with, to put it mildly, a great deal of suspicion. When the topic comes up in the theories of liberalism and democracy, it tends to carry negative connotations. In recent decades an exception has been made by proponents of the politics of difference for *ascriptive* groups.<sup>1</sup> This latter term was coined to separate a strand of group politics that seems to further the goals of liberal democratic justice from other types of group politics that are claimed to subvert the liberal project. Awareness of *ascriptive* groups allows society to set right injustices inflicted on certain segments of the population on the basis of their minority status from other democratically subversive strands that are perceived to have little to do with justice. The distinction allows many political theorists of liberal and/or democratic persuasion to continue to associate the remaining (interest) groups with assertiveness and self-seeking behaviour – vices that undermine the democratic virtues of cooperation, common good and fairness.

This ‘destructive’ aspect of groups, as we saw in the previous two chapters, featured prominently in the writings of both egalitarian multiculturalists and their liberal egalitarian critics. Having seen that the arguments on both sides often operate with pretensions to democratic legitimacy and their connection to democratic principles is not as strong as their authors assert, we need an alternative approach to groups that will steer clear of such mistakes. The general parameters of NMD’s

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<sup>1</sup> Iris Young and Melissa Williams are two important theorists belonging to this camp.

answer to the question of groups should now be clear. For instance, NMD – due to its qualified acceptance of Schumpeter's critique of general will – does not share prominent democratic theories' mistrust of groups and holds that groups do not have to represent only the cynical face of politics. Similarly, in the last chapter we saw the importance of pluralism to the normal functioning of democracies. The current chapter will build on these, by now, familiar aspects of normatively sound minimalist democracy to offer a more detailed picture of the alternative, democratic theory of groups.

The overarching claim made in this chapter is that NMD's argument for acknowledging the role of groups is primarily a negative one. NMD does not deny that groups under certain circumstances can bring additional democratic benefits; however, it is mainly concerned with the immediate effects of shutting out groups from democratic politics. It draws attention to how, under reasonable conditions of minimalism, democratic politics without groups is hard to conceive, let alone enact, at the same time that it shows how little support these principles provide for a shift towards more positive and substantive views of groups.

But first we need to systematize the reasons that NMD presents for taking groups seriously. Given that previous chapters have been resolute in their commitment to the value of individualism, why not continue to tackle the issues of multiculturalism within the same individualist framework? We have to make the extra effort to show that the need for an alternative approach to groups is connected to individualism in a principled way. Hence, the chapter starts by exploring the individualistic presuppositions of normative minimalist democracy and how they leave room for a democratic theory of groups to emerge. The discussion of the role of individualism in democratic theory draws on George Kateb's influential account of

democratic individualism. Critical engagement with Kateb's democratic thought confirms that democratic theory presupposes a commitment to individualism, but this individualism does not commit democratic theory to declaring groups irrelevant. Consequently, there is room for a theory of groups that does not undermine the individualistic commitments of NMD. Section two elaborates on democratic reasons we have for constructing such a theory, which further delineates the shape the theory will take. Section three expands this conception of groups by defending it against an influential argument that portrays it as inadequate in the context of the politics of difference. There I respond to Melissa Williams' critique of interest groups and her defence of a substantive theory of intergroup equality as the democratic remedy for permanent electoral marginalization.

### **6.1 Democratic Individualism**

In the course of discussing the anti-multiculturalists' democratic pretensions, the last chapter also dwelt on the relationship between pluralism and democracy. This chapter starts by elaborating on a different social disposition whose abundance is also vital for democracy. The earlier parts of the thesis have already alluded to the idea that democratic theory at minimum has to take a certain type and degree of individualism for granted. Here, this relationship will be more systematically examined. In explicating this relationship, the best place to start is with the democratic thought of George Kateb, whose views on individualism and democracy are rendered especially relevant to this project due to their affinity to democratic ideals that I gathered under the rubric of normatively sound minimalism. Kateb's account provides important answers to the question concerning the place of individualism in democratic theory. Nonetheless, certain elements of Kateb's individualism such as his opposition to identity groups suggest that his analysis is at times unnecessarily timid about



acknowledging some immediate conclusions that follow from his philosophical commitments. Taking a closer look at this tension in Kateb's thought not only helps clarify the place of individualism in democratic theory, but also casts light on the question of how to respond to the reality of multicultural groups.

Let us start by elaborating on the centrality of individualism to Kateb's democratic theory. Kateb writes that “democratic individuality, when practiced, guards and fulfils” constitutional democracy.<sup>2</sup> It fulfils the idea of rights-based democracy by “impress[ing] the meaning of rights on the psyche”.<sup>3</sup> It transforms citizens into a new type – one that demands rights, shows a critical, and even sceptical, attitude towards authority. Before I go on to say more about these characteristics of the democratic individual, I should elaborate on how this new character is formed. On Kateb's account, it is not particular laws that lead to democratic individuality. That is, democratic individuality is rarely achieved through deliberate attempts to create citizens. It derives most of its thrust from the attributes of modern democracy such as the rotation or circulation of leaders, the contestational nature of the day-to-day politics, and the simple fact of having one's vote counted equally.<sup>4</sup> These apparently formal features of democratic practice create what Kateb calls “the tentativeness of even rightful authority.”<sup>5</sup> It is also important to note that democratic individuality and democracy itself are mutually reinforcing. Democratic individuality is an outgrowth of democracy. Democratic culture takes hold when rights-based democracy takes hold in society. But the rights-based democracy takes hold only to the extent that democratic individuality is pervasive. In other words, Kateb observes a symbiotic and coterminous relationship between the two.

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<sup>2</sup> Kateb, *The Inner Ocean*, 27; (hereafter, *IO*).

<sup>3</sup> *IO*, 25.

<sup>4</sup> *IO*, 25.

<sup>5</sup> *IO*, 164.

What are the characteristics of this new type of citizen? Kateb places emphasis on certain traits of democratic individuality. One of the foremost characteristics of democratic individuals, on Kateb's account, is their "systemic suspicion of authority" which "teaches every individual to worry not only about authority exercised over oneself but also about the authority one exercises."<sup>6</sup> That is why democratic individuals do not view politics as a "ritual" aimed at bringing out the best in people. Instead, they view politics as a "game" that does not require "the best human qualities," but tries to compensate for the relative mix of virtues and vices of political participants with the greatness of the democratic process itself.<sup>7</sup> The search for the best, on Kateb's account, is the search for "personal or impersonal authorities".<sup>8</sup> What ensues from the quest for the best usually is not more or better civic engagement, but *docility*. When citizens do not see themselves as individuals, they make it easier for governments to oppress their citizens quietly, and enlist them in various collective projects.<sup>9</sup>

Another trait that Kateb's democratic individuals share is their common tolerance of each other's ways of life, motives, and decisions. Kateb's democratic citizens address their fellows with these words: "When I cannot celebrate your distinctive personality, I will nevertheless let nothing affect my underlying attachment

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<sup>6</sup> *IO*, 164.

<sup>7</sup> *IO*, 103-104.

<sup>8</sup> "The communitarian critics want people to be led by, and thus to be more deferential toward, either personal or impersonal authorities. Their views can suggest only that they want people to be made happy and useful by being made more docile." (*IO*, 229)

<sup>9</sup> Of course, there is more to Kateb's rich account of individuality than democratic minimalism can expect from citizens in ordinary life. A large part of it dwells on existential questions because Kateb wants to challenge the tendency of modern thinkers such as Foucault, Derrida, and Sartre to portray individuals as being in an inescapable radical dependency. (*IO*, 99) He holds, together with Emerson, Whitman, and Thoreau, that democratic individuality offers the self a chance to transcend dependency and see the true worth of separating oneself from modern preoccupations such as the pursuit of wealth and even political ambitions. Perhaps out of the three aspects of individuality that Kateb describes, the negative aspect is most suitable as a minimal level of individuality for NMD. The negative dimension covers mainly the critical attitude towards authority that democratic individuality instills in citizens. It encourages "dissent, unorthodoxy, no-saying." (*IO*, 89)

to your humanness.”<sup>10</sup> As democracy becomes more pervasive, even those who find each other’s moral views “repellent” or “abrasive” mitigate their respective negative judgements through their acknowledgement of each other’s individuality.<sup>11</sup> Such tolerance is further supported by the recognition that the proper functioning of the system rests on the availability of contestation, since the absence of opposition would lead to docility.

Underlying these characteristics, however, is the systemic and dynamic relationship between pluralism and individuality, or “moral identity” and difference. Kateb recognizes that the difference required for this individuality to survive is present only in a milieu of pluralism, which in turn can exist when individuals belong to different temporary, non-exclusive, changing groups.<sup>12</sup> The Emersonian “moral identity” of persons, the idea that attaches primacy to the moral sameness or common humanness, nonetheless, does not overshadow their diversity. On Kateb’s, as well as Emerson’s, account, the acceptance of moral identity is intertwined with the acceptance of moral difference: “Obviously, morally identical persons are diverse; they are individuals. Yet to accept them as equals by what is held to be the most important standard (the moral-political) is already to accept them as individuals in their differences. Belief in moral identity is the very source of the tolerance of otherness.”<sup>13</sup>

All of this suggests that Kateb should not be a critic of groups. His account of individuality, after all, seems to presuppose the kind of human diversity that can exist only in presence of pluralism. However, his aversion to groups is evident when he

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<sup>10</sup> *IO*, 156.

<sup>11</sup> *IO*, 163.

<sup>12</sup> *IO*, 32.

<sup>13</sup> *IO*, 155-56.

writes that “if ever greater numbers of individuals stop thinking of themselves as individuals and, instead, retribalize in ethnic or other sorts of fixed-identity groups, the normal level of democratic individuality would grow weaker.”<sup>14</sup> Kateb goes on to blame groups for much of political evil that has taken place in the world: “My contention is that much of political evil on a large scale is intimately connected to deep belief in the group and its identity.”<sup>15</sup> Kateb finds “the idea of strong group identity” dangerous. Moreover, he seems to be particularly averse to multicultural politics as far as the multiculturalists’ valuation of culture is concerned.

The easy escape from this conundrum appears to be, as Kateb at times makes it clear, to hold that he is opposed only to certain kinds of groups, namely the ones characterized by “the [dangerous] idea of strong group identity”. But it is difficult to make such categorical distinctions between groups. His account of the relationship between pluralism and individuality, and the ensuing minimalism concerning state authority, are too nuanced to allow such an outright and simple dismissal of multiculturalism. This complexity also rules out a related explanation. A careless reading may push one to explain Kateb's rejection of identity groups as having to do with how he takes individualism to be the primary value underlying democracy at the expense of relegating other democratic concerns. Kateb's individualism is supposed to encapsulate the apparent tensions between difference and identity rather than try to resolve it in favour of one or the other side.

Two related thoughts can help us see why Kateb’s rejection of (some) groups does not find much support within his account of democratic individuality. The first has to do with the essentialism concern, while the second is more directly related to

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<sup>14</sup> *IO*, 32.

<sup>15</sup> *IO*, 203.

features of Kateb's own account of individuality. First, as already mentioned, Kateb is not against groups *per se*, but groups with "strong identities". He writes that

I cannot imagine human life without some measure of group identity, but I also cannot imagine a comparatively decent life (at least internationally) unless group identity is mitigated considerably by the doctrine of individual human rights – by the conviction, that is, that other people are as real to themselves as I am to myself or we are to ourselves. ... If groups are imagined too vividly, individuals lose sight of themselves and are lost sight of. Ordinary persons thus cooperate with their undoing and the victimization of other ordinary persons.<sup>16</sup>

Most multicultural groups are not fixed identity groups of the sort that Kateb fears will undermine democracy by submerging democratic individuality. Kateb is aware of this when he acknowledges that often multiculturalism is a reaction to attempts on the part of dominant groups to thwart individuality of those on the less fortunate side of the power imbalance.<sup>17</sup> I plan to discuss how multicultural groups can play a non-essentialized role in democracies in more detail in the remainder of this chapter, as well as in the next one. Here, I want only to add that the essentialism challenge cannot be used as a *prima facie* argument against multiculturalism since it is possible that even non-ethnic and non-religious identities – class and party being the most obvious two cases – can stratify people in fixed identities no less effectively

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<sup>16</sup> *IO*, 209.

<sup>17</sup> "There is a commendable individualism in the will to stop being ashamed of one's arbitrary or unchosen characteristics, either the most superficial (like skin color) or the most tenacious (like desire) or the most culturally variable (like one's place in the sexual division of roles). ... Feminism, gay rights, certain racial assertions, and other social movements are faithful to the spirit of rights-based individualism, precisely because the will to end shame is more important than any further ideal aspiration. The group affirmation is an act of resistance to stigmatized identities and functions more than it is a claim to positive virtue or value. ... If, therefore, liberal individualism may, in some respects, cooperate with these forces, it holds within itself large resources to resist docility." (*IO*, 238)

than ethnicity and religion. So the problem seems to be a function of how an identity thwarts democracy rather than the content of a particular identity. Then, similarly, the solution has to focus more on relations between a particular identity claim and the rights or wellbeing of individuals rather than on the content of the identity in its comprehensive form. The preceding pessimistic evaluation of groups rests on, perhaps not an exaggeration of the evil of which groups are capable, but an overstatement of such threat in the context of democratic societies.

Second, it is important to point out how Kateb's individualism is different from Barry's individualism. Kateb is not worried about the attenuation of the common good as a result of the pervasiveness of democratic individuality in a maturing democracy. Not only does he acknowledge that the aversion to authority is responsible for the thinning out of common good, but he wholeheartedly accepts this as the only solution to the problem of docility. Kateb's individuality, being immersed in pluralism, is then a more flexible concept. Barry, on the other hand, as we saw in the last chapter, works with a more predefined account of individual. The individual citizen we see in Barry's theory has a much more constrained set to choose from. The big difference between the two is that many more ways of life that offend the latter individualism will not upset the former.

What do Kateb's views on individualism and his scepticism of multiculturalism teach us concerning how normative democratic theory should relate to pluralism, particularly to groups? The symbiotic relationship between democratic individuality (sameness) and difference lucidly captured by Kateb reveals the unacceptability of a state that tries to give shape to its individual citizens. Kateb rightly identifies attempts on the part of the state to break up the individual's resistance and turn her into a subject complacent in the exercise of authority as a

source of great concern for the democratic tradition. It is in light of this aspect of Kateb's democratic thought that the deployment of the state apparatus to remove the repugnant diversity through assimilative measures begins to appear as a less appealing option. Moreover, what makes groups repugnant in Kateb's philosophy is not their assertion of difference but their tendency to claim normative priority over the interests of the individual. In the preceding passages I tried to demonstrate that one easy option, allowing some groups while shunning others, is not easily available to Kateb. Thus, what Kateb, and individualist democratic theory including NMD needs, is another meaningful criterion to separate the benefits of groups from their potentially destructive effects. Probably there is no hermetic standard for successfully separating these two aspects of group politics in an uncontroversial way. But the negative theory of groups seems to offer a successful enough standard. The success of the negative theory is based on its resolute commitment to not reducing the two aims of democracy, commitment to equality of all citizens and to the importance of non-domination or disagreement, to one another. Of course, there will be times when making tradeoffs between these two democratic goals will be unavoidable. But the key difference between the negative theory of groups and other approaches to multiculturalism that lay claim to being democratic is that it tries to incorporate both of these goals as core democratic commitments – neither is an extension or corollary of, or supplementary to, the other.

## **6.2 What role can groups play in the picture of individualist democracy?**

As we saw in the preceding section, the individualism to which democratic theory is committed does not reject groups. It simply denies that they can have normative primacy over individuals. It points out the implausibility and undesirability of

attributing to groups intrinsic value over and above the value that they may have in the eyes of their members.

Democracy recognizes and accepts in an ineliminable way different kinds of groups and collectives. At its most basic, the demos in a democracy stands as the agent of democratic action. There are other corporate agents of lesser order such as various branches of government, various levels of legislatures, political parties, etc., to which certain rights and responsibilities are attributed. More importantly, rights that we often think of as individual rights – “the rights to freedom of the press and assembly, or the right to a jury trial” – “have important “collective” elements.”<sup>18</sup> The reach of the collective dimension extends deeper than this and is exemplified by the representational character of modern democracy. The most fundamental act of democracy – voting – groups citizens into various categories – on the basis of interests, constituencies, and electoral outcomes, to name the most significant three. In other words, it is not difficult to show that many rights inextricably associated with democracy have a group dimension.

Perhaps the individualism of democratic theory does not produce a theory that actively promotes affirmative recognition for groups – a theory that many multiculturalists base on the intrinsic valuation of culture. However, this view of democratic individualism is still consistent with quite a robust theory of groups. One may call this a negative theory of groups, but this theory looks quite potent. In what follows, I mainly focus on three clusters of reasons that hint at the necessity of constructing such a theory. These reasons are (a) the unacceptability of politicizing motives, (b) anti-assimilationist bias, and (c) the collective bases of democratic rights.

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<sup>18</sup> Kymlicka and Shapiro, *Ethnicity and Group Rights*, 4.



*(a) Impropriety of politicizing motives*

There is a tendency among democratic theorists to divide scholars of democracy into two groups – those whose theories advocate expanding democratic participation through more direct or deliberative democracy, and those that confine themselves to reinterpreting such traditional features of existing liberal democracies as representative institutions, interest groups, and preference aggregation.<sup>19</sup> Such a classification may strike most of us as a gross generalization since many theorists of democracy engage in both theoretical exercises. Perhaps the following distinction is more nuanced. Some democratic theorists take citizens' preferences *largely* as given, while others argue that the desirability of motives offers a legitimate basis for discriminating between preferences. The theorists falling under the second group often find it necessary to identify those institutional practices that cultivate desirable motives while discouraging the undesirable ones. This classification seems to be nuanced enough to accommodate the fact that many theorists who value traditional institutional embodiments on normative or pragmatic grounds also advocate deepening democracy; Dahl's vision of democracy as a *journey* (that starts from *polyarchy*) is a telling example.<sup>20</sup>

The most conspicuous instance of the aforementioned distinction being at work is the debate surrounding interest-group pluralism. Opponents of pressure groups, 'partisan bickering', self-interested voting, and other types of 'self-centred' political manoeuvring, hold that the ignominious motives that animate the politics of interest are the source of the problem; were everyone to act out of a sense of justice rather than self-interest, we could have a better and deeper democracy. In the words of one of its most persuasive critics, the fact that the self-centred view of democratic

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<sup>19</sup> Mark Warren, "Democratic Theory and Self-Transformation," 8-23.

<sup>20</sup> Dahl, *Toward Democracy*.

theory allows “no criteria for distinguishing the quality of preferences by either content, origin, or motive” constitutes one of its biggest shortcomings.<sup>21</sup> On Iris Young’s account, the failure to distinguish the desirable motives from the undesirable ones weakens the intuitive connection between democracy and justice.<sup>22</sup>

Advocates of *strong* democracy often throw multicultural groups into the same category as other interest groups whose particularistic agendas allegedly end up subverting the common good.<sup>23</sup> Incidentally, even theorists generally sympathetic to multiculturalism endorse it to the extent that its demands can be couched in a non-egoistic language. Most theorists opposed to interest-group pluralism are aware of the fact that people form groups, or remain in groups that came about in less deliberate ways, because of some perceived interest.<sup>24</sup> In the case of some groups, the interest at issue is a common culture, in others it is economic, and in yet others it is opposition to some perceived injustice. The most important reason they favour the distinction between noble and ignoble motives is that such a distinction would allow them to discriminate between legitimate groups and illegitimate ones, and design institutions that minimize the impact of the latter on the political process. To be sure, the only preference at stake is not one between self-interest and other-regarding interests. Sometimes, we may find certain types of group-interest more tolerable. To give an example, institutional design could continue to allow unions and corporate interests to compete for political clout, because their activities are considered integral to a functional capitalist democracy, but cultural and religious groups could face more

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<sup>21</sup> Young, *ID*, 19-20.

<sup>22</sup> Young, *ID*.

<sup>23</sup> Barry makes this point. Even Young says something similar despite the fact that she is generally sensitive towards instances of common-good claims being used to suppress difference.

<sup>24</sup> Here interest is defined in a broader sense than interests of the so-called *homo economicus*. Interests in question do not have to be interests of rationally thinking individual, nor do they have to be egoistic. I will say more on this later.

institutional barriers in organizing to gain influence because they are moved by more parochial, primitive, conflictual – in short, undesirable – motives.

There are important practical and normative concerns built into the view of democracy developed in this work that militate against such a focus on motives. First and foremost, as argued in detail in chapter three, political equality in a democracy serves a strong expressive function. In a recent contribution to the debate, a group of influential deliberative democratic theorists acknowledged that voting – a mode of democratic decision-making that takes preferences as given, and assigns equal weight to them without assessing the respective *justness* of motives– can “in important ways” turn out to be “more inclusive and egalitarian than deliberation”; for “voting has the capacity to bring every full member of the polity into the decision and give that member’s “say” an equal weight, at least in the decision as constructed.”<sup>25</sup> However, what these writers still continue to deny, in my view without much plausibility, is that the inclusive and egalitarian edge that voting has over purely deliberative mechanisms has to do precisely with its disposition to avoid discriminating between motives. Otherwise, society might develop a proclivity similar to the one lucidly portrayed by Elizabeth Anderson in her critique of luck egalitarianism.<sup>26</sup> The state and society might continually have to make “demeaning judgments” that jeopardize the expression of equal agency by political equality.<sup>27</sup> Such paternalism with respect to motives will likely involve what Anderson, in the context of luck egalitarianism, describes as dictating to people “the appropriate uses of their freedom” – in this case

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<sup>25</sup> Jane Mansbridge with James Bohman, Simone Chambers, David Estlund, Andreas Føllesdal, Archon Fung, Cristina Lafont, Bernard Manin and José Luis Martí, “The Place of Self-Interest and the Role of Power in Deliberative Democracy,” 85.

<sup>26</sup> Anderson, “What is the Point of Equality?”

<sup>27</sup> *Ibid.*, 289.

their freedom to vote and engage in political activism in the direction of their choice.<sup>28</sup>

Before I move on to discuss the totalitarian threat lurking behind such discrimination, I should acknowledge that there is much to agree with in Young's suggestion that "the more that public life and political decision-making motivate political actors to justify their claims and actions and be accountable to their fellow citizens, the more the arbitrariness of greed, naked power, or the cynical pursuit of self-interest can be exposed and limited."<sup>29</sup> NMD values the transformative role that such public debate can have in advancing objectives such as democratic equality and non-domination. The regenerative dimension of NMD suggests that democratic societies ought to cultivate more responsible citizenship through democratic education and better access to public space. However encouraging responsible citizenship is one thing, tailoring institutions to discriminate against preferences of certain citizens on the basis of their having wrong motives is another.

A society that turns the motives behind individual choices into matters of legislation will be acting in violation of important democratic norms. The schemes of politicizing motives – and weighting more heavily the ones that are "decided" to be superior – will run into conflict with the two democratic values that NMD deems fundamental. These are (a) political equality and (b) the prevention of domination and a larger-scale totalitarian control. Even if, we were able to identify some elaborate regulative principle of discriminating between motives that satisfy (a), the project would still not be acceptable from the democratic perspective laid out in this work. For the discrimination between motives would continue to require a highly intrusive

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<sup>28</sup> *Ibid.*, 289, 301. Also, I discuss the relationship between paternalism and democracy in the context of privacy constraints in chapter three.

<sup>29</sup> *ID*, 36.

scheme of government interference and control. What makes such an intrusive scheme even more unacceptable from the perspective of NMD is that it will be hard to check through the traditional means of democratic control. The latter issue arises from the damage inflicted on the democratic agency of citizens in the process of discriminating between motives. Citizens whose motives are deemed inappropriate by government to the level of being discounted or only partially counted, could not coherently be expected to retain their democratic agency.<sup>30</sup>

The upshot is that there is a strong democratic case against constructing institutional barriers based on discrimination between motives in order to impede individuals' pursuit of their preferences. What does this show with respect to groups? I think one thing that it certainly shows is that we have an egalitarian reason to be more suspicious of normative theories trying to discourage certain kinds of group activity on the grounds of the disruptive impact these may have on larger societal goals.

***(b) Anti-assimilationist bias***

The second cluster of reasons that points in the direction of a negative theory of groups has to do with the relationship between democracy and assimilation. In part two of the thesis, we saw three different stances on assimilation that pretended to speak from a democratic perspective. To sum up those stances, one of them, Barry's view, was that assimilation is required by democracy.<sup>31</sup> Tully viewed assimilation as a

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<sup>30</sup> One such proposal that seems to debilitate democratic agency is made by David Estlund. Estlund argues that the act of voting has to be interpreted in a certain way that precludes taking it as an expression of individual preference. Votes that depart from the correct interpretation are not democratic votes. If an interpretation is needed, then there is the question of what to do when a certain vote departs from that interpretation. Such views, although scholastically innocuous can be highly dangerous in actual worlds of politics. See Estlund's "Democracy Without Preference".

<sup>31</sup> Barry, *Culture and Equality*.

grave offence against multicultural others.<sup>32</sup> On Hollinger's view, assimilation was deemed natural, as democracy over time makes the continued cultivation of certain traits less than desirable.<sup>33</sup> Which one of these views, if any, is right? I think the answer to this question lies in the differences between two kinds of assimilation. The two kinds that seem most relevant in this context are (a) assimilation that occurs as a result of state coercion – call this artificial or coercive assimilation – and (b) assimilation that occurs over time without direct use of coercion to bring forth assimilation – call this natural or non-coercive assimilation. The ideal of democracy presented in this work appears to have a bias against the former, while not having a similar bias against the latter.

This bias stems from the account of democratic individualism presented in the first section, as well as accounts of democratic equality and non-domination examined in the part one of the dissertation that foreshadow the argument for democratic individualism. Even when existing cultural structures of minority groups seem to favour hierarchy over equality, an imposition of a social blueprint to transform individuals can be undemocratic.<sup>34</sup> There are principled as well as pragmatic arguments for avoiding assimilation of the first kind. The principled argument has to do with the nature of power relations within democratic societies. Here I think we can safely assume that in a democratic society people are by definition formally free and equal, and no multiculturalist would find such formal equality morally objectionable.<sup>35</sup> Given this background condition, the only egalitarian purpose that assimilation can be expected to serve in a democratic society is improving the power imbalance among those occupying dominant social positions and others. Assimilation

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<sup>32</sup> Tully, *Strange Multiplicity*.

<sup>33</sup> Hollinger, *Post-Ethnic America*.

<sup>34</sup> This is not an argument against intervention. See chapters 4 and 5.

<sup>35</sup> See chapter 3.

of the first kind, however, often does not result in a more equalitarian power relationship. For assimilation in situations resembling the permanent minorities scenario discussed in chapter three constitutes a further exercise of coercive power of one, dominant, part of the population over another. Even if this power is geared to an indisputably democratic cause, its exercise over people who have no power to effectively contest it is undemocratic. Thus, paradoxically, outright interventionist assimilation looks less legitimate when differences between the dominant group and minorities appear sharper and deeper, that is, when anti-multiculturalists perceive a more pressing need for assimilation.

Moreover, the principled case against forced assimilation stems from the need to respect individuals' equal status as agents. Assimilation damages one's sense of agency and results in more incapacity to act as an individual. The person who has been coerced not to act in a way that she has always acted, or coerced to act in an alien way, does not somehow magically become a new individual. She remains the same person with a more impaired agency and reduced sense of self-respect, and therefore less likely to be empowered – which goes against the egalitarian purpose of assimilation.

Fortunately, often there is more a government can do in terms of solving the problem than engaging in counterproductive large-scale assimilation. Often improving access to mainstream institutions is a more effective strategy, for the less the minority groups involved in such conflicts resemble the pattern of being a *permanent minority*, the less the defence of democratic equality, and piecemeal interventions to achieve it, will resemble assimilation. Leaving aside the forceful moral case against assimilation, there are strong pragmatic reasons for avoiding it. As

supporters of multiculturalism such as Will Kymlicka have convincingly argued, coercive assimilation also undermines stability.<sup>36</sup>

On the other hand, assimilation that occurs as a by-product, without direct use of coercive apparatus of the state by the dominant group, does not fall under the anti-assimilation bias. It is neither the fact that people have had to change their ways of life, nor that their culture has been transformed without their purposeful decision, that makes assimilation a negative from the perspective of democratic norms; for democratic theory does not hold culture to have such unconditional value. Culture in this narrow sense can matter only for instrumental reasons and one context in which it seems to highly matter is the permanent minority situation described in chapter three. For what makes assimilation objectionable and worrying from the democratic perspective is the presence of certain types of coercion as opposed to the mere fact of having to adapt to a new situation. Human beings adapt to countless new situations, and cultures undergo change without many people ever complaining about the cruelty of assimilation. Much of the change associated with democratic individuality discussed above falls under this second type of assimilation. For the universalizing effects of democracy are by-products of engagement in the democratic process.

Now, we can return to the question concerning three different views of the relationship between democracy and assimilation. I think neither James Tully's nor Brian Barry's view is right. That is, assimilation is neither essential for democracy,

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<sup>36</sup> See Kymlicka, *Multicultural Citizenship*, 182-86. I would like to draw attention to how my proposal is different from Kymlicka's in one important sense. Although whether a group is an immigrant group or a national minority can matter in the sense that the latter may have some historical privileges based on past treaties that the former does not enjoy, differences between the two types of ethnic plurality are not of the scale to determine how the state should respond to them.<sup>36</sup> Leaving the question of historical treaties and the issue of reparations aside, whether a group has lived in a place for twenty or two hundred years does not seem to matter from the perspective of NMD. Telling a Muslim population who has lived in a place for ten-fifteen years "we don't like your way of life; you have to change" seems no more right than saying the same to French-Canadians or Aboriginal Canadians.



nor inconsistent with it, because a simple either-or statement fails to take differences between the two types of assimilation into account. An argument similar to the one made by David Hollinger that draws attention to the naturalness of long-term assimilation is more plausible than the other two stances on assimilation.

*(c) The group dynamics in democratic rights*

The third cluster of reasons that hints at the necessity of thinking about a democratic theory of groups is that an individual's political experience is significantly transformed by the group dynamics of modern democratic practice. However, from acceptance of this fact one should not try to draw any far-reaching conclusions about the intrinsic worth of cultures or groups. This thesis does not depart from the commitment to democratic individualism that we saw in the previous sections. It does not claim that the social and political world can be explained in terms of units other than individuals. It simply acknowledges the need to take relations between individuals and the structures they create and support into account. In the words of Hayek, "It is so not only in the trivial sense in which the whole is more than the mere *sum* of its parts but presupposes also that these elements are related to each other in a particular manner." In the words of Popper, it recognizes the need to take "the logic of situation" into account.<sup>37</sup>

I would like to return to the suggestion made in the opening paragraph of this section that the most fundamental act of democracy, voting, tends to group citizens into various categories – on the basis of interests, constituencies, and electoral outcomes, to name the most significant three.

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<sup>37</sup> See Popper, *Open Society and Its Enemies*, Vol. 2, 92.

First, individuals can experience political effectiveness only in connection to groups. This statement does not just imply that individuals are more effective in attaining their political aims when they coordinate with other like-minded individuals than they would have been if they chose to act alone; it also implies that the individual's political engagement in the context of contemporary democracies is rendered effective only in the presence of groups. Moreover, political effectiveness seems possible only through the kinds of group activity that are contestational.<sup>38</sup> It is unfeasible and also undesirable, for reasons addressed throughout this dissertation, to get rid of the contestational aspects of modern politics. The image of an individual citizen, who deliberates on her own about the content of the common good, by itself, is a very inadequate characterization of contemporary democratic politics even in its most good-willingly cooperative sense. What happens at every stage of politics from agenda-setting to the final decision-making stage is that individuals' political activity is mediated through different layers of group activity. In the words of one critic of "unmediated" individualism, "the central fact of democratic politics in modern societies with universal suffrage and large territories is that individual participation can be meaningful only when mediated through organizational forms, whether they be political parties, watchdog groups, ideological and economic groups, or others."<sup>39</sup>

Furthermore, not all group activity arises out of a sense of individual choice. It is not simply the pervasive awareness of the necessity of groups for political efficacy

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<sup>38</sup> Kateb points out that democratic participation in the modern age is possible only in connection with group engagement. In response to those who "chide ... interest group politics", Kateb writes: "Yet what other modern way is there of normally breaking up massification and homogenization? Acting on self-interest or on particular moral interests is, except in times of constitutional or other crisis, the only form that participatory politics can take. To discredit such action is not to hasten the end of passivity. And to idealize a situation in which all the citizens of a large society are constantly mindful of society as a whole is to favor increased docility, despite one's theoretical intentions. The "perspective of commonality" entails a politics in which leadership is essential, and along with it, the trained disposition to be led." (*IO*, 261)

<sup>39</sup> Pildes, "The Theory of Political Competition," 1607-08.

among individuals that leads to the omnipresence of groups. The modern conception of democracy itself unavoidably sorts citizens into groups. The most obvious way in which this happens is when even unorganized citizens find themselves grouped together as a consequence of voting outcomes in elections or legislative processes. In multi-party systems, supporters of the parties that end up on the losing side often gain some sort of temporary identity in their concerted opposition to the government, despite their prior ideological differences.<sup>40</sup> On the other hand, for individual electors, political experience is substantially transformed by the mere fact of having associated themselves with one set of political options rather than some other – whether one happens to be on the winning or losing side of the vote matters to one. This type of grouping seems to hold even in non-representational decision procedures such as referenda and municipal direct democracy. Citizens find themselves in groups, albeit temporary and transient ones, even when they come together without any partisan affiliations or sympathies, with the more Rousseauian intention of putting the public good first.<sup>41</sup>

Also, not only are individuals politically effective only in groups, but it is the group-dynamics of democratic politics that, to a significant extent, determines how effective they can be. Particularly important in rendering individual political activity more or less effective is the unfixable manipulability of democratic procedures. Something as rudimentary as the drawing of electoral boundaries can end up largely affecting the weight of an individual vote.<sup>42</sup> The electoral system of a country,

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<sup>40</sup> This aspect of competitive power relations should not be overlooked. When electoral hegemony of one party, or ideological opposition to it, becomes too powerful, even groups with very different identities can unite in pacts and take on temporary but remarkably strong new group identities.

<sup>41</sup> Rousseau, *On the Social Contract*.

<sup>42</sup> Moreover, constituency boundaries also transform groups and create new ones in other ways. For instance, certain groups that find themselves within a newly created electoral district or a newly created administrative unit will find themselves in the middle of different group dynamics. Here, I will not consider such effects that electoral boundaries may have.

together with the geographic concentration of minority groups and the extent of polarized voting, just to cite some common examples, may seriously affect the relative weight of a minority vote, and to use the language adopted by American legal theorists, end up “diluting” it.

Vote dilution claims gained attention particularly among American legal theorists in the wake of the Voting Rights Act of 1965, whose provisions allowed civil rights groups to demand that *unfair* electoral boundaries be redrawn to enable African Americans to elect representatives of their choice.<sup>43</sup> Before the Supreme Court developed its dilution doctrine, American states could gerrymander their electoral boundaries for partisan advantage without much interference from the Court. However, in the wake of the Voting Rights Act, the U.S. Supreme Court has made several landmark decisions.<sup>44</sup>

Interestingly, the reverse is also possible. To demonstrate how the rules of the game can be bent in various ways to produce different outcomes, we could consider an example in which a minority group ends up getting a disproportionate degree of political influence. For almost two decades, until their surprising defeat in May 2011 general election, Bloc Quebecois – Quebec’s separatist party in the federal parliament – consistently acquired significantly more seats in the House of Commons than other opposition parties that received even a bigger share of the popular vote due to the well-known advantages of first-past-the-post for geographically concentrated minorities. This is not to argue that a particular constituency configuration is by definition just or unjust, for there are many possible configurations, and none that is

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<sup>43</sup> For a discussion of this, see Gerken, “Understanding the Right to an Undiluted Vote”; Williams, *Voice, Trust, and Memory*.

<sup>44</sup> E.g., *Reynolds v. Sims* [377 U.S. 533]; *Thornburg v. Gingles* [478 U.S. 30]; *Shaw v. Reno* [509 U.S. 630].

supposedly neutral with regard to every identifiable vote or voter concern. Therefore, it is hard to imagine that vote dilution or inflation claims can be settled in conclusive and satisfactory ways. The upshot is to draw attention to how voting procedures in particular, and other democratic procedures, in general, can easily produce largely varying outcomes, which could be regarded as signs of the manipulability of the system.

Now, one could grant that these are fair observations about representative democracy, but ponder why they should carry any normative meaning. In other words, “one might argue that a vote is ‘counted at full value’ as long as everyone’s vote is given equal weight” as one U.S. Supreme Court justice did.<sup>45</sup> As long as, dominant groups do not stuff election boxes with extra ballots, and do not engage in other sorts of election fraud, a democrat could object, one should not be concerned with variations that will continue to exist in one form or another. Of course, the fact of manipulability would be an irrelevant fact as far as our present question is concerned, like many other ineliminable facts of politics, if it were not for the fact that benefits and burdens resulting from manipulation of such rules accrue to individuals on the basis of their group affiliations. Although ultimately the harm is done to individuals – it is the individual’s right to vote, not the group’s right, since NMD conceptually rejects the possibility of a group right to vote – this harm involves group dynamics that one cannot remedy while remaining oblivious to the role of groups. In the absence of other individuals with similar political dispositions, the wrong committed by the electoral system against an individual elector – dilution of that elector’s vote – would simply disappear.<sup>46</sup> For it is only in relation to other individuals who fall into

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<sup>45</sup> Gerken, “Understanding the Right to an Undiluted Vote,” 1671.

<sup>46</sup> In the words of one theorist of election laws, the harm involved in dilution – and the corresponding claim to be protected against this harm – “rises and falls with the treatment of the group”. (ibid, 1722)

one's electoral group, and also those who fall outside it, that a vote is counted at less than its "full value". If these group-related aspects play a role, which I think is clear from several observations made in the preceding paragraphs, the claim that groups matter has to be taken more seriously. The cost of neglecting the possibility of such manipulation, let alone the fact of manipulation, would be too high because the vote is one device that crosscuts all four dimensions of NMD. It plays an irreplaceable role in every aspect of normative minimalist democracy from expressing equality and registering dissent to ensuring responsiveness and regeneration.

The point of this discussion is that group dynamics matter in an important way because the fact of groups ends up transforming the political experience of individuals. In consequence, political theorists such as Melissa Williams and legal scholars such as Heather Gerken are right when they point out that "[n]o matter how individualistic the premises of a political system, all political representation is group representation insofar as legislators represent constituencies and constituencies are defined by some shared characteristic, that is, as a group."<sup>47</sup> The important question that this conclusion evokes is whether recognizing the place of groups requires rethinking the individualistic understanding of the norms underlying minimalist democracy or the individualistic understanding has to remain intact.

### **6.3 How to Think of Groups: Interest Groups and Democratic Multiculturalism**

Although the concern with inconsistencies that arise when overlooking the role of groups in democratic theory is an important part of a coherent approach to the interplay of democracy and cultural diversity, I want to maintain that the individualistic framework highlighted above is well enough grounded to deal with

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<sup>47</sup> Williams, *Voice, Trust, and Memory*, 25; (hereafter, *VTM*).

these issues in ways consistent with democratic principles. To back up this suggestion I now turn to examine a particularly relevant formulation of the challenge against the individualist framework of democracy – the one made by Melissa Williams in her *Voice, Trust, and Memory*. The shortcomings of this view that calls for more substantive equality between groups will help clear away a good part of the scepticism towards democratic individualism that the foregoing passages on the group dynamics of democratic politics may seem to nourish.

Although Williams' account shares an important part of its normative concerns with the inclusion challenge developed by Iris Young, the former has some important differences which require a new response on behalf of NMD. These have to do with Williams' more careful examination of liberal democratic institutions and her seemingly more committed attempt to square liberal democratic norms of representation with the group-related views voiced by the proponents of the politics of difference. For Williams, what she calls the two strands of liberal democratic representation, individual equality in the form of '*one person, one vote*' and equality of opportunity in the form of *interest group pluralism*, despite their shortcomings, belong to the indispensable core of democratic theory.<sup>48</sup> The aim is not to supplant this individualistic crux of liberal democracy with a different social ontology, but to supplement it with substantive norms that allow one to consistently defend the intuitions of fairness with regard to marginalized minority groups.<sup>49</sup> On this account, contra Young, difference is not a positive resource to be accepted for its permanent transformative character, but a necessary milestone in the road to difference-blind

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<sup>48</sup> *VTM*, 11.

<sup>49</sup> *VTM*, 82-83; 105.

justice.<sup>50</sup> In short, Williams is not in disagreement with the moral ends of liberalism, but only with the means of getting there in societies with histories of unequal power relations, since that requires balancing the individual-centred procedural notions of equality with group-centred, substantive ones.

The most conspicuous part of Williams' theory of fair democratic representation for marginalized groups rests on her critique of interest groups pluralism – particularly, on the argument she develops against discussing the politics of difference in terms of interest groups. At the heart of her argument is the claim that groups that predominantly figure in the politics of difference – at least the ones that have the weightiest claims – are *ascriptive* groups for whom their distinctive social positioning carries a history of marginalization that not only disadvantages them in relation to other groups but also constantly deepens and regenerates that disadvantage. For Williams, membership in an ascriptive group – to be more precise, “[t]he inescapability of the group differences regarded as meaningful by the dominant society” – makes it extremely difficult to overcome the disadvantage as long as the structures of inequality maintaining the difference are overlooked.<sup>51</sup> Theories of pluralism preoccupied with the voluntary aspect of groups fall short when it comes to bringing about fairness for marginalized ascriptive minorities because they are particularly silent on the issue of structural disadvantage.<sup>52</sup> On this model that Williams criticizes, groups that speak loudest in the public and/or are resource-rich are the ones that are able to win favours and secure their desired policy outcomes. In short, pluralist theory is overly optimistic, Williams argues, particularly in its

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<sup>50</sup> *VTM*, 143; Williams also writes that “an egalitarian approach to marginalized ascriptive groups should seek to make them less ascriptive, to make membership in them a matter of choice rather than something imposed on the individual by others.” (*VTM*, 198)

<sup>51</sup> *VTM*, 108.

<sup>52</sup> *VTM*, 107-108.



expectations that any interest group will be able to mobilize resources when it comes to their most intensely held preferences.<sup>53</sup>

Moreover, there is the argument from the necessity of *trust* between legislators and their representatives that, Williams thinks, renders liberal pluralism inadequate in relation to marginalized groups.<sup>54</sup> The point of departure for Williams' trust argument is Hanna Pitkin's famous definition of representation that comes to terms with, rather than attempting to reconcile, the tension between the aspects of representation that involve *trusteeship* and *delegation*. In her *The Concept of Political Representation*, Pitkin wrote that

representing here means acting in the interest of the represented, in a manner responsive to them. The representative must act independently; his action must involve discretion and judgment; he must be the one who acts. The represented must also be (conceived as) capable of independent action and judgment, not merely being taken care of. And, despite the resulting potential for conflict between representative and represented about what is to be done, that conflict must not normally take place.<sup>55</sup>

Pitkin's definition of representation entails a triadic relationship – one that factors in the agency of both the representative and the represented, as well as the normative condition of responsiveness that mediates the relationship between the two agents. Because the above definition from Pitkin does not subsume the agency of one side under that of the other, representation maintains its “fiduciary” character.<sup>56</sup> For

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<sup>53</sup> *VTM*, 76-77.

<sup>54</sup> *VTM*, Chapter 5.

<sup>55</sup> Pitkin, *The Concept of Representation*, 209.

<sup>56</sup> *Ibid.*, 128.

Williams, this character of representation is doubly important, not only because representatives can maintain the trust as long as they remain responsive to the discernible interests of the represented but also because political trust makes the responsive relationship between the representative and the represented possible. In the words of Williams, "Every scheme of representation must offer citizens a *rational basis of trust* in government, a set of reasons why institutions of representation will function to make government responsive to their essential interests."<sup>57</sup> Groups come into this picture when the patterns of historical tension inescapably reflect on the relationship between citizens. When the trust of citizens towards their electors shows signs of erosion – largely because the underlying trust among citizens can no longer be counted on – the only way of rescuing representative government, according to Williams, is to make it possible for citizens to elect those in whom their trust remains stronger.<sup>58</sup> To return to our question at hand, this is the second reason why the liberal democratic theory of representation, with its focus on formal equality and pluralism is incapable of doing justice to marginalized groups. Theories of democratic representation that are not group-conscious do not have the conceptual resources required for consistently defending the self-representation of minorities, supposedly the only way of bringing back political trust.

I do share Williams' critique of the *invisible hand*, and agree that an over-reliance on the self-corrective mechanisms of the market is too optimistic a view for democratic societies that have obligations of fairness towards their disadvantaged members.<sup>59</sup> The classical pluralist view of democratic politics, on its own, is a deficient view similar to the classical minimalism of Schumpeter insofar as both

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<sup>57</sup> *VTM*, 33.

<sup>58</sup> *VTM*, 172-174.

<sup>59</sup> *VTM*, 65-66.

ignore the normative underpinnings of contemporary democracy.<sup>60</sup> However, Williams' account is marred by numerous problems of its own, and as a result, it is not able to offer convincing reasons to upset minimalist democracy's commitment to individualism and a negative theory of groups for which it leaves room. My objection to Williams –which I hope will reveal that her view is a less appealing alternative to a revised version of the account of pluralism she criticizes – is motivated by two broad concerns. First, Williams' criticism of interest groups seems too shallow insofar as it ignores certain democratic realities. On the other hand, her overreliance on legislative fairness, and in general on fair outcomes, is too optimistic. Let us now take up both concerns in turn.

In what ways is Williams' critique of interest groups shallow? One thing not to ignore is the extent to which minority groups have been successful in making inroads when they organize as pressure groups and mobilize their resources to gain a place in wider public and political coalitions. An interest group should not immediately be associated with a wealthy corporation funnelling disproportionate amounts of money in order to corrupt a given country's political elites. Unions, civil liberty organizations, and other associations that have played an important role in progressive politics often operate at least partly on the interest group model. The ACLU and NAACP are two illuminating examples from the U.S. In the words of one scholar of American politics, "In mid-century, civil rights organizations like the National Association for the Advancement of Colored People did more to represent the interests of African-Americans than most elected politicians."<sup>61</sup> In Canada, The Assembly of First Nations, a federation of many Aboriginal organisations, has done a lot to combat discrimination against the most disadvantaged segment of the Canadian

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<sup>60</sup> See Chapter 2.

<sup>61</sup> Mezey, *Representative Democracy: Legislators and their Constituents*, 166.

population.<sup>62</sup> The interests in question do not have to be self-interested in the narrow sense of the term that implies egoistic dispositions.

Another related aspect of the misconception is that political theorists tend to view interest groups, almost exclusively, as powerful national organizations with vast resources or histories of successful engagement with political powerhouses. Powerful business and civil rights groups such as the *U.S. Chamber of Commerce*<sup>63</sup> and the NAACP may neatly fit this model of interest group engagement that focuses on the importance of stable policy networks, whereas many other successful pressure campaigns do not. In the U.S. the “shift – from a world of policy-making characterized by tightly knit policy communities and/or well-structured and stable networks, to a more loosely ‘organized’ and therefore less predictable collection of stakeholders” dates back to the 1970s.<sup>64</sup> Jeremy Richardson notes that in Europe too, “[p]olicy making within European states and at the European Union level is often much more fluid and unpredictable – and less controllable – than seems to be implied by enthusiasts of the network approach.”<sup>65</sup> In reality, the system of interest group politics at play in most Western democracies is so fluid that even “established insider groups” with lots of disposable resources “can eventually lose out” to their less connected and resourced rivals.<sup>66</sup>

The foregoing scepticism about voluntary groups has to do with a larger misunderstanding concerning the proper role of interest groups in a well-functioning democracy. I take a particularly broad definition of the term interest group, and use it

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<sup>62</sup> For instance, the Assembly together with other First Nations lobby groups featured prominently in the process that led to the official apology by the government of Canada in June 2008. See Parliament of Canada, “House of Commons Official Report (39th Parliament, 2nd Session).”

<sup>63</sup> The Centre for Responsive Politics (its web project *OpenSecrets.org*), has consistently ranked them as the top spender over the last decade.

<sup>64</sup> Richardson, “Interest Groups and Policy Change,” 1008.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*, 1011.

to refer to any group/organization that wants to influence any number of policies but is not large or comprehensive enough to comprise a political party. It is characteristic of open and pluralistic societies that political parties despite their ideological flexibility will be neither willing nor able to accommodate all the different preferences of citizen groups. To think that parties can organize platforms complex enough to obviate the role of interest groups is unrealistic.<sup>67</sup> Notwithstanding the strength and health of a particular party system, intermediate associations with political objectives will continue to exist unless governments specifically outlaw and persecute them. Now, in the context of multiculturalism, some groups may happen to be large or territorially concentrated enough to seek representation directly in the legislature. French Canadians are one pertinent example. African Americans in the U.S., although they do not have their own party, have formed the Congressional Black Caucus. There are also examples of ethnocultural group involvement in the form of parties from the more recent or transitional democracies. But in most of these cases, particularly in open societies, this form of politics covers only a relatively small subset of the politics of difference. To use a Canadian example, even the Francophone *Bloc Quebecois*, a political party with a clear-cut and relatively homogenous identity, is subject to the influence of many internal and external groupings that try to sway policy in one direction or another.<sup>68</sup> Thus it is a bit simplistic to downplay the significance of interest groups in a democratic politics.

However, Williams, Young and other egalitarian critics of interest groups can try to respond to this criticism by pointing out that what they are trying to downplay is

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<sup>67</sup> See Jordan and Maloney, *Democracy and Interest Groups: Enhancing Participation?*

<sup>68</sup> One observer of Canadian politics writes that Bloc's members "may hold similar views on sovereignty but range widely on the left-right scale." The author adds that the party's "central focus on Quebec sovereignty [...] masks greater disagreement on more general economic and social issues." (Malloy, "Canadian Parliamentary Party Groups," 123)

not the empirical fact of interest groups but the normative weight that this fact should be assigned by theorists of democracy. These writers criticize interest groups for their negative impact on the common good, for generating inequality of political influence, triggering cronyism, and especially in the context of diversity politics, for militating against groups with resource problems.<sup>69</sup> Here, my aim is not to overlook these important issues, particularly the last one. No doubt, many of these concerns are quite well-founded; but it is also the case that these objections apply, to a noteworthy extent, to all forms of group engagement in democratic politics except the one that assigns to the state the role of constantly (a) determining which groups are relevant, (b) coming up with a substantive blueprint of fair boundaries for all relevant groups, and (c) implementing the blueprint in a timely fashion. It is clear that all three are features of Melissa Williams' account that puts stress on the ascriptiveness of groups, which gets her account off the ground as a preliminary remedy to the negative effects of conceptions of group engagement that emphasize the voluntary elements. But what is also very clear is that these amount to a totalizing, draconian, and very likely, quite undemocratic, remedy, which brings us to the second broad problem with Williams' account.

Put broadly, the second concern with Williams' critique of interest groups has to do with how she continues to search for a solution to the problem of permanent minorities under the guiding principle of representative fairness in the legislature. Williams' position is problematic for several related reasons. First, the focus on substantive representation for minority groups may bring about some immediate benefits for large groups such as African Americans, but outside of this particular

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<sup>69</sup> Williams writes that groups that satisfy the "memory" and "history" conditions – those that have subjective collective experiences of past oppression, as well as whose past oppression is empirically true – "face special obstacles to mobilization that other groups do not face. Most clearly, they have fewer financial resources to spend on lobbying and other forms of interest group activity." (*VTM*, 195)

American example, the model is going to have limited applicability, and its benefits could be outweighed by its costs in terms of democratic legitimacy (I discuss the latter point below). My concern is that when the groups in question are not large enough to elect a noticeable number of representatives or do not satisfy Williams' *memory* condition – as a vast majority of immigrants to the Western Europe and North America do not – the approach is going to be very ineffective in helping with the perceptions of marginalization that in one way or another motivated both my and Williams' concern with the electoral positioning of minority groups. Williams is aware of this problem and quotes Iris Young and Will Kymlicka to draw attention to the persuasiveness of the idea that sometimes self-representation for minority groups will require some overrepresentation – representation disproportionately larger than their share of population.<sup>70</sup> At its most basic, this will be too gross a violation of the norm of one person, one vote to count as a democratic remedy to the problem of permanent minorities. Moreover, this suggestion is too open-ended to take seriously. It is not clear what might be the upper limit of how much overrepresentation it may require, and it looks like its application could entail a significant distortion of the numerical aspect of democratic equality, not just a minor departure from it to secure other democratic egalitarian goals.

As Williams is aware of the difficulties of attaining substantive equality among large and small groups, she does not pursue the “over-representation” point too far. Instead she places the emphasis on the significance of deliberation as a way out of the problem: Williams writes that the more deliberative the legislative process, the less one will have to worry about minorities having a numerically weaker

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<sup>70</sup> See *VTM*, 226. Williams writes that “Several theorists have observed that the numerical representation of marginalized groups in strict proportion to their presence in the population may be either more or less than is needed to secure policy changes that protect group interests.”

presence in decision-making bodies.<sup>71</sup> Deliberative democracy demands that concerns about injustice voiced by marginalized groups “be heard and responded to, that they have an opportunity to affect legislative decisions.”<sup>72</sup> It tackles the problem of permanent marginalization by making a “sharp” move away from the “bargaining or competitive model contained within liberal representation” to a process that requires all involved parties to “aim at mutual agreement arrived at through a process of rational argumentation.”<sup>73</sup> Once the discursive ideal has been embraced, legislative debates will no longer overlook the experience of marginalization that minority groups bring to the table, “for only what all could consensually agree to be in the best interest of each could be accepted as the outcome of this dialogic process.”<sup>74</sup> Thus, at the heart of this new model of legislative politics intended to deliver fair results to all citizens irrespective of their social positioning is the expectation that it will replace the politics of self-seeking competition with that of mutual reasoning for a genuinely common good.

This brings us to a related difficulty that arises from Williams’ focus on substantive fairness, namely, her exaggeration of deliberative democracy’s potential to produce fair outcomes in particular cases and intergroup equality in general. To be sure, the “voice” part of Williams’ argument is a view that has democratic merits; namely, it is highly important from the perspective of NMD that groups can give voice to their grievances and that these voices do not go unheard by the wider public. However, the move from the voice argument to an argument for deliberative democracy sweeps too many important problems under the carpet. The move is

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<sup>71</sup> Here, Williams draws on Kymlicka’s *Multicultural Citizenship*. But she adds a caveat: “There is a limit to this logic, however, for I would not want to go so far as to claim that in a perfectly deliberative body a single representative would be sufficient to secure the needs and interests of a marginalized group.” (*VTM*, 226)

<sup>72</sup> *VTM*, 138. Emphasis in the original.

<sup>73</sup> *VTM*, 138

<sup>74</sup> Seyla Benhabib quoted in *VTM*, 140.



problematic even from the perspective of the marginalized groups that it is supposed to benefit.

Williams herself is aware of the “limits of the deliberative ideal”. She acknowledges that “the aspiration to rise above interest politics” could continue to disadvantage permanent minorities:

To the extent that ideals of deliberative democracy contemplate ruling out expressions of self-interest altogether, they hamper marginalized group representatives' capacity to conform to the standards of public discourse while also effectively representing their constituents' perspectives and interests.<sup>75</sup>

As a solution Williams offers the idea that deliberative democrats should recognize the legitimate place of self-interest in political discussions. In her own words, “the motive of a common good of justice and the motive of interest are in fact far more closely intertwined than prevailing models of deliberative democracy tend to admit.” To claim otherwise would be, in Williams' words, “naively utopian”. Despite this striking recognition of the limits of deliberative democracy, Williams continues to hold that “the ideal of a perfectly deliberative legislature remains the appropriate aspiration of a conception of political representation that is just toward historically marginalized groups”.<sup>76</sup> Williams wants to purge deliberative democracy of its utopian elements, the “exacting” demands on political actors to shun their self-interest for the advancement of the common good. The problem is that she wants to do this in a way that does not seem to be less utopian; namely, by adopting “decision rules that

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<sup>75</sup> *VTM*, 143-44.

<sup>76</sup> *VTM*, 145.

move in the direction of consensus or unanimity, as a requirement of legitimate or binding political decisions".<sup>77</sup>

Nothing that Williams writes in the last part of her book that deals with the question of institutional design suggests one could identify democratically consistent electoral and legal mechanisms that will produce substantive fairness for minority groups.<sup>78</sup> Limiting the scope of the exercise to the groups that satisfy the memory condition does not make the task easier either.<sup>79</sup> The reason for this is that the numerical and deliberative aspects of the problem are not just isolated issues that once resolved would leave the view of substantive fairness in line with the logic of democracy; to the contrary, they point at a more comprehensive problem with the notion of substantively equal representation for minority groups. The notion of substantive fairness is problematic, from the viewpoint of NMD, due to being oblivious to the essential place of disagreement in any adequate theorization of contemporary democracy. Because Williams conceives of the ideal of democratic fairness as a consensus that pleases all involved parties equally – similar to other voices in the politics of difference debate with pluralistic aspirations – her work continues to draw silently on a notion of a harmonious, homogeneous general will. The democratic merits of the latter were subject to scrutiny in the first part of this dissertation, where I argued that parts of what Schumpeter wrote about general will theories of democracy quite accurately underlined an important source of domination in contemporary politics. To recall, the idea that NMD wants to reject is that contemporary democracies have to make a choice between agreement and

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<sup>77</sup> *VTM*, 146.

<sup>78</sup> Williams concedes this point when she writes that “these reflections lead to the conclusion that we do not yet know what institutional changes would most effectively increase representational fairness; they are, rather, an invitation for institutional experimentation.” (*VTM*, 236)

<sup>79</sup> Williams writes that “‘memory’ and ‘history’ are intended as tools to facilitate our political judgments about the relative strength of group claims to self-representation.” (*VTM*, 202)

disagreement. One cannot simply wish away disagreement, because it is not a mere nuisance to be overcome on the way to a more enlightened agreement. Political philosophies that complain about the inability of contemporary democracies to bring meaningful common projects to completion because of destabilizing disagreement<sup>80</sup> are grounding their arguments on misinterpretations of democratic norms commonly embodied by modern democratic practice. It is not difficult to see how Williams' view also shares these mistaken features. Whether consensus remains in the picture as an actual goal or in the form of a "decision rule" as Williams' revision of deliberative democracy to make it less utopian suggests, it undermines the ethical significance of disagreement in democratic thought that the earlier chapters highlighted.

So far I have argued that it would be difficult for Williams' view to overcome the frustration of marginalized groups with the way democratic politics functions, even after such groups have gained a presence in the legislature, for reasons that have to do with the defects of consensus-inspired views of democracy. But what alternatives are there to this model other than the present system – known to produce widespread domination – which Williams astutely criticizes? The contours of the answer to this question have emerged more visibly in the course of the chapter. The alternative to the two views – Williams' account of substantive fairness and the liberal pluralist view criticized by her – that I have named *the negative theory of groups* can be summed up in the following way. Once supplemented by other normative elements of NMD, "the strategies that worked well to absorb the political pressures asserted by

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<sup>80</sup> Taylor, *Philosophical Arguments*, 282

voluntary associations (or 'interest groups')" *need not* prove "inadequate to answer the political claims of ethnic and cultural minorities."<sup>81</sup>

Normative minimalist democracy, and the negative theory of groups for which it leaves room, can overcome the marginalization of minority groups in ways consistent with democratic norms. Within this framework, interest groups represent a particularly promising strategy for overcoming the problems of political marginalization. Unlike Williams' solution, the framework offered by NMD does not contradict the openness of democratic governance, and is not subject to the problems of essentialism, knowledge (i.e., how to decide what is the appropriate substantive recognition?), and power abuse. Moreover, while avoiding the pitfalls of Williams' account, this revised framework also does not turn a blind eye to fairness concerns. Let us now expand on these relative advantages of the revised pluralist solution to the problems of marginalization.

First, NMD avoids the pitfalls of essentialism by recognizing that in democratic politics groups matter not for their distinctive characteristics but because insofar as they shape the political experience of their members, they perform an important democratic function. NMD is not committed to the unjustifiably optimistic view that subjugating the competitive strand to the substantive considerations of fairness will significantly mitigate the need for groups to compete for more political clout.<sup>82</sup> In a pluralistic polity this simply is impossible; groups are changing in a myriad of ways and the competitive tendencies will remain ubiquitous. As a result of openness and competition, and the changing group dynamics of the polity, the

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<sup>81</sup> This is a reversal of what Melissa Williams writes in the "Group Inequality and the Public Culture of Justice," 34.

<sup>82</sup> Even theorists who urge a shift from procedural fairness towards more substantive protections, end their accounts by emphasizing the importance of procedures. Williams, for example, begins to cast competition in a more positive light in the final pages of her work; she writes that "increasing the competitiveness of an electoral system is an important element of political accountability." (*VTM*, 231)

character of marginalisation experienced by groups and their sources are bound to change as well. Because interest-group pluralism does not fix certain differences as sources of marginalisation, it is responsive to the way problems evolve. Consequently, interest group pluralism does not run the risk of setting current injustices right at the expense of creating new problems for either some present or future minority.

All of these, however, do not change the fact that Williams and other critics of minimalist democracy have identified important problems that were mentioned above. One cannot downplay the importance of these problems, and have to search for more democratic ways of overcoming or containing them, for the goal of fairness towards permanent minorities and others who appear to be at competitive disadvantage is wholeheartedly accepted by NMD. As I have argued throughout, some of those problems are institutional design questions, while others are ineliminable from any theory of the open society. What this negative theory implies with respect to certain important multicultural concerns will be explored in more full detail in the next, final chapter of the thesis. Here I want to offer a brief sketch of how interest group pluralism, coupled with a strong egalitarian commitment to the openness and fluidity of the system can go farther to achieve these goals than other alternatives that have been put forth.

The solution that NMD offers eases barriers to competition and removes artificial obstacles and outcome-related constraints imposed on the process by the dominant parties trying to perpetuate their present unfair advantage. In this regard, NMD offers a strictly proceduralist solution to the problem of electoral marginalization. On the negative side, it intends to prevent the use of political clout to bend rules so that they work to one's advantage. However, I agree with Williams that this is not going to solve the problem completely because the present political

disadvantage may have deep socioeconomic roots. To correct this, NMD offers a solution that could be regarded as less strictly proceduralist; namely, it requires strengthening the contestational capacity of those who suffer from permanent marginalization. However, the crucial point is that it intends to do this in ways that do not distort the procedural openness of democracy. The strict limit on this aspect of the democratic role comes from the institutional mechanisms being as resilient to being hijacked by any single group as possible no matter how numerically dominant these groups are. In theory, this is fully in line with the normative weight of competition that NMD borrows from the Schumpeterian conception of democracy. In practice, the focus is on amplifying the significance of public funding for open access to media, anti-trust laws in politics, etc.

As a result, the title “the negative theory of groups” does not suggest that groups have a merely provisional role in the political life of a democracy, because they will continue to matter regardless of how policies change. The negative theory of groups recognizes the permanence of groups, and is on guard against competitive disadvantage and other kinds of democratic unfairness, that may accrue to different groups, while not recognizing the permanence of any actual group interest. This seems more in line with the goals of democracy than what more positive theories such as Williams’ seek; the latter despite its recognition of the fluidity of group interests ends up advocating measures that curtail competition and make it difficult for groups to secure their constantly evolving interests.

### **6.3.2 Do cultural groups fit into the revised pluralist model?**

One final bit of response to Williams remains to be made. I will conclude this chapter by pointing out the importance of, and drawing the contours of my answer to, one

question that I leave to the final substantive chapter of this work: to what extent do cultural groups fit into the pluralist model? From the beginning of this work, whether there are any democratically relevant reasons to treat cultural interests as any different from other kinds of interests that individuals can have that motivate them to organize into a group has been a question that recurrently emerged. Some potential reasons are brought up in the multiculturalism literature. We can divide these into two broad groups. The first set of reasons views interest groups as bad from the perspective of democratic politics. The second set of reasons is either supportive or agnostic towards interest groups, but thinks culture makes a bad object for interest group politics. Among the second group, we have views that resist inclusion of culture in the competitive model because it is dangerous and unstable, and views that see it as a matter of justice, and therefore an inappropriate object of bargaining. I think the three clusters of reasons for groups that I derived from the democratic theory presented in the earlier chapters of this work point in a particular direction – they dismiss both groups of criticism that we see in the multiculturalism literature, and more broadly speaking in normative political theory. Here I would like to add a few more brief remarks on these two sets of objections (particularly on the second set), and then point out why three reasons that require a negative theory of groups point in the direction of a third, competitive egalitarian, or revised pluralist approach.

The first set of objections to the inclusion of culture in the pluralist model is usually put into use by the critics of multiculturalism and politics of difference of all variants. We saw these arguments in the chapter on the democratic pretensions of anti-multiculturalists. For these writers, democracy is strictly about agreement. The second set of objections could come from pluralists or multiculturalists. A liberal, for instance, could be pluralist and favour competition and bargaining over interests but

hold some aspects of culture outside of this model out of fear that it could have potentially devastating, uncontrollable effects on social stability. Different economic and social interests could be expected to mitigate each other, and therefore eliminate the risk of a deadly conflict, but religious or ethnic antagonism could result in an all-out violence. This is a good reason to keep what might make effective raw material for violence out of the reach of daily political bickering. The second argument, from a different moral perspective, also advocates a solution that is strikingly similar in form if not substance. This is the multiculturalism argument for constitutional protection of cultural identity from the negative impact of majoritarianism. Language or religion is not good material for politics, not for merely prudential, but for moral reasons. Competitive pluralism with regard to these non-material goods is less palatable because often the outcome will be a more damaging subjugation of already marginalized groups. To be sure, the two arguments are interconnected, but it is useful to maintain the conceptual distinction between them. Now, notwithstanding their differences on the preceding two positions, Williams, Young, Tully, Taylor, and Kymlicka all share a commitment to this last line of thought.

Why do the three reasons for groups militate against the two sets of objections? Earlier in the chapter I showed how normative minimalist democracy has a distinctive anti-assimilation bias, which clearly alleviates the worries concerning majority tyranny. The unacceptability of discriminating between citizen motives also creates lots of democratically justified freedom for minority groups to operate without interference from the state or dominant segments of society with better access to the state power. The third cluster of reasons that pointed at the negative theory of groups showed that groups matter not just for the wellbeing of their members, but also matter politically for being an ineliminable part of the democratic *modus operandi*. The



extent to which these justify calling the emerging theoretical construct a theory of democratic multiculturalism is a subject left to the final chapter, but I think here one can safely point out that the particularly multiculturalist form of the objection, the third line of thinking, has serious flaws.

The argument that culture is special in some predetermined sense seems to violate all three clusters of reasons – reasons that leave room for a democratic theory of groups – at the same time. First, it contains the kind of motives discrimination that NMD tries to avoid. Second, by eroding the conceptual distinction between democratically acceptable and unacceptable, forceful assimilation, the objection seems to create room for unnecessary state intervention (to prevent natural assimilation), and in doing so disrespects democratic agency of its citizens. Third, it misunderstands the role of groups in democratic politics. That is, it does not respect the individualistic ontology on which expressive equality and non-domination are based.

#### **6.4 CONCLUSION:**

Because NMD as a theory is committed to individualism in an obviously strong way, I had to begin this chapter by explaining how NMD's individualist commitments do not translate into a group-free theory of politics. Kateb's democratic individualism was seen to be a particularly helpful point of reference when making a preliminary case for the place of groups in an individualist democratic theory. For, it clearly shows that groups continue to perform an important role in democracies, despite all the scepticism towards them that individualism entails. As we saw in section two, not only does not the individualist commitment of democratic theory shut groups out of politics, but it also offers, together with other aspects of NMD, important reasons for

constructing a democratic theory of groups. The elucidation of the reasons for having a negative theory of groups, however, in itself does not respond to various other objections that the rival theories of group involvement may raise. Section three tried to respond to the criticism of the negative theory of groups that emanates from its alleged silence on injustices suffered by ascriptive groups. I responded to these concerns by examining the democratic merits of Melissa Williams' account of substantive group equality, and identifying problems that make it a less appealing alternative to the revised versions of the interest group view that she criticizes. These problems, however, do not mean *ascriptive* groups should be totally ignored, nor do they amount to a rejection of self-representation for minorities. I am not denying that legislative presence for minorities might prove a legitimate goal. It is an inescapable fact of modern politics that when minorities are large, territorially concentrated groups, listening to their concerns will have to take place largely through certain representative institutions. Moreover, the preceding chapters outlined a democratic case for decentralization or devolution of political power, which is likely to result in more self-representation for minority groups. My objection is that as far as the general trajectory of a theory of pluralistic democracy is concerned, the ascriptive theory of groups offers very limited resources for relating to diversity in a way consistent with a coherent understanding of democracy. In other words, Williams' account fails in ways similar to Iris Young's and James Tully's.

## Chapter 7: Is Democratic Multiculturalism Really Possible?

The preceding chapters present a particular – I argue a more consistently democratic – way in which contemporary democracies could respond to multiculturalism. The normative underpinnings of minimalist democracy suggest specific responses to important concerns discussed in the political theory of diversity politics. The main question that this chapter tries to answer is the following: Could one call the theoretical construct that emerges from the comparative analysis of these two sets of normative concerns *a theory of democratic multiculturalism*, or not? Multiculturalists will try to argue that the construct presented in this dissertation is too conservative in its acceptance of culture, therefore undeserving of the title *multiculturalism*. Anti-multiculturalist liberal egalitarians who hold views similar to Brian Barry’s could argue that the view I call *normatively sound minimalist democracy (NMD)* sacrifices an important degree of democratic equality or individual freedom for the sake of more cultural freedom or equality, and therefore offers a very thin notion of democracy undeserving of the title *democratic*. To support their respective critical viewpoints, multiculturalists and liberal egalitarians could raise reformulated variants of the normative, as well as the more institutional and practical, objections that we have seen throughout the dissertation. I have already tried to debunk the democratic pretensions underlying certain normative points made by thinkers from both camps in the second part of the dissertation. Here, I plan to draw on the more specific criticisms of NMD’s approach to multiculturalism likely to come from these contrasting vantage points. Defending NMD against such objections, and arguing that it represents a respectable approach to multiculturalism, will require clarifying and systematizing what it entails with respect to some important questions that emerge at the nexus of democracy and difference. A very important part of my response to the guiding question of this

chapter, and more largely of the thesis, consists of exploring how democratic multiculturalism satisfies some important multicultural and democratic concerns better than its theoretical alternatives.

In what follows, I evaluate how NMD performs with respect to four multiculturalist and three liberal egalitarian concerns that are often invoked in the literature to support and challenge different conceptions of multiculturalism. On the pro-multiculturalism side of the equation, the primary concerns are that NMD could worsen the assimilative pressures against the most vulnerable groups, detract from the goal of equal recognition, undermine legitimate aspirations for self-rule, and last but not least, result in an under-inclusive politics. Among the critics of multiculturalism, the main worries have to do with the well-known concern with the exacerbation of socio-political inequalities, balkanization, and institutional impasse as a result of the multiplication of intractable groups or erosion of trust and solidarity. After I assess each of these claims on the basis of the evidence that piled up from the work done in the previous chapters, I move on to the concluding section where I elaborate on why the emerging theoretical construct deserves the title multiculturalism.

### **Responses to some multiculturalist concerns**

#### *Speeding up assimilation of already disadvantaged groups?*

There is a worry that this type of democratic theory that places emphasis on competition will speed up the process of assimilation for small groups, hence further disadvantaging the most disadvantaged. For instance, a small group with limited electoral capacity could be the hardest hit by a political setting that distributes rewards in proportion to the overall influence. To alleviate this concern, one could bring up the

fact that in a pluralist democratic system, groups can often compensate for their small size by other resources. But this too, critics could suggest, militates against the most disadvantaged.<sup>1</sup> Overall, the fate of small and resource-poor multicultural minorities, critics could argue, is a particularly inegalitarian and unjust implication of the theory of democratic pluralism I offer.<sup>2</sup>

To be sure, there is an obvious sense in which my view offers more benefits to bigger groups than it does to smaller ones. Namely, ‘the bigger the group, the stronger its political influence’ is often going to be true. A populous group with knowledge and other resources could find it easier to find itself room in successful power coalitions, and more generally to function well in a competitive democratic system.<sup>3</sup> Nonetheless, this does not justify overlooking how smaller groups will benefit from the system. First of all, this view guarantees the rule of law and equal democratic concern to members of all private, political, social associations – an important sense in which it is strongly egalitarian. The competitive pluralism that NMD offers does not rest on a laissez-faire approach to power. As we saw clearly in chapters two and three, democratic theory has an important egalitarian dimension that effectively protects citizens against many forms of disadvantage that arise from unequal exercise of power. Second, it recognizes the importance of the group dimension of politics and the importance of an enhanced access to public space, particularly, for minority groups with poor resources. This is quite an important difference between NMD and

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<sup>1</sup> Melissa Williams voices a similar concern when she writes about the inadequacy of the pluralist model of democratic politics. Williams writes “that social interests backed by wealth are much more likely to become organized as interest groups than are economically disadvantaged groups.” (*VTM*, 76) Permanent minorities are particularly disadvantaged under this model: “meeting liberal representation’s standard of equity in the electoral process is especially difficult with regard to permanent minorities” because deep cleavages separate them and the rest of society. (*VTM*, 77; 259n78)

<sup>2</sup> There is a general, and well-founded, concern among egalitarian theorists for the well-being of the worst off groups largely due to the influence of John Rawls’ work.

<sup>3</sup> See Holyoke, *Competitive Interests: Competition and Compromise in American Interest Group Politics*.

classical forms of pluralism. NMD guarantees a voice and presence to all groups irrespective of their size or wealth. The strength and openness of public space ensures that groups will not have major problems in making their grievances known. If the parties in power are reluctant to listen, pluralism and enhanced competition will make sure some well-organized opposition do arise.

A third related factor is that NMD is an anti-cartel and anti-monopoly view of political competition, which protects minorities more than it helps the dominant. Group size is not as important a factor in restricting the group influence as liberal egalitarian critics might argue. The normative underpinnings of minimalist democracy require improved transparency and competitiveness for a better overall responsiveness. Therefore, under a functioning NMD, institutional design would look for better ways of preventing a dominant group or groups from artificially restricting competition or blocking channels of contestation to prolong their stay in power. And finally, group size is rendered more insignificant because *dissensus* is not only grudgingly tolerated, but accepted as an ineliminable part of democratic politics. For NMD recognizes the transience of any majority, and democratic politics is not geared towards discovering truth. Those on the losing side know that a particular outcome has not been carved in stone. With the exception of the rules of the game that are supposed to guarantee a satisfactory performance along the dimensions of NMD, every electoral victory and defeat is subject to reversal. It is difficult to downplay the ethical significance of *dissensus* in such a system without running into conflict with important procedural rules.

Overall, smaller groups are actually offered more protection under this view than under some rival conceptions. For example, the view at hand seems to bypass

most problems known in the literature as *minorities within minorities* without the state having to undermine the identities of many groups on a daily basis. Even very thick egalitarian views of multiculturalism such as James Tully's and Charles Taylor's face difficulties when they are challenged with the issue of what to do with relatively small, often more recent, defiant groups within a large, well-defined minority group with a history of semi-autonomous political institutions. In Taylor's multiculturalism, *accommodement raisonnable* between Muslim immigrants and Francophone Quebecers puts principles of cultural recognition under a significant tension. In Tully's *Strange Multiplicity*, it is the stories of rights conflicts between Aboriginal groups and internal dissenters that most challenge the principle of post-colonial self-rule. NMD ensures that such groups – e.g., Anglophone immigrants within Quebec or defiant Aboriginal groups within well-organized First Nations bands – enjoy a secure access to public space just as any other substantially larger, and historically recognised minority group. Overall, even theories of egalitarian multiculturalism end up, albeit reluctantly, condoning some kinds of assimilation – recognition of cultural rights submerges a vast number of actual and potential cultures under a more homogenous conception of a group. From the perspective of the theory of democracy presented here, they do so on a more arbitrary basis – often, what determines which groups have to yield is something as arbitrary as which group moved to a place first and which group is currently well-resourced enough to dominate the cultural sphere of the group. Thus, the idea of an innocuous cultural coexistence that equally satisfies all groups and subgroups making up a modern pluralistic society is simply utopian. The Bouchard-Taylor report commissioned in response to the tensions between Canadian

multiculturalism and Quebecois identity gives vivid testimony to the failed optimism of multiculturalist theories based on 'equal respect for all cultures'.<sup>4</sup>

Because groups do not have to pass any tests to qualify for a place in this competition – a mere entry into public space to voice one's grievance is sufficient for political recognition – there is going to be no need to discriminate between the interests of a large group versus its defiant subgroups. In many cases, the government will avoid the democratically inapt task of passing judgement on the cultural identities of its subgroups that reifies, and sometimes demeans, those identities. When it is difficult to avoid conflict between groups, NMD will take a more genuinely mediating role that tries to prevent or bring an end to the actual infringement of individual rights rather than targeting cultural practices that are believed to give way to these violations. In other words, society will intervene out of a concern for the infringed rights, not out of contempt for the culture that allegedly caused the infringement. This, I think further alleviates worries over assimilation, because, even when intervention becomes difficult to avoid, it will be limited in its target and therefore in its effects, leaving minority communities' ways of life, to a large extent, undisturbed.

*Not enough cultural recognition?*

Even after minimalist democracy's group-sensitive and egalitarian underpinnings have been clarified and espoused, multiculturalists could continue to feel concerned about the degree of recognition NMD offers to minority cultures. They could argue that, under NMD, majorities continue to inflict, or reserve the power to inflict, a grievous harm on minority groups by denying them equal recognition.<sup>5</sup> An egalitarian

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<sup>4</sup> See Howard and Anctil, *Religion, Culture, and the State: Reflections on the Bouchard-Taylor Report*.

<sup>5</sup> The Schumpeterian variant of minimalist democracy, in its strict adherence to the right of the demos, or the major part of it, to define itself, is certainly guilty of this charge. For instance, Iris Young wrote



multiculturalist of recognition could argue that the socio-political norms continue to reflect a bias in favour of the majority culture and when majority and minority cultural norms come into conflict minorities are still expected to yield.<sup>6</sup> In short, a multiculturalist could argue that the commitment to the primacy of the majoritarian strand of liberal democracy that the first wave of multiculturalism tried to puncture makes a comeback with the NMD.<sup>7</sup>

Here, too, potential critics would be exaggerating their own theories' achievements and their rivals' shortcomings. NMD recognizes groups in a democratic way. It recognizes them not because culture in the narrow sense (of some ethnolinguistic or religious identity) is a special, more important consideration than many other interests around which citizens mobilize into social movements, pressure groups, political parties, charities, etc. To the contrary, NMD recognizes groups, among them many cultural ones, due to the democratic processes in which these groups are involved with the aim of bringing the attention of the public to their problems and finding solutions.

Moreover, the account of democratic politics that recognizes groups for their presence and activity in the democratic public space gives them the additional possibility of identifying which aspects of their identity they want to politicize. By having an important degree of discretion on what aspects of their identity to politicize, groups are engaged in a process of self-definition, which is arguably superior to the dominant segment of society having a large degree of control over the discourse of recognition – often quite a subtle and unnoticed influence. This is perhaps more in

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that “The fragmented and privatized nature of the political process, moreover, facilitates the dominance of the more powerful interests. ( “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship,” 251-52)

<sup>6</sup> See Kymlicka, *Multicultural Citizenship*.

<sup>7</sup> See Kymlicka, *Politics in the Vernacular*, 34

line with the spirit of even the thicker theories of multiculturalism than recognition of a minority group through a parliamentary declaration or a court ruling, where the ultimate decision on whether and what to recognize rests more firmly with the dominant party. With NMD, however, no majority is able to shut out a minority group from political competition or make political recognition impossible to attain.

In addition to the challenge of recognizing groups, the foregoing line of criticism against NMD, also involves the related, broader challenge to how democratic theory should deal with culture. As Tully points out in *Strange Multiplicity*, the question of a political system's disposition towards cultural diversity is prior to the question of recognising actual groups or their specific cultural claims. As we saw in Part Two, Tully criticises contemporary liberalism, not only for specific violations of principles of recognition and self-rule, but for the more fundamental wrong of being ill-disposed towards cultural diversity. On this count, too, NMD can prove more multicultural than the multiculturalist objection is willing to accept. The democratic response developed in this dissertation is not ill-disposed towards cultural diversity in the ways that we saw the critics of neutral, homogenizing state such as Tully and Young condemn. NMD is receptive, and to an important extent hospitable, to cultural diversity, but not in the exact way that multiculturalists demand. Let us recall that Chapter 4 identified two senses of the term culture in order to capture different ways in which the word is invoked in the political theory of multiculturalism. A distinction was drawn between the broad and narrow senses of the term culture. There, I noted that the broad sense corresponds closely to the choice-enabling aspect of culture that Raz and Kymlicka emphasize, whereas the narrow sense has to do with the more particularistic connotations of the term culture.

NMD accepts that culture in the broad sense may have some crucial links to the regenerative dimension of democracy. Democracy has its own cultural prerequisites, which were discussed in the previous chapters, and failure to attain them may cause problems for the regeneration of the democratic form of government in a given society. Culture in the narrow sense, on the other hand (contra the critics of multiculturalism who ignore that it can still have a legitimate role to play in democracies), may be closely linked to the responsiveness dimension.<sup>8</sup> For this reason, culture in some narrow sense could well become a subject of democratic decision-making; that is, democratic majorities and minorities could engage in day-to-day political exchanges to reserve to themselves, temporarily, certain parts of the cultural space. In short, there is a democratic process in which societies engage in order to arrive at provisional settlements on cultural questions. Thus, NMD is in disagreement with multiculturalists concerned with recognition over the attempt to win culture some kind of immunity from democratic uncertainty. In other words, recognition itself is not the problem; democracies can even recognize culture in its narrow sense. What causes the tension with democratic theory is the permanence of that recognition demanded by some multiculturalists.

The above helps show how NMD can offer culture (in both broad and narrow senses of the term invoked by multiculturalists) a significant degree of recognition. But there still remains room for the objection that such recognition will not be equal or even equitable. Now, it is true that at a given time, a particular minority group could earn less recognition under NMD than they could have achieved under some liberal multiculturalist proposal, but such losses could well be compensated by the

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<sup>8</sup> Although NMD is sceptical of various aspects of the social ontology presented by writers such as Kymlicka and Tully, it does not claim that culture should not play any role in democratic interactions between various groups.

fact that NMD is more receptive towards minority groups, and the recognition it offers conceives of minority groups as active rather than passive (involved more fully and equally in the process rather than being merely in the role of demanding justice or retribution). Therefore, on the issue of recognition, it is not obvious NMD does worse than many multiculturalist theories. The recognition that NMD offers carries the dignity of equal citizenship and of having equal access to the public space for one's preferred association. Moreover, this access and the ensuing recognition are quite secure insofar as no majority group can block it for a minority.

*Undermining legitimate aspirations to self-government?*

Another important concern is that NMD accepts the demos as it is – within its present boundaries – hence disregarding histories of injustice and oppression associated with colonialism. It therefore undermines the legitimate aspirations to self-government of historically marginalized national minorities.<sup>9</sup> Will NMD end up perpetuating the subjugation of peoples to foreign rule? In this work, I have said very little on the question of secession not because I tried to avoid this difficult question, but mainly because NMD is, to an important extent, a theory of democracy at work, not one of democratization or democracy in crisis. The politics of secessionism, on the other hand, is often a species of crisis politics, which thus juxtaposes normal democratic values with pressing concerns for political stability and peace.<sup>10</sup> To be sure, in the first part of the dissertation I discussed decentralization and devolution as important ways of securing non-domination. But the crucial characteristic of non-domination as a

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<sup>9</sup> See Tully, *Strange Multiplicity*.

<sup>10</sup> “On this second view, the *justifications* for democracy and for recognizing a group's right to secede are quite distinct. The right to democratic governance is seen as a general right which the citizens of every state have, while the right to secede is understood to be, like the right to revolution, a remedial right only—a right which groups come to have if seceding is the remedy of last resort for serious injustices perpetrated against them by the state.” See Allen Buchanan, “Democracy and Secession,” in *National Self-Determination and Secession*, 16.

component of normative minimalist democracy is that it is an individual-centric rather than group-centric norm.<sup>11</sup> Everything it advocates from privatization to devolution and decentralization is justified not because there is such a thing called a democratic right to group sovereignty, but because the individual right to democratic self-government has some group-related aspects that the preceding chapter further explored. It is these individualist commitments that end up having a collective effect that at times resembles some group rights discussed in the literature.<sup>12</sup> When such resemblance occurs, what we have is a democratic settlement between groups, often a joint outcome of some individualist rights and their interplay with politics, not a group right to that kind of settlement.

Another related point to take note of is that NMD assumes a desire on the part of minority groups to continue their association with the majority. In other words, aspirations for self-government alone do not make up the minority attitude towards society at large.<sup>13</sup> In the absence of this disposition to continue the common association, I concede what NMD offers may be inadequate as a political theory. This, however, does not translate into the recognition of a collective right to self-determination. It simply has to do with the acceptance of the desire of a large group of individuals to discontinue their association with a state. There is nothing a country committed to democratic principles can do in such situations to keep the group as part of the demos other than offering to renegotiate the terms of association. Again, here the terms of negotiation to be compatible with democratic principles are governed by

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<sup>11</sup> See chapter 3.

<sup>12</sup> For a discussion of this point see chapter 6.

<sup>13</sup> Secession and multiculturalism are two different things. Secession is a rejection of the common polity, whereas multiculturalism, at its most, is a call to renegotiate the terms of association. The latter still assumes an important commitment to common public institutions.

individualist considerations such as democratic equality and non-domination, the collective elements only figuring as by-products.

Once these features of NMD are recognized, there still remains an important space for groups to be self-determining in a sense that resembles the collective self-determination we see in the writings of Tully and other theorists of self-rule or decolonization. The crucial point of divergence between the two views is that the principle that governs this decentralization is not that of cultural sovereignty, and similarly, it is not based on some rival predefined conception of the demos. It is the democratic principle that decisions should be made by individuals whose interests are at stake. Decentralization and devolution, together with privatization, are responses to particular problems of democratic governance such as preference clustering that end up electorally marginalizing certain fractions of a population. From the perspective of NMD, it would be wrong to elevate these – as we saw in part one of the dissertation – to the level of self-standing principles that have to be met for any society to be called democratic. It is similarly mistaken to see these as corollaries of group rights, despite their obvious group-related aspects. Thus, we do have a significant degree of convergence between principles of decentralization and devolution that follow from democratic non-domination and considerations of self-rule in the multiculturalism literature, but the principles derived from non-domination are not based on the valuation of culture.

*Not being able to provide the requisite level of democratic inclusion?*

Another possible challenge is that despite its commitment to equal concern and non-domination, and the ensuing efforts to overcome the problems of permanent minorities and other forms of electoral marginalization, NMD fails to achieve more

inclusiveness, or, at the very least, what it offers is nowhere close to what a truly multicultural polity should offer. Here, perhaps, the most crucial part of the challenge is not the possibility of a proactively exclusionary government, which is quite straightforwardly ruled out by the normative components of NMD. More pressing is the claim that NMD does not make sufficient attempts to remove informal or structural barriers to minority presence in the legislature, or, more broadly speaking, in the socio-political life of a given democracy.<sup>14</sup>

NMD's dismissal of substantive, outcome-based standards of group equality does, in fact, represent a departure from some theories of multiculturalism, but it does not make the polity under-inclusive in a meaningfully democratic sense. Throughout this work we have seen that there is an important tension between norms underlying minimalist democracy and a social ontology that presents groups as having rights or some other kind of fixed importance which requires group interests to be balanced with individualist considerations. One such balancing act that multiculturalists who are focused on inclusion often invoke is the guaranteed representation to achieve substantial equality between groups.

To respond to these concerns, NMD often will not include groups in the full form that they would like to be included in the political community. Nor can it give a guarantee that groups *qua* groups will enjoy substantive equality in the legislature or other socio-political venues because these outcomes will have to be determined, to a large extent, in accordance with the openness of the democratic process.<sup>15</sup> However,

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<sup>14</sup> As we saw in the previous chapters, Iris Young, Seyla Benhabib, Anne Phillips and many other scholars of the politics of difference make this claim against the types of democratic theory that adhere to individualist rather than group-centred considerations.

<sup>15</sup> Thickening the substantive core of democracy in order to offer to the existing groups guarantees on representation and political influence could not only distort the competitive nature of democracy, but also create problems for the other normative aspects of NMD as well. I have already discussed why this

NMD is not more difference-insensitive than, say, Young's theory because the latter too disregards what one may call celebratory multiculturalism to the benefit of what Young calls the *politics of structural difference*.<sup>16</sup> Moreover, groups will make conflicting claims against each other, and any particular settlement between them will be only provisionally satisfactory or agreeable. Thus, NMD tones down multiculturalism not simply to balance it with democratic individualism, but also to make it more consistent with competing multicultural concerns such as that of recognition or self-rule. The egalitarian multiculturalism of inclusiveness, in predefining the terms of inclusion, actually favours one kind of multiculturalism over another, and it fails to deliver even on the type that it favours for the reasons to be discussed next.

If there is no *ex ante* democratic answer as to which cultures the state should recognize, and in what form, that respects the democratic agency of all citizens, the only acceptable solution seems to be making such decisions subject to the openness of democratic processes. If most groups cannot be guaranteed the right amount of recognition or inclusion, from the democratic perspective it is preferable to make sure that no group is stuck in a position of disadvantage for a long time. Theories of democratic inclusion that rely on substantive principles will find it particularly hard to satisfy this requirement. For in the process of democratically engaging with each other, group identities often undergo an important degree of transformation. More interestingly, groups that are thought to need the most protection from marginalization – reclusive groups or groups that differ most from other participating groups – are likely to undergo even more dramatic change in the course of their contact with other

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is unacceptable from the perspective of NMD in the preceding chapter. For rival views, see Williams, *Voice, Trust, and Memory*.

<sup>16</sup> See Young, *Justice and the Politics of Difference*; and Young, "Structural Injustice and the Politics of Difference" in *Contemporary Debates in Political Philosophy*.



groups.<sup>17</sup> Given this, to try to locate substantive standards of fair inclusion for existing groups could result in either making electoral competition impossible or making it difficult for groups to resist biases against them that emerge over future political cycles. Underlying this resistance to identifying substantive terms of inclusion is not some kind of controversial ideal of progress or social fluidity. It is simply recognition of the fact that what groups view as the most important interest always changes not only because of what happens within a group, but also as a result of what happens in the larger society, between different groups.<sup>18</sup>

Despite these dissimilarities, the emerging standards of inclusion are not completely different from the prominent multiculturalist ones we have examined in Part Two of the dissertation. There is an overlap between the motivating concerns as well as practical implications of the two standards of inclusion. Many of the concerns that motivate voices in the politics of difference debate to seek more inclusive forms of political theory – the concern with electoral marginalization, vote dilution, and other forms of use of coercive state power that depart from the ideals of equal concern and non-domination – are taken on board by NMD, lest the social ontology of groups that elevates them to levels of normative importance comparable to that of individuals. On both accounts systemic underrepresentation of minorities in important

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<sup>17</sup> “But the Amish have not stopped the clock of progress. Modernization has not by-passed their communities. Indeed, it has often pushed them toward the same patterns of social organization that virtually all other groups have been forced to adopt. That the Amish have not been pushed as far or as fast as others is a tribute more to their self-conscious resistance to modernization than to their immunity from it.” (See Kraybill and Olshan, *The Amish Struggle with Modernity*, viii)

<sup>18</sup> Kraybill presents a historical account of the intra-Amish conflicts that resulted in a series of splits from existing groups and multiplication of distinct, and even non-cooperating, Amish groups known as *New Orders* over social issues such as how stringently to apply the shunning policy, as well as openness to technological advances, etc. (p. 57) As a result, “Some twenty different Amish and Mennonite groups have branched out from the original Amish settlement that took root in the Holmes County in Holmes County in 1809. ... This cultural diversity, flowing from a common historical root, and yet seeking to be obedient to particular understandings of the faith, provides a rich laboratory for reflecting on the Amish struggle with modernity. Each group has drawn different lines in the endless battle with the forces of assimilation. The lines not only mark off boundaries with the outside world, they also stake out intergroup fences that give symbolic identity and integrity to each of the subgroups that claim the Amish name.” (*The Amish Struggle with Modernity*, p. 53-54)

offices or low levels of minority participation in elections could raise a concern over unequal treatment or some other subtle departure from democratic equality. But the way governments approach such problems would be different because conceptions of equality underlying these accounts differ in noteworthy ways.

**Responses to some anti-multiculturalist concerns:**

*Inegalitarian social life:*

The charge of sweeping social inequalities under the carpet by privatizing them is probably the most serious challenge to any pluralist theory of politics including all variants of multiculturalism. Susan Okin has raised the challenge in the context of feminism, arguing that multiculturalism “may not be in the best interests of the girls and women of those cultures” because it would make “inequalities between the sexes ... less public, and thus less easily discernible.”<sup>19</sup> Brian Barry has made it a subject of a general treatise on the relationship between differentiated citizenship and egalitarian concern with impartiality.<sup>20</sup> David Miller has deemed too much multiculturalism bad for social unity – on his account, a precondition of the welfare state.<sup>21</sup>

NMD, as we saw in previous chapters, is not silent on these challenges. Because NMD presupposes equal standing before the law, it is not vulnerable to the part of the liberal egalitarian challenge that criticises legal inequality. The most critical part of the challenge has to do with the inequality that ensues from deep

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<sup>19</sup> Okin, *Is Multiculturalism Bad for Women?*, 23.

<sup>20</sup> See Barry, *Culture and Equality*.

<sup>21</sup> See Miller, *On Nationality*.

diversity.<sup>22</sup> In western liberal democracies deep diversity takes two forms: first, the relatively reclusive religious and cultural communities that have not undergone, to a comparable extent, the social liberalisation to which mainstream of society has been subject; and second, recent immigrant groups from countries where patriarchal practices are still common. One of the questions most commonly asked of multiculturalism over the last two decades has been how to pursue an egalitarian agenda in the midst of such deep diversity.<sup>23</sup> As we have seen throughout the dissertation, intervention and non-intervention are two obvious stylized options in the debate.

Respect for the agency of democratic citizens – entailed by equal concern, as well as non-domination – can require both intervention and non-intervention, depending on the particulars of a case.<sup>24</sup> But such variations are based on a principled distinction, not mere expediency. Intervention can serve only one possible purpose – to strengthen democratic agency of the party whose agency is at risk here and now. Its end can be to overturn present oppression, not social engineering with expected future returns. Thus what NMD does is shift the focus of the intervention debate not in an inequalitarian group-centric direction, but more in the direction of individual agency. This account of agency is still universalistic, but the predefined part of it is not as thick as in standard liberal democratic accounts. It suits the normative conditions of NMD as well as the more general expectation of openness and pluralism in a democratic society. I think this principle comes very close to simultaneously

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<sup>22</sup> Deep diversity is characterized by a more fundamental tension between the norms and values of the mainstream and minority cultures. Writers such as Ayelet Shachar and Jacob Levy use the term to refer to the more intractable variants of pluralism that come up in the multiculturalism debates. See Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights*. Moreover, this distinction – in the way that I refer to it – should not be confused with Kymlicka's distinction between societal cultures and polyethnic groups. A deep diversity could exist in the midst of *polyethnic* groups, whereas national minorities could be less fundamentally distinct from each other.

<sup>23</sup> See Parekh, *Rethinking Multiculturalism*.

<sup>24</sup> See the first part of the preceding chapter for a detailed discussion of intervention/assimilation.

protecting the individual and respecting pluralism. This is not an anti-individualist or inegalitarian move; on the contrary, it is what democratic egalitarianism requires.

Thus, NMD's approach to deep diversity produces policies that differ from both standard multiculturalist and anti-multiculturalist solutions that we saw in the previous chapters. Only those interventionist policies that produce real gains in terms of democratic agency can be chosen. Due to the place of non-domination in the multidimensional account of NMD, policies will be evaluated on how well they serve this particular purpose of setting right any immediate violation of a democratic norm, not on the degree to which they weaken a cultural practice that a majority deems inherently repulsive. One implication of this general standard is that with groups like the Old Order Amish, whose members are going to experience a significant loss of agency, a large-scale intervention would be self-defeating.<sup>25</sup> However, the same does not seem to be the case with every state intervention in the internal affairs of a group. For example, minor adjustments are not going to produce the same kind of negative impact on agency that grander schemes will do.

The upshot is that NMD shifts the focus from the content of cultural norms or history of a group to factors such as infringements of democratic agency. This allows NMD to balance considerations of associational freedom and equality, which as we saw in preceding chapters are supported by the individualist commitments of

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<sup>25</sup> The history of assimilationist policies towards indigenous peoples of the former British Empire offers strong reasons to reject large-scale assimilation projects. For instance in 2008 Canadian Prime Minister Stephen Harper issued an official apology to the Aboriginal peoples of Canada that recognised how assimilationist projects such as residential schools did not achieve their intended objectives and caused significant suffering to the indigenous peoples of Canada: " Today, we recognize that this policy of assimilation was wrong, has caused great harm, and has no place in our country. ... The government now recognizes that the consequences of the Indian residential schools policy were profoundly negative and that this policy has had a lasting and damaging impact on aboriginal culture, heritage and language." For a historical account of how the assimilationist policies failed see Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*, Chapter 6. For a critique of Aboriginal justice claims see Flanagan, *First Nations? Second Thoughts*.

democracy, with the overall goal of maintaining an egalitarian socio-political order. NMD shares with liberal egalitarians the commitment to the rule of law and equal concern, but disagrees with their views that present diversity and pluralism as nuisances when trying to achieve liberal egalitarian ends.<sup>26</sup> With multiculturalists it shares the commitment to accommodation and/or non-intervention to the extent that these are necessary to meet the requisite level of respect for the democratic agency of all citizens and equal concern for their interests.

***Balkanization:***

Another widely voiced concern by the anti-multiculturalist camp is that allowing ethno-cultural and religious difference free access to the public and political life of society will make democratic politics very difficult and often lead to destructive consequences. Historian Arthur Schlesinger expresses this concern in an alarmist tone when he asks the following rhetorical question: ‘If the republic now turns away from Washington’s old goal of “one people,” what is its future? – disintegration of the national community, apartheid, Balkanization, tribalization?’<sup>27</sup> Such authors cite the examples of bloody conflicts from the history of Western Europe, as well as more contemporary examples from the developing world.

It is true that the forms of multiculturalism that take cultural identity as a fixed point of reference run the risk of essentializing groups and therefore turning conflicts between them from an array of transient clashes of interest into well-defined and permanent struggles.<sup>28</sup> Even the most well-intentioned state that tries to stand at an

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<sup>26</sup> See Jeremy Waldron’s critique in his *Law and Disagreement*.

<sup>27</sup> See Schlesinger, *The Disuniting of America: Reflections on a Multicultural Society*, 124.

<sup>28</sup> Anne Phillips draws on Rogers Brubaker to suggest that although such groups are likely to be at the centre of conflicts, what turns them into “protagonists of most ethnic conflicts are ... organisations with a vested interest in making people see themselves in ethnic terms.” (*Multiculturalism without Culture*, 17)

equal distance from all parties to such a conflict will not be immune from the challenge of balkanization. In the context of NMD, however, balkanization is less of a threat than liberal egalitarians such as Brian Barry claim because NMD neither invents new channels of political conflict, nor tries to make existing conflicts permanent.<sup>29</sup> Instead it ensures that grievances are voiced and dealt with, as much as possible, in a piecemeal manner through day-to-day adjustments rather than constantly postponing them (the liberal egalitarian strategy) or tackling them in the form of a grander scheme (the egalitarian multiculturalist view).<sup>30</sup> Ironically, the first of the two alternatives runs a risk of Balkanizing society similar to the second alternative. Ethnocultural conflicts that arose following the fall of the Eastern Bloc were not a chain reaction to the adoption of multiculturalism, but a consequence of the decades of repression of political difference by a manipulative and dominating state.<sup>31</sup> Thus, it is ironic that proponents of suppressing difference in the name of social unity continue to advocate state-centric responses to the questions of diversity similar to those that had led to disastrous conflicts in the former USSR and its proxy states.

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<sup>29</sup> See *Culture and Equality* and *Post-Ethnic America*.

<sup>30</sup> James Tully's advocacy of constitutional renegotiation in his *Strange Multiplicity* is a vivid example of the latter view. Melissa Williams in *Voice, Trust, and Memory* offers several instructive contemporary and historical examples for what she calls the "suppressive views of representation".

<sup>31</sup> Of course, it is difficult to identify any single thread in all of these conflicts, but the question is an important one because the experience of the Post-Communist Eurasia is frequently invoked by the critics of multiculturalism to warn against the slippery slope of the *politics of difference*. With the exception of Yugoslavia, other socialist and communist republics in the Block chose to, for the most part to suppress minority nationalities. Historian of Balkans, Mark Biondich writes that in recognizing national plurality Yugoslavia was the main exception to the policy of "*narodno jedinstvo*, which was predicated on the amalgamation and 'oneness' of the South Slav peoples." (*The Balkans*, p. 181) In Yugoslavia, federalism was a response to the preceding suppression of minority cultures by the Serbian majority that had led to "the failure of interwar integral Yugoslavism". (*The Balkans*, p. 181) The conflict of the late 80s and early 90s – the jewel in the crown for most anti-multiculturalists – was spurred by a Serbian nationalist reaction to decentralization. "Serbs continued to believe that they were handicapped by a system in which Serbs were still proportionally overrepresented in federal state and party institutions". (*The Balkans*, 187)

To return to the more philosophical aspect of the issue, the idea that political conflict can be eliminated by means of suppressing destabilizing elements of society is a myth that cannot be defended from the perspective of democratic theory. For the methods of suppression to be successful, there is a need for a great degree of social engineering and censorship, which are strictly ruled out by various normative components of democracy. The more open and democratic a country becomes, the more such suppression and denial of conflict will appear anachronistic and counterproductive. Also, the myth of a conflict-free, perfectly cohesive political community is one that at present serves no meaningful democratic purpose. Empirical studies in political science confirm that suppression of culture-related conflicts often backfires, whereas trying to address conflicts through reform and inclusion (e.g., improved power-sharing) tends to mitigate tensions by preventing polarization.<sup>32</sup> Even when mild suppression does not aggravate a specific cleavage, there is a good chance that it will end up deepening the effects of other political cleavages.<sup>33</sup> In their response to the critics of recognizing ethnoracial plurality of a nation in the context of the American debate on multicultural education, Gary Nash and his historian colleagues make a similar point about the unfounded optimism surrounding the ideal of social unity that motivates much criticism of diversity politics. They argue that the critics of multiculturalism “do not reflect on whether groups that have been ignored, demeaned, or marginalized can be expected to feel part of the *unum* when they are not

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<sup>32</sup>“Representative institutions, even if not fully autonomous, thus seem to inhibit secessionism. They do so by reducing the overall amount of alienation or polarization between regime-dominant and regionally dominant identity groups and by reducing the likelihood that individuals identifying with the regionally dominant group will be in tension with the majority of those with whom they have direct contact.” (Ian Lustick, et al., “Secessionism in Multicultural States: Does Sharing Power Prevent or Encourage It?,” 223)

<sup>33</sup> This could be considered as one of the reasons for the relative salience of religion in American politics, where the political system can be said to more effectively suppress conflicts that emerge along other fault lines such as class and ethnicity. For a related discussion of the distinction between suppressive and non-suppressive theories of political representation see *Voice, Trust, and Memory*, chapter 1.

counted among the *pluribus*.” Nash and his colleagues rightly cast doubt on the effectiveness of ignoring or insulting people as a way of achieving unity.<sup>34</sup>

Finally, balkanization is not going to be a challenge decisive enough to convince one of the merits of assimilative strategies of integration for important principled reasons presented in the previous chapters but well worth reiterating. Namely, there are normative reasons for avoiding direct assimilation, as well as discrimination between cultural and other interests or motives of citizens, for the very same reasons that liberal egalitarians claim to uphold – equal concern for citizen interests and non-domination being two very important ones. The liberal critics of multiculturalism tend to overlook that in many cases their concern with balkanization ends up disregarding or devaluing the equal standing of citizens – a cornerstone of democratic theory. The egalitarian theorists of social unity – knowingly or unknowingly – commit a serious error of judgment. They rightly reject the non-individualist social ontology when they talk of the moral significance of individual rights. However, when discussing assimilation, particularly its negative effects, they write as if all they are disregarding are unfounded collective categories. If all they were doing was to advocate clarification of some misconception, their defence of liberal egalitarianism would have been more coherent. However, most such defences currently overlook the fact that those prescriptions affect not just nonexistent, imaginary groups but real, existing individuals. This is the precise reason why NMD departs from Barry’s and other egalitarians’ views on assimilative strategies of integration animated by the ideals of social unity.

### ***Institutional conundrum***

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<sup>34</sup> Gary Nash et al, *History on Trial: Culture Wars and the Teaching of the Past*, 102



Finally, there is the worry that this kind of democratic theory if implemented could result in an institutional impasse. To give an example from Canadian politics, the country's "constitutional impasse" is often blamed on the recognition debate (primarily of Quebec, and Aboriginal groups, but following the Charter of other groups as well).<sup>35</sup> The worry is that letting multicultural differences into the equation will overload democratic institutions, and undermine the social trust or solidarity that keeps the wheels of the government turning, which in turn will result in various governability problems. This, however, could be one of the more surmountable of the anti-multiculturalist concerns. NMD is perhaps the easiest and simplest to implement in many contemporary democracies because it is a non-revisionist theory aimed at interpreting the normative underpinnings of existing democratic institutions and reforming them in that direction.<sup>36</sup>

Under this broad concern, we could be dealing with two kinds of issues. The first set has to do with issues of increased complexity. A multicultural politics, on this view, would significantly expand the domain of politically relevant differences and therefore could complicate the governmental process. The second set of worries has to do with issues of *social capital* required to run the more complex governmental system. There are important reasons to be sceptical of both aspects of the claim that multiculturalism of the type that NMD supports will have destabilizing effects on, or create practicability issues for, political institutions.

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<sup>35</sup> See Yasmeen Abu-Laban and Daiva Stasiulis "Ethnic Pluralism under Siege: Popular and Partisan Opposition to Multiculturalism".

<sup>36</sup> My use of the term *revisionism* should not be confused with the use of the term to refer to the elite theorists of democracy who *revised* the popular conception that contained references to the general will with references to competitive electoral struggle for political authority. (For this use see Carole Pateman's *Participation and Democratic Theory*, where she refers to Schumpeter, Dahl, and Giovanni Sartori as revisionist democratic theorists.) I take deliberative theories of democracy as the most prominent modern example of revisionist democratic theory. These theories are difficult to implement because they require significant changes to political institutions, as well as to the rights and duties of citizenship. Of course, revisionism is a matter of gradation, but the point is that NMD is far less demanding in terms of institutional reform.

First, NMD does not introduce any new legal categories of citizenship. There are no minority or majority categories of citizenship or cultural rights that are granted to specific groups to the exclusion of others. Because groups and their diversity are recognized and taken into account within an individualist framework, the egalitarian-individualist character of citizenship remains unchanged. On the other hand, critics of multiculturalism are mistaken to assume that choosing to suppress differences as a general principle will render institutions less complicated. Whether governments, in their official discourse, choose to recognize diversity or try to deny it does not change the fact that institutions have to respond to these sociological facts in some way.<sup>37</sup> That a negative and dismissive response is necessarily more straightforward and less convoluted than more positive and accepting responses is not evident. Surely, the more unresponsive, and undemocratic types of government could, albeit temporarily, bypass this kind of complexity. Moreover, by looking at the kinds of changes that NMD will necessitate, we can see why it will do little to complicate the process.

Probably, the most substantial change will be required in the area of electoral competition and governmental transparency. Existing laws that make it difficult for some political parties and other political organizations to compete in an equitable way; for example, laws that give procedural advantage to established parties, will have to be reformed to ensure that competition, and hence the electoral prospects of all groups, remains strong.<sup>38</sup> Campaign financing laws and electoral districting are two of the most important areas that may need some adjustments to fall more fully in

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<sup>37</sup> Kymlicka and Eisenberg make a similar claim in a recent work about the institutional dynamics of multiculturalism. See *Identity Politics in the Public Realm*, Introduction.

<sup>38</sup> For a convincing account of the impact of vesting powers to gerrymander the districts in the hands of political cartels see pp. 620-30 of Samuel Issacharoff, "Gerrymandering and Political Cartels," 593-648.

line with the normative underpinnings of NMD.<sup>39</sup> The second area of institutional reform has to do with strengthening free access to public space and making sure that there are credible and effective venues for citizens to voice their concerns and avoid the sense of helplessness and domination.<sup>40</sup> In most established democracies, this area will require very little adjustment as there already exist free media and other civil society organizations that effectively perform this job.

Second, because normative minimalist democracy does not posit anything like a unified general will or a “thick” common good, institutions that it requires are naturally accepting of what some consensus theorists would regard as unwelcome levels of disagreement. Therefore, the use of terms such as trust, social unity, and their corresponding inclusion among the requirements of the regenerative dimension takes a different form in the NMD than it does in the more substantive and revisionist theories of democracy. To be sure, NMD does not accept any kind of division as normal – it has to recognise the danger that animosity between groups would pose. But unlike the political theories that assign more normative weight to consensus, the presence of groups that try to achieve their competing policy goals through competitive mechanisms is not taken as a sign of dangerous division or impending violent conflict.<sup>41</sup> However, since an important degree of contestation is taken as a

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<sup>39</sup> “In sum, attempts to reform the districting process and campaign financing may be limited in their ability to improve electoral competitiveness, but these analyses underscore that these efforts to improve competition in hopes of boosting responsiveness are not misguided.” (Griffin, “Electoral Competition and Democratic Responsiveness: A Defense of the Marginality Hypothesis,” 920)

<sup>40</sup> “Access to public spaces for expressive purposes is an important part of political equality. The provision of such space helps to subsidize effective communication in a way that most sections of society can utilise. It therefore provides a channel of participation that not only helps to provide information, but also serves the individual’s interest in participation.” (Rowbottom, *Democracy distorted : wealth, influence and democratic politics*, 169)

<sup>41</sup> “Recent empirical and theoretical work suggests that a community’s level of homogeneity plays a prominent role in fostering good citizenship. To be sure, the notion that a country’s or community’s degree of homogeneity matters is nothing new in comparative research and harkens back to longstanding discussions about the role of heterogeneity (e.g., in the form of ethnic divisions) in encouraging stable democratic rule or economic development (Alesina et al. 2003; Dahl 1971; Easterly and Levine 1997; Hibbs 1973; Horowitz 1985; Lijphart 1968; see also Weingast 1997).” Anderson and

sign of a well-functioning, not ill-functioning, political process, the requisite levels of institutional concord are also to that extent lower.

Robert Putnam's work implicitly confirms the strength of the foregoing suggestion that one's perception of multiculturalism as a burden or asset to democratic institutions hinges on how one perceives these institutions and the function of democracy in general. Putnam's research on the topic of *social capital* suggests that multiculturalism is bad for advanced democracies, at least "in the short to medium run", because it erodes the social bases of solidarity and trust.<sup>42</sup> In the long run, Putnam suggests, it could be possible to turn this around. In his words, "the challenge that immigration and diversity pose to social capital and solidarity" requires "a reconstruction of diversity that does not bleach out ethnic specificities, but creates overarching identities that ensure that those specificities do not trigger the allergic, 'hunker down' reaction."<sup>43</sup> Once we take a closer look at Putnam's views, we see that underlying his relative pessimism about multicultural diversity, at least "in the short to medium run", is the dualism of a big metropolis where there is relatively little civic engagement and solidarity, and a small, close-knit community epitomising the opposite. The suggestion that diversity erodes social capital does not strike Putnam as surprising once he discovers that cities are not places that realize his ideals of civic engagement and solidarity – instead they are home to "anomie or social isolation".<sup>44</sup> Thus, what one takes as a dangerous, "allergic" response – and the measurements of social discord and mistrust that follow from that – have a great deal to do with one's ideals of political community and expectations from political engagement. To those of

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Paskeviciute, 'How Ethnic and Linguistic Heterogeneity Influence the Prospects for Civil Society,' 784-85.

<sup>42</sup> See Putnam, "E Pluribus Unum: Diversity and Community."

<sup>43</sup> *Ibid.*, 164.

<sup>44</sup> *Ibid.*, 148-51.

us who have Rousseauian ideals, the political and cultural diversity that comes with multiculturalism carries unwelcome consequences that have to be mitigated through integrationist social policy. But those who see democratic potential in the diversity and, even cacophony, of places like New York will see in Putnam's findings little risk to the functioning of the democratic system.

What do these institutional changes translate into in terms of normative concerns of multiculturalism? I think they make society more multiculturalism-friendly and go a long way to satisfy some important multicultural concerns. The provision about improving access to media and other venues of civil society ensures that groups can present themselves as they would like to be recognized, and combat the negative preconceptions that might dominate where culture is not allowed free access to public space. Moreover, easing restrictions on competition as I have already argued should make it easier for smaller and newer groups to find themselves room in stronger more viable political coalitions, be it in political parties, or other political and civil organizations. Increased transparency and accountability, on the other hand, will ensure that groups do not face illegitimate obstacles resulting from deep-seated cultural biases of officeholders. Under reformed political institutions it will be difficult to disguise such biases as a neutral exercise of political prerogative.<sup>45</sup> Thus, there is a significant overlap between NMD and some theories of politics of difference. NMD, like Young's theory of inclusion, wants to overcome informal biases that disadvantage certain groups.<sup>46</sup> However, it does this not by giving more authority to the government but by my making it difficult for any party to cast others in a negative light and manipulate their political prospects as a group.

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<sup>45</sup> The concern with false neutrality is a common theme in the multiculturalism literature (e.g., Kymlicka's *Multicultural Citizenship*).

<sup>46</sup> See Young, *Inclusion and Democracy*.

**Why call this democratic multiculturalism?**

On the one hand, the approach to culture – to its recognition and inclusion in the public space – that emerges in this work resembles multiculturalism more than it does the anti-multiculturalist variants of liberal egalitarianism. To give some examples, NMD defends groups as an integral part of democracy, and rules out assimilationist policies for being in contradiction with democratic rights. On the other hand, if what we mean by multiculturalism is any one of the three views that I examined in part two of this work, NMD seems to demand significant concessions from multiculturalism; and, perhaps, it would be too much to claim that multiculturalism is fully compatible with NMD. To be sure, NMD can prove compatible with various degrees of recognition, self-rule, and greater inclusiveness demanded by theorists such as Taylor, Tully, and Young, but it is in disagreement with these views because the latter mischaracterize various aspects of democratic citizenship. For instance, the recognition that NMD makes available to all groups cannot have the permanence and necessity that theses such as that of *cultural survival* or *cultural continuity* would prescribe. Although NMD leaves room for a theory of groups thicker than the one standard liberal egalitarianism allows, this is still substantially thinner than the one its multiculturalist critiques require because it is clearly constrained by democracy's individualist commitments. Thus, the flip side of the coin is that even if proponents of these views were to concede that they have democratic pretensions, their claim to multiculturalism could remain strong. In other words, could multiculturalists turn the argument against NMD, and accuse it of having multicultural pretensions?

At first glance, there may seem to be a kernel of truth in the claim that NMD is a theory of democracy with multiculturalist pretensions. Critics could try to argue that the theory being presented here should not be regarded as *democratic multiculturalism* because it does not make sufficient attempts to reach a compromise with multiculturalism – for example, it does not become more group-centric by curbing its individualistic presuppositions in response to the multiculturalist challenges. NMD outlines a particular normative theory of democracy and does not amend it even when facing serious challenges from multiculturalism. In short, for one to call this a theory of democratic multiculturalism, the theory would have to be a product of balancing acts between these two sets of values.

In response, I would like to return to the nature of the relationship between difference and democracy. The theory of democracy presented here already accepts and incorporates these seemingly conflicting dispositions towards diversity and unity, or the need to reach agreement and the respect for disagreement. What brings NMD closer to multiculturalism is the fact that the former is a product of individualism and pluralism at the same time. It is worth repeating that under NMD there is no independent commitment to pluralism or celebration of it for its own sake. The negative commitment to pluralism has to do with the place of disagreement and the underlying importance of non-domination as a democratic norm. This, however, does not change the fact that, under NMD, the universalizing core of democracy is accompanied by an equally strong commitment to respecting disagreement that ends up creating (or leaving) a vast space for diversity. This, in a nutshell, is what brings democracy closer to multiculturalism. Furthermore, from the side of multiculturalism what bridges the gap between the two sets of ideas is that the former is often regarded as an amalgam of several normative concerns, which when maximized could

undermine each other. Because multiculturalists too share several interrelated, but at times conflicting goals, there are intra-multiculturalism questions that can make it more or less suitable to democracy depending on how they are resolved. This intra-multiculturalism fluidity, too, creates a host of new opportunities for democratic mediation of conflicts revolving around cultural claims.

Once we take into account the fact that different aspects of the three views gathered under the rubric of multiculturalism can pull in somewhat opposing directions, and moving too much in the direction of inclusion, for example, could weaken recognition or self-government (and vice versa), then it is clear that the attenuation of some multiculturalist claims does not have to imply anti-multiculturalism or an incompatibility between the two sets of ideas. Once we come to terms with the *essential contestability* of multiculturalism, calling the emerging construct a theory of democratic multiculturalism becomes more plausible. In this new mode of evaluation, the bigger picture of how the emerging construct performs with respect to several pressing multicultural concerns becomes more important than how it does with respect to any single multicultural concern pushed to its logical extreme. When we characterize multiculturalism as a political theoretical project aimed at achieving greater inclusiveness, self-governing capacity, and recognition for members of diverse ethno-linguistic and religious groups, I think the convergence between NMD and these goals is difficult to miss. On this account, democratic multiculturalism is a distinct theoretical possibility not because it is equally democratic and multiculturalist but because it is a theory of democracy that can satisfy many multiculturalist concerns. NMD goes beyond the alternative theories of democracy (e.g., general will theories of democracy of both aggregative and deliberative variants obsessed with consensus) in offering multiculturalism a more



expansive place, although it does not go as far as most multiculturalists would want to take it. It is an exercise in exploring what a normative theory of democracy implies with respect to diversity, not an attempt to find a compromise between conflicting political theories.

To be sure, there are important philosophical differences between the minimalist democratic and other substantive egalitarian theories of diversity politics because these approaches are underpinned by different normative commitments. Nonetheless, NMD shares not only political pragmatics with this more complete, and true to the world, picture of multiculturalism, but also bears a great deal of philosophical affinity to many aspects of it. It is wrong to dismiss the possibility that we are dealing with a political theory that combines democratic and multicultural elements in a meaningful way that deserves the title *democratic multiculturalism* because at the ideational level an important part of the three primary multiculturalist concerns can be taken on board without much need for revising our democratic principles. The partial acceptance of these concerns, however, comes for reasons other than those emphasized by their supporters. For instance, groups matter not because they have rights over and above those of individuals, but because the non-assimilationist individualism of NMD leaves substantial space for groups to politically engage with each other. Recognition is offered to various groups not because each culture is unique and valuable, but because they all voice their concerns through various democratic channels. Cultural minorities are protected from certain kinds of interference not because their cultural practices deserve special constitutional status, but because democratic considerations at the heart of NMD constrain what transient majorities of the day can legitimately demand from their respective minorities. In other words, what this shows is not that multiculturalism is

incompatible with democracy, but that it is mostly compatible for reasons somewhat different from those that multiculturalists advocate. As long as these amount to a political order in which multicultural concerns are dealt with in a fair and consistent manner, there seems to be another strong reason to call the emerging theoretical construct a theory of democracy with a non-negligible degree of multicultural potential.

In addition to having ideational affinity to theories of multiculturalism, the emerging theoretical construct is also multicultural in the political and sociological senses of the term. Although more precise comparisons of how much diversity will exist in different types of regimes favouring different approaches to multiculturalism falls under the expertise of empirical political theorists, the body of theoretical evidence presented in this work suggests that there are no good reasons to think a polity structured along the lines delineated by NMD will be less multicultural than any of the more proactively multiculturalist theories of politics. Any contemporary democratic society that takes the normative components of NMD seriously will show strong multicultural characteristics because openness and fluidity are inescapable features of a system of government that not only sees disagreement as an integral part of the political process, but also depends on disagreement for its successful operation. NMD does not promote the multiculturalism of Tully, Taylor or Kymlicka, but it does offer undeniably strong reasons against social engineering to create a politically and culturally more unified public. Most forms of diversity supported by multiculturalists go undisturbed, while even newer forms of diversity for which radical egalitarian multiculturalism seems too leave little room (e.g., celebratory forms of multiculturalism left out by Young or some forms of internal dissent disadvantaged by the collectivist elements in Taylor's or Tully's social ontology) may find a new

breathing space under NMD. Even in situations where intervention is inescapable, it comes in forms that are decoupled from cultural contempt and paternalism that degrade citizens' democratic agency.

To sum up, this chapter brought together lessons from the earlier parts of the dissertation in order to compare and contrast the normative implications of the minimalist democratic approach to cultural diversity with those of multiculturalism and its critical counterparts. It argued that NMD offers a distinct response to the questions that arise at the nexus of democracy and multiculturalism, which is more consistently democratic than the answers provided by the radical egalitarian supporters and opponents of multiculturalism that tend to undermine various precepts underlying contemporary democracies. The chapter concluded by pointing out that the emerging theoretical construct, despite its opposition to certain normative concerns of multiculturalists, carries a notable degree of ideational as well as practical affinity to multiculturalism, and comes with an important multicultural potential.

## Conclusion: The Strange Death of Multiculturalism

For close to three decades, the Berlin Wall stood as a symbol of the rivalry between the two ideologies aspiring to global dominance. When the Wall fell, all of a sudden its ruins turned into a symbol of democracy's triumph over authoritarianism. The expansion of democratic ideals across the world – one of the defining characteristics of the post-World War II era – reached its culmination. With these dramatic developments came grand expectations about the future of liberalism and democracy. Months before the Fall, one commentator noted that “[w]hat we may be witnessing is not just the end of the Cold War, or the passing of a particular period of postwar history, but the end of history as such: that is, the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government.”<sup>1</sup> Now that the euphoria of the early 1990s has faded away, we can clearly see that the expansion of democratic ideals has not meant more clarity in what democracy as a form of government stands for.

As one author notes “political regimes of all kinds describe themselves as democracies.”<sup>2</sup> Among these are regimes that victimize a populous ethnic or religious minority, those that curtail democratic rights in the name of more democracy to come in a future time, or those that manipulate the *demos*'s passions and grievances for the realization of their own political ends. Some claim that similar problems and confusions concerning the meaning of democracy beset the more established democracies of the West. More particularly, there is talk of dwindling legitimacy in the form of democratic deficits, civic disenchantment, and a more general distrust of democratic institutions. In the course of this dissertation, we saw that these

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<sup>1</sup> Francis Fukuyama, “The End of History.”

<sup>2</sup> David Held, *Models of Democracy* (Stanford: Stanford University Press, 2006), 1.

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differences in how democracy is perceived around the world are also, in perhaps less dramatic forms, reproduced in academic democratic theory.

It is against this historical and intellectual background that I chose democratic minimalism as the point of departure for this dissertation. In the absence of a readily available definition of democracy that could be borrowed and juxtaposed with the principles and concerns of multiculturalism, the dissertation had to begin by identifying certain limits within which it would make sense to speak of principles as democratic. Rather than starting with an ideal theory of what a good democracy should look like, the dissertation began by constructively engaging with Joseph Schumpeter's influential account of realist democracy. Chapter 2 evolved into a broadly sympathetic critique of Schumpeter's minimalism. It accepted parts of Schumpeter's critique of the classical theories of democracy that are based on the ideals of common good and general will. However, it also pointed out the need to turn the minimalist account into a normatively more plausible theory by clarifying and embracing the normative underpinnings of the minimalist democratic considerations. Otherwise, the minimalist account, chapter 2 argued, would continue to overlook some crucial aspects of the institutional evolution of democracy such as the extra-electoral dimension of the democratic process and the place of equality in that process.

Chapter 3 examined the relationship between equality and non-domination – the two most central components of the four-dimensional account of democracy that began to emerge from the previous chapter's critical engagement with the Schumpeterian minimalism. It argued that not only do these two concepts define the core of normatively sound minimalist democracy, but they also more definitively shape the boundaries of the theory by clarifying the respective limits and value of

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consensus and dissensus. While equality sets some positive guidelines that players can follow in trying to build agreements, the principle of non-domination tends to remind the democratic actors the boundaries within which they are allowed to work if the game is to count as a democratic one. The exposition of the role of equality and non-domination in NMD revealed that the tendencies towards agreement and disagreement are both normatively important, and the normative significance of disagreement should not be overlooked for the sake of facilitating deeper or more substantive agreements.

While Part One was preoccupied with developing the idea of a normatively sound minimalist democracy, Part Two began to apply the emerging democratic perspective to the debates in the political theory of multiculturalism by critically examining the democratic aspirations of the multiculturalist camp and their critics. Chapter 4 studied the three multiculturalist challenges to liberal democracy – recognition, self-rule, and inclusion. The chapter argued that although each challenge represents a certain genuine problem for democratic theory, these are not challenges that require a comprehensive revision of democratic norms or their substitution with more substantive ones that the multiculturalists advocate. For the democratic theory outlined in Part One offers internal resources to tackle these problems and resolve them in democratic ways.

Chapter 5 followed the same method as Chapter 4 to evaluate the democratic merits and shortcomings of the anti-multiculturalist critique. The chapter focused on the liberal egalitarian arguments for equal rights and solidarity, and the more holistic arguments that fear multiculturalism will weaken democracy in the long run by eroding sociocultural characteristics favourable to its functioning. In response to these concerns, the chapter advanced the view that the anti-multiculturalist arguments

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operate with some important misconceptions about democratic decision-making, which in large part stems from not appreciating the respective limits of consensus and dissensus that were highlighted in Part One of the dissertation. Among these are the misconceived view of the relationship between democracy and pluralism, and the flawed accounts of democratic decision-making on which the anti-multiculturalists extensively draw.

Part Three embarked on the more constructive task of laying out an approach to multiculturalism that is more in line with the democratic perspective outlined in this thesis than the ones offered by the multiculturalists and their critics. Chapter 6 presented an alternative approach to groups that tries to steer clear of the anti-multiculturalists' common mistake of neglecting the democratically acceptable roles groups play in democratic politics, and the tendency of the multiculturalist arguments to undermine the individualist elements of NMD. The chapter began by arguing that the individualist overtones of NMD leave room for a negative, but robust, theory of groups. Not only do groups play an important role in the political dynamics of democracy, but this presence is supported by normatively relevant reasons such as the impropriety of politicizing motives of individuals and the anti-assimilationist bias of NMD. An egalitarian reformulation of the interest groups pluralism, the chapter went on to argue, can account for the democratic functions of groups more adequately than the substantively thicker theories that we find in the literature on identity politics.

In light of the theoretical lessons that emerged from the preceding five chapters, chapter 7 revisited the guiding question of the thesis – is democratic multiculturalism really possible? By engaging with the multiculturalist and anti-multiculturalist counter-challenges to the democratic perspective developed in the dissertation, the chapter argued that the normative conclusions of the previous

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chapters point to a distinctly democratic response to multiculturalism. This democratic outlook, the chapter argued, offers a considerable degree of multicultural potential because NMD satisfies many important multiculturalist concerns about recognition, self-rule, and inclusion without compromising democracy's egalitarian and individualist commitments.

The main aim of this dissertation was to contribute to the understanding of the normative relationship between principles of democracy and philosophical concerns motivating the multiculturalist arguments. Along the way, we managed to clear away a number of unfounded claims made by multiculturalists and anti-multiculturalists regarding the supposedly democratic merits of their arguments. The dissertation also offered a more constructive account of how multiculturalism and democracy can be compatible by drawing attention to the multicultural potential offered by normatively sound minimalist democracy. Because multiculturalism is one of the most contested subjects in contemporary democracies, I would like to conclude by offering a brief reflection on the broader lessons concerning the politics of multiculturalism that we can draw from this dissertation.

Multiculturalism is dead. Or so we have been told recently by British Prime Minister David Cameron and German Chancellor Angela Merkel. Some Western democracies were never officially engaged with multiculturalism, so they would not need to ceremoniously break up with it. But as David Cameron claimed in a speech at the Munich Security Conference, the countries that adopted some kind of multiculturalism as a state program are left grappling with its dreadful legacy. Not only has the official multiculturalism led to segregation, radicalisation, and even



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terrorism, it has also – in the eyes of its critics – created an illiberal climate of fear.<sup>3</sup> As a result, many refrain from criticising the fallacies of multiculturalism out of fear of facing accusations of racism, Islamophobia, etc. To overcome multiculturalism’s dreadful legacy, the democratic West has to reject the “passive tolerance”, and embrace the “muscular liberalism”. In that speech we are offered some concrete examples of what this “hardnosed” approach towards clearing society of the remnants of multiculturalism would involve. The government would refuse to engage with organisations that fail its test of moderateness – for instance, the organisations that do not proclaim the value of democracy, human rights, and integration. “Fail these tests and the presumption should be not to engage with organisations – so, no public money, no sharing of platforms with ministers at home.”<sup>4</sup> In addition, the countries that have suffered from the negative consequences of multiculturalism will have to embark on a bold project of identity-building: “we need a clear sense of shared national identity that is open to everyone.”

There is something very strange about celebrating multiculturalism’s death (or wishing it if the death is yet to come about). As we saw in the course of this dissertation, multiculturalism is not immune to criticism. In previous chapters, some of the core philosophical claims of multiculturalism – for instance, those concerning cultural integrity and autonomy – were critiqued from the perspective of normatively sound minimalist democracy. It was pointed out that the multiculturalist arguments for recognition, self-rule and inclusion were laying unjustifiable claims to democratic credibility. However, one of the interesting lessons we learned along the way is that many of these core multiculturalist principles could lend themselves to a more democratic reinterpretation. I argued that many of the defining moves advocated by

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<sup>3</sup> Cameron, “Speech at Munich Security Conference.”

<sup>4</sup> *Ibid.*

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multiculturalists – even those such as recognition of cultural groups and some types of self-rule that would arise from decentralisation – could be compatible with democracy, albeit for reasons different from the original ones put forth by the multiculturalists. In other words, removing or toning down the theoretical components of multiculturalism that clash with the individualistic and egalitarian elements of democracy would not radically transform the politics of multiculturalism in the direction advocated by anti-multiculturalists. Given the philosophical affinity, and the convergence about the practical implications, of democracy and multiculturalism, to achieve a political death for multiculturalism would require the death of important democratic principles as well. Multiculturalism's death would not just be a sign of the ultimate failure of its philosophical ideals. It would also mean that the ideals of liberal democracy that are supposed to guide us into the post-multicultural age have failed as well.

Yet the political warfare launched against multiculturalism clearly shows that the notion of “muscular liberalism” and the “hardnosed” attitude with which such liberalism would have to be implemented closely resemble the anti-multiculturalist project that we put under scrutiny in chapter 5. Insofar as the “muscular liberalism” repeats the same mistakes, it cannot prove more compatible with the values of normatively sound minimalist democracy than the separatist and relativist strands of multiculturalism that it tries to supplant. To be sure, governments may choose to pressure those groups they find resistant to change or to adopting mainstream values. Such coercion perhaps could be defended on grounds of security or stability. But its shortcomings from the democratic perspective are obvious. The democratic outlook defended in this dissertation does not lend support to unilateral restrictions that shun and/or marginalize groups with the intention of limiting their ability to contest and

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disagree until they are malleable enough to given a new identity more in line with the majority values. Integration is a legitimate democratic aspiration only to the extent that it is carried out in accordance with the norms of democracy. Moreover, we saw in previous chapters that attempts to engender a stronger, more cohesive community would require a great deal of social engineering, which would not only root out the radical, undesirable factions, but also create generally less favourable conditions for disagreement and dissent.

All this said, there may be a broader objection to the argument of this thesis. A critic could note that the implications of NMD for real-world multicultural questions are not specific or concrete enough. But the objection misses the point. This dissertation did not intend to build a fully developed account of normative minimalist democracy. For instance, it did not try to identify the exact combination of the four democratic considerations that make up the normative core of NMD. It may appear, on many important issues, the dissertation merely drew the contours of an answer and did not paint the full picture. This has to do with the minimalist democratic characteristics of NMD as opposed to the incompleteness of the argument constructed in this dissertation. The aim of the dissertation was to elucidate the shortcomings of the classical and Schumpeterian understandings of democracy and present an alternative outlook that does not commit those mistakes. To be sure, a larger project that deals solely with the question of normatively sound minimalist democracy could draw slightly thicker and bolder contours. However, it would still not be immune to the charge of leaving substantive gaps. As a matter of fact, these gaps in substantive content are required by the conditions of uncertainty, competition, and openness, all of which are defining attributes of NMD. Within this minimalist understanding, the

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four normative dimensions can only represent the contours of legitimate democratic activity.

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