Dealing with Difference: Four Models of Pluralist Politics(1)

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Pluralism of ideals, interests and identities are inescapable features of contemporary polities. This plurality arises in large part from the very dynamics of modernity. New technologies have extended functional differentiation and specialisation, augmenting the complexity of modern economies and societies. The tasks of governments have multiplied and become increasingly complicated as they seek to regulate ever more diverse areas of social life, each with its own peculiarities and norms. Individuals too have to juggle the conflicting demands and values of work, family, friends, locality, gender, ethnicity, religion and so on. Though cultural diversity is sometimes portrayed as the product of atavistic attachments and pre-modern civilisations that have curiously, if occasionally disturbingly, survived into today's globalising world, modernising processes have also enhanced polyethnicity and multiculturalism. Greater labour mobility, for example, has resulted in states containing significant immigrant populations. The weakening of the state's capacity to control either the economy or security within a global environment has also encouraged well established national minorities to seek greater autonomy: witness the growing assertiveness of the regions within the European Union.

Such pluralism makes politics necessary whilst sometimes rendering it virtually impossible.(2) Differences of opinion and interest provide the content and rationale of democracy, yet can become so great that participants cease to feel members of a common polity bound by shared purposes. In such circumstances, citizens talk past rather than to each other. That latter possibility proves especially likely in the case of cultural differences, when people literally may speak different languages and have opposed perspectives that affect their views and behaviour across the whole range of human activities. Because the diversity of cultures is but one aspect of the heightened pluralism of modern societies, however, it is also subject to and further complicated by other sources of plurality. Granting political autonomy to different cultural groups displaces but does not resolve the problem of pluralism. The new units will almost certainly contain cultural minorities themselves, whilst their members will disagree
fundamentally on many issues including how they relate to different cultures. People may share a `world view' or culture, yet divide over what its fundamental values are, how they should be ranked, their justification, and their bearing in particular cases. Neither Christians or Moslems, workers or capitalists, socialists or conservatives, the French or the British speak with one voice on all matters. Clashes between inherently or contingently incompatible values, modes of reasoning, interpretations and types of claim arise amongst all cultures, ideologies and classes and can be as deeply divisive and intractable as those between them.

Thus plural societies produce divided loyalties that unsettle the theory and practice of politics. From the allocation of health care to the implementation of environmental regulations, almost all policy decisions confront people with seemingly impossible choices between the incompatible yet equally reasonable commitments of different spheres of their lives and the rival claims of different values. Many public policies involve such a variety of normative considerations and factual information, that people may disagree about not just how conflicts might be resolved but also their very nature and the relevance of the various elements involved. The tensions created by such disputes are undoubtedly less when the parties feel part of the same political community. However, many of these discussions entail disagreement about the internal and external boundaries of the polity. The contested legitimacy of state intervention in the market and the home, for example, and the undermining of state sovereignty by the increasingly international and trans-state character of most social and economic processes, mean that the issues of who can decide and where are as deeply problematic as, and intimately related to, the questions of what may be decided and how. Once again, these considerations cut across cultural divisions and to some degree subvert them by creating transnational allegiances between particular cultural and subcultural groups. Debates about the future shape of the European Union display all these features, for example, with views on the powers and organisation of the Union reflecting the diverse ideals, interests and affinities of different sections of the European population rather than being an accepted structure within which these differences get debated. The antipathy to the EU of the current British Conservative Party, for example, is as much a function of their antagonism to certain forms of state interference as a dislike of Europe per se.

These preliminary points help place the management of cultural diversity in context. Much political science and theory treats this situation as an aberration to the norm of homogeneous nation states. This simply is not
true. Will Kymlicka cites recent estimates that `the world's 184 independent states contain over 600 living language groups and 5000 ethnic groups'.(3) But as we have seen, multiculturalism is but one aspect of the challenge pluralism poses to liberal democracies. An adequate discussion of cultural diversity must take these other forms of plurality into account too. Regrettably, this is rarely the case. In what follows I shall examine four models of pluralist politics. The first tries to abstract from people's differences and find neutral ground in a liberal constitution. The second seeks a modus vivendi between competing interest groups. The third employs group rights to separate the various sources of pluralism into more or less homogenous units. The fourth gives voice to and recognises the different ideals, interests and identities of individuals and groups, whilst encouraging the negotiation of fair accommodations between them in ways that sustain and even reshape, but do not destroy, political community.

Each of these models embodies a particular view of compromise. For if disagreements turn on values and concerns that are incompatible and incommensurable (that is, of such a different nature that comparing them simply makes no sense -like trying to rank Einstein, Shakespeare and Beethoven, say), then concessions will be needed on all sides as they construct common ground. The constitutional neutralists seek compromise by trimming the issues that divide us from the political agenda and settling on a supposed set of core political values on which we all ought to agree. Interest group pluralists try to split the difference via mutually advantageous trade-offs. Consociationalism and group rights attempt segregation, giving each group autonomy within its domain and a mutual veto to prevent incursions. However, I shall argue only negotiated agreements offer genuinely reciprocal compromises that are mutually acceptable and hence legitimate, fair and stable.

1. Constitutional Neutrality: Compromise by Trimming

The archetype for this model is the separation of Church and State, with its proponents regarding the liberal solution to the European religious wars of the sixteenth and seventeenth centuries as the paradigm for resolving all pluralist conflicts.(4) The idea is to demarcate the scope and nature of politics through agreement on a set of basic political liberties and rights. These principles form the core values of the polity and the medium for discussion. They provide the preconditions for politics and are
supposedly independent of the broader interests and ideals people may hold and wish to pursue. The constitution thereby avoids reference to any particular vision of the good. Its purpose is to provide a neutral framework within which all may thrive on an equitable basis with others. Each individual has an equal chance to press his or her views so long as the arguments employed and resulting policies do not interfere with the liberty of others to do likewise. This procedural fairness allegedly removes all legitimate grounds for complaint that one's concerns or opinions have been ignored or harmed. Thus religion gets placed in the private sphere and religious arguments removed as irrelevant to political debate. Churches may freely form and organise their own affairs as they wish, but they cannot insist the state punishes dissenters and heretics or officially promotes their beliefs. Much as neighbours of opposed ideological convictions might preserve neighbourly relations by restricting their conversation to gardening and sport and so manage to cooperate in baby sitting circles and other matters of common interest, so such a neutral constitution preserves social peace and enables differing groups to coexist and collaborate in support of public goods. Contentious opinions can still be expressed, but only in private arenas such as pubs and clubs or with friends and family.

Amongst the most influential defences of this approach is John Rawls' Political Liberalism. He sees the United States' constitution as the embodiment of this model. He argues its multiethnic and immigrant population is united by an `overlapping consensus' focused on the institutions and rights of the American legal and political system. This consensus results from the `method of avoidance', whereby citizens abstract from their substantive conceptions of the good and fix on the principles of justice necessary for their political coexistence and cooperation. The result, he claims, is to place the constitution beyond what he calls `the fact of pluralism'. Indeed, he contends acceptance of such a settlement arises precisely because people recognise the difficulty of reaching substantive agreement in such circumstances, a dilemma he associates with the `burdens of judgement'.

Leaving to one side the convenient oversight of the indigenous population, who enjoy special rights and a certain political autonomy, the viability of this scheme remains questionable. Far from holding the ring for political debate, the basic liberties are themselves matters of deep disagreement. Thus, feminists contest the protection of pornography via the right to free speech, Conservatives dispute the constitutional protection afforded to abortion, the bearing of the equal protection
clause in matters such as schooling and affirmative action policy has provoked heated discussion, whilst the equal right of citizens to vote has prompted debate on almost every aspect of the political system - from the fairness of the current electoral laws to the appropriateness of the existing powers and responsibilities of the different state and federal institutions. In all these cases, people's views of the political framework prove inseparable from both their deeper convictions and their specific opinions on particular policies. The interpretation of any right, its relation to other rights, its importance vis-vis other values, and its implications and relevance for any given case - these are all matters on which people can and do reasonably disagree.

Rawls, like other proponents of this position, sees the Supreme Court as a neutral arbiter of such disputes. However, pluralism means there is no neutral ground to retreat to. Such conflicts cannot be decided either a priori or through trimming away the supposedly non-political elements. Empirical analysis reveals Court decisions display much the same mix of contestable normative and empirical considerations as one finds amongst the general public. At their best courts try to act as a respected third party and to offer a compromise that fairly represents the respective claims of those involved but which long hostility, myopia or other factors hinder the disputants from reaching themselves. Such solutions are not uncommon in international disputes. But they are no substitute for the institutionalisation of compromise amongst the parties themselves. Not only does the process of negotiation ensure that people's positions do not get misrepresented, it also builds trust and reciprocity whilst giving the decision a legitimacy that few third parties have the authority to provide. It is to various strategies for political compromise that we now turn.

II Interest Group Pluralism: Compromise by Trading

Advocates of interest-group pluralism regard constitutional norms as 'trivial' to the working of a pluralist democracy compared to the social rules and practices that arise from the very character of modern, dynamic, pluralist societies. The crucial determinant in their view is the distribution of power, interpreted as the capacity to control another's responses. Power so conceived rests on a variety of different kinds of resource and the relative share of them held by those involved. Their central claim is that liberal democracy depends upon and helps reinforce a
distribution of different forms of power amongst a plurality of agents and agencies such that everyone enjoys a piece of the action. Democratic societies are in essence ‘polyarchies’, to employ Robert Dahl’s term. To further and protect their interests, minorities need only enjoy the standard range of civil and political rights allowing them to freely associate and participate within regular, competitive elections. The nature of polyarchical societies is such that when conflicts occur, groups will always be able to force and reach mutually beneficial trade-offs with others.

Interest-group pluralists believe two features of contemporary societies favour this process.(7) First, there are different and competing sorts of ‘political resource’, from money and knowledge to status and access to political organisations. These resources are focused upon numerous ‘strategic locations’ of diverse kinds within different spheres of social and political life, from factories to the media, churches, education and so on, and give rise to a wide range of ‘bargaining positions’ within the economy, society and polity. As a result, influence, authority and control are dispersed amongst a number of different social groups and cannot be monopolised by any one of them or amassed at any single centre or organisation. Power does not breed power because influence or control in one area of life does not necessarily translate to another area. Second, people have multiple and occasionally conflicting allegiances to very diverse groups. They have attachments to work, neighbourhood, church, class, family, ideology and so on. This multiplicity produces ‘cross-cutting cleavages’ whereby people may be opposed on certain issues but allies on others. There will be no consistent majority, merely a number of coalitions of minorities which vary according to the policy. Everyone will have the experience of being in a minority at least some of the time. Indeed, some supporters of a majority decision that favours them in one area will have other interests in different aspects of their lives that are adversely affected by it. Consequently, people will be disposed to compromise and to ensuring the fairness of the outcomes as well as of the procedures of decision making. To sweeten the pill still further, economic growth makes politics less zero-sum and enhances the likelihood of striking mutually advantageous bargains.

This model of pluralist politics is offered as a characterisation of all mature liberal democracies, although its proponents have most closely analysed the United States and Britain for confirmation of their thesis. Like constitutional trimmers, albeit for different reasons, they see the state as a neutral terrain where deals are struck between an ever
changing set of coalitions amongst whom there is sufficient overlap for a consensus on the rules of the political game to prevail. Unfortunately, its supposed empirical grounding notwithstanding, it is as flawed an account of the adequacy of liberal democracy to accommodate pluralism as the constitutionalist's. Interest group pluralism assumes a trader's compromise. When traders bargain, however, each looks out for themselves, taking account of the interests of others only in so far as it affects what needs to be conceded. In other words, it offers a modus vivendi solution to resolving pluralist disputes. However, the strong need concede less to the weak than to the strong and the rich can out wait the poor. So the fairness of bargains and the maintenance of public goods assumes the distribution of power is itself sufficiently equitable to make equity the best policy. Otherwise, the different equilibria will vary in whom they favour according to the balance of power rather than the prevalence of needs and good reasons. Collective action problems will also arise whenever the recommended outcome is not an equilibrium, with privileged groups and individuals defecting or free-riding where possible. Clean air may be in the interests of all, for example, but in this scenario costly environmental regulations only get imposed on polluting factories if either neighbourhood groups and environmentalists can muster an equivalent political clout to the manufacturers, or the costs to the polluters of continuing to pollute can be made similar to those falling on the polluted.

Interest group pluralists claim the distribution of power to be such as to obviate these potential difficulties. Critics dispute their analysis, noting how their focus on actual decision making ignores the ways social, cultural and economic factors may systematically bias the political system so that certain policy-conflicts never get aired. Far from being neutral, the procedures of the state can discriminate against certain groups and favour others. Some of these pluralists did concede they had overlooked how the requirements of capital accumulation narrowed the policy options available to governments, and that some mechanism for democratising the exercise of economic power might be necessary to place workers on an equal political footing to their employers. However, similar problems exist for a whole range of groups. Feminists have long argued that political meetings are often badly timed and located for women given their generally greater family and care responsibilities, for example, and that many female concerns are dismissed as 'private' and hence non-political matters even when they are able to voice their views. Likewise, ethnic and cultural minorities have often found their worries are ignored or rejected on the grounds that they fail to fit the established political morality, including cases when this was not so. Thus, Tariq Modood has
shown how the views of most British Muslims on matters such as the
publication of The Satanic Verses and the separate schooling of women
often parallel standard liberal ideas concerning the prevention of
defamation or incitement and equal opportunities respectively. However,
they have been consistently misdescribed as fundamentalist rejections of
liberalism rather than potentially constructive engagements with it.(10)

A traders compromise also assumes one can always `split the difference'.
That possibility implies that all values lie along a single dimension or have
a single denominator, with competing groups all desiring more of a certain
good. Interest-group compromises can have this aspect, notably in the
classic case of wage bargaining. But even here there may be quite distinct
and potentially incommensurable values at stake, such as health or
status, which prove less tradeable. Many goods, such as integrity and
identity, cannot be treated as mere preferences that one can have more
or less of. Such conflicts tend to be more absolute, forcing a choice
between either one or the other option. At the very least, traders may
find themselves dealing in quite different currencies and have to
negotiate conversion rates rather than taking them as read. This
possibility becomes particularly tricky when cleavages are segmented and
vertical rather than horizontal and `cross-cutting'. Differences based on
ethnicity, culture, language, gender and religion always possess this
characteristic to some degree. They constitute a world view that
orientates their holder's opinions over a wide range of issues. As Dahl
admits, in these circumstances `the prospects of polyarchy are greatly
reduced'.(11) We shall see in the last section how this pessimism may be
unwarranted, the result of his narrow view of the nature of pluralist
politics. We must first look at his favoured solution to such kinds of
pluralism, however: namely, the segregationist gambits of group rights
and consociationalism.

III Consociationalism and Group Rights: Compromise by Segregation

Group rights and consociationalism aim at producing a mixture of
autonomy and power sharing amongst distinct national, ethnic, religious
or other cultural groups who share a state but have either partially
incompatible demands or simply identify more closely with other group
members than with the rest of the community. They seek to preserve a
group's control of as many areas vital to its form of life as possible, to protect other aspects against damaging incursions and to ensure the necessary collective decisions are consensual. It is not easy to draw the appropriate boundaries, however, since the criteria are frequently contested. Creating divisions and policing them may cause more harm than they remove.

Will Kymlicka has helpfully identified three kinds of group-differentiated rights: self government rights, polyethnic rights and special representation rights.(12) These rights are not mutually exclusive, and many political systems contain a selection from each of them. Self-government rights are commonest amongst regionally based national minorities, such as the Welsh and Scots, and can lead to demands for secession. The basis of this demand is that a national culture instantiates the various goods and values intrinsic to the identity and well-being of those who share it. Allowing a degree of self determination offers the best way to ensure this culture is preserved and develops in ways that reflect the evolving views of its adherents. Though such protection is especially warranted for minorities who fear being swamped by the majority culture, a regionally concentrated majority might also desire such a right so as to reduce the need to compromise with minorities. Though Kymlicka overlooks this possibility, self government rights can also be established on a non-territorial basis, such as functions.(13) Territorially dispersed and non-nationalist cultural minorities can in this way nonetheless belong to their own trade union organisations and even run their own education and health care systems.

Usually such groups seek polyethnic rights, however. These give exemptions from certain laws that disadvantage them, permitting Sikhs not to wear motor cycle helmets, for example, or Jews and Muslims to trade on Sundays. More controversially, such rights can also extend to such positive measures as an entitlement to deal with public authorities in a minority language or to have minority languages and religions taught in schools. These rights aim less at self-government than co-existence with and partial assimilation into the majority culture. Finally, special representation rights seek to equalise the say of minority groups within the legislative process. These measures range from creating constituencies favourable to the election of representatives drawn from such groups or even reserving a number of seats in the legislature for them; through encouraging quotas within the established political parties or employing electoral systems, such as PR, that favour the setting up of
group based parties; to directly or, as might result from the measures already mentioned, indirectly ensuring power sharing in the executive.

Polyethnic and representation rights offer protection for groups who by virtue of some set of shared constitutive characteristics are structurally disadvantaged by the prevailing social and political system in ways that devalue or undermine their exercise of individual rights. Non-cultural minorities can also benefit from them as can groups that are a majority in the population yet structurally disadvantaged by past discrimination, notably women. Hence, these mechanisms have been taken up by women's, gay, lesbian, and disabled groups as well as racial, ethnic and religious minorities. Obviously, the legitimacy of such measures turns on the protected properties or beliefs being of significance to their possessors and not just the objects of irrational prejudice by others (though this may also be the case). They must also pass a minimal threshold of acceptability. Paedophiles, for example, are a structural minority who are justifiably discriminated against. Such thresholds may be matters of dispute, however, as debates over issues such as the acceptability of certain potentially crude methods of slaughtering animals or of male and so-called female circumcision illustrate.(14)

Such rights assume the relevant group to be relatively coherent and that the members all identify with the way they have been defined. For a potential tension exists between the protection of segmental pluralism and other forms of plurality within and across the segments. Members of most groups have other allegiances and may be almost endlessly divided into sub groups. Thus Scots can be divided into men and women, Protestants and Catholics, Highland and Lowland, socialists and conservatives to name but some of the obvious distinctions one might make. Privileging one or more differences over others will only work if those involved feel these divisions are more encompassing or important than the others or in some sense distinguishable from them. To continue the earlier example, giving Scotland political autonomy or even independence need not prevent individuals continuing to differ over matters of religion, ideology and the rest in comparable ways to when they formed part of the United Kingdom. Likewise, permitting Sikhs to wear turbans rather than helmets or official caps does not inhibit their freedom of action in other spheres. On the contrary, it can facilitate their involvement in activities from which they might otherwise have been excluded, such as the police or armed forces. But the granting of special rights does not always operate in such beneficent ways. Though the declared purpose of these rights may be to prevent erosion of group
identity by external social and political processes, preserving a given group culture has internal implications for what its members may do. If a religious group is allowed to withdraw children from school before the age of sixteen, as the United States Supreme Court has allowed the Amish to do, for example, then along with the children being able to help with harvests earlier and having less exposure to the corrosive influence of the external world will go a reduction in their capacity to leave the group or even criticise and develop its doctrine. Similarly, if Quebec is allowed to prohibit or limit the public use or teaching of English, then that has profound implications for the Anglophone community (and indeed for many Francophones) who desire an active engagement with Anglo-American culture.

These sorts of cases connect to a more general concern about the inherent conservatism of group rights. Critics fear they may entrench and possibly even impose a particular identity on groups that reinforces majority prejudices and discourages their recognition by and engagement with the wider society. For example, some Asian groups have argued that designating them as 'black' involves just such an imposed and prejudicial identity. (15) Even when polyethnic and special representation rights are voluntarily accepted and oriented towards inclusion, they do so on the group's own terms. Because such measures are not costless for those outside the group they can create resentment, especially if they appear to withdraw the beneficiaries from a reciprocal recognition of the beliefs and attitudes of others. Supporters argue that group rights are simply entitlements that require no apology or concession. They are analogous to special rights for the disabled, say, compensating their recipients for structural disadvantages for which they have no responsibility. We should no more expect Sikhs to pay higher insurance premiums than ask wheelchair users to contribute to the costs of ramps. The analogy is inappropriate, however. Ethnicity or cultural identity may be largely unchosen but their bearers usually view them positively and can partly shape them. Their claim is not only that they can contribute as much as others given the opportunity, but also that they add a new dimension that may change how we conceive existing roles and even add new ones. That additional dimension does entail mutual accommodation, however, and not just protection against interference.

Group representation and minority vetoes within legislatures pose parallel problems. Advocates of such measures concentrate on their role in unravelling the prevailing consensus, arguing that the presence of minority groups in legislatures and an ability to block certain legislation
broadens the horizons of dominant groups by compelling them to adapt to different perspectives. But again, such adaptation is only likely to be genuine if it is reciprocal. Group representation risks insulating hitherto subordinate groups from any such necessity and may undermine the motivation of dominant groups to do so too. Worse, it can result in deadlock and acquiescence in an unjust status quo, particularly when buttressed by a veto. Whilst a veto may protect minorities against the passing of discriminatory laws, it can also be wielded to protect the perpetration of injustice by them. Tyranny can result from acts of omission as well as commission, as John Calhoun's notorious scheme for concurrent majorities to safeguard slavery in the American south demonstrated all too clearly.(16)

Worries about group rights entrenching exclusion and antipathy are particularly strong with self-government rights. These dangers bedevil the main attempt to institutionalise this variety of pluralist politics, consociationalism. A model associated with Belgium, Switzerland and, in the past, Holland and Austria, consociationalism has four main features: a grand coalition or power-sharing executive, segmental autonomy involving either territorial or non-territorial forms of self-government, proportionality as a principle of political representation, civil service appointments and the allocation of public funds, and minority veto.(17) This political system combines self-government and special representation rights, therefore, and invariably establishes certain polyethnic rights too. It allows people to spend their whole lives within a given segment, from say birth in a denominational hospital, through education and employment in schools, enterprises and unions of a given religious persuasion, to burial in a church cemetery. In the process segmental identity gets strengthened, but this adds to rather than detracts from the system's legitimacy if not, as we shall see, its stability. Consociationalism's success depends on the ability of elites within the Grand Coalition to deliver the acquiescence of their followers in return for a mutually beneficial carve-up of resources. It is the elites who interact and make compromises with each other, not ordinary people.

Though Arend Lijphart, this system's most prominent advocate, claims consociationalism offers a universal panacea for 'deeply divided' societies, it favours conflicts of a certain kind. It works best with types of difference focused on hierarchical organisations capable of partly defining and stabilising the beliefs of their members.(18) Religions typically have this character, with the clergy deciding church doctrine. So can ideologies when parties successfully establish themselves as their official guardians,
as occurred with certain Communist parties. However, differences based on ethnicity or those associated with new social movements are rarely of this nature. The historical constructs of the human capacity for reflection and interpretation, they are internally contested and open to development. They are usually more informally organised and have less clear cut programmes. They are concerned not so much with a fair division of the spoils as with the shape and nature of the polity within which such resources get defined as well as distributed. Consociationalism survives in large part through hindering the development of groups around such divisions. It requires that differences be already organised politically and have an established leadership. Dissent within the ranks undermines the authority of the elites and questions the whole rationale for segmental autonomy and representation.

The extent to which consociationalism promotes peace between those divisions it does recognise may be doubted. Consociationalists hope a degree of group autonomy, either in the organisation of a region or in running certain services, will help minorities express and act on their differences within the context of a larger unit. They also believe such empowerment, combined with a guaranteed say in any national legislature, offers a way of transforming the thinking of dominant groups by encouraging them to look beyond their own assumptions and interests so as to take on board those of others. Far from fostering changes in the hegemonic culture, however, segmental autonomy may be perceived by the dominant group as a pragmatic concession that safely confines the minority to the ghetto. Meanwhile, as we have noted, segmental autonomy may prove even more intolerant than the wider community of individual dissenters and those minorities that prove unable to organise themselves in this way. Minority as well as majority elites have few if any incentives to develop a spirit of compromise amongst either themselves or their followers. Their power rests on emphasising their differences and extracting the highest possible price for any concessions. Ultimately, only instrumental considerations will prevent the various parties from going it alone. Thus, the size of the different cultural groups usually needs to be sufficiently similar to make governing without the others difficult. There usually also need to be further reasons, such as external threats or economic viability, that make secession unattractive.

A relationship based on purely instrumental factors rarely proves stable, since those concerned will always take advantage of any change to the balance of power. Many commentators have noted consociationalism's supposed successes rest on additional factors. Where consociational
systems have survived, as in Switzerland, there has usually been a long history of elite cooperation, in the Swiss case dating back to the early modern period, and greater popular consensus, evidenced in Switzerland by national referenda, than consociational analysts have claimed. When, as in Northern Ireland, elites are in many ways even more hostile than the general population they and their organisations can be positive blocks to rather than facilitators of mutual accommodation. In most cases, cross-cutting cleavages are also present and may even lead to the passing away of the system, as has largely happened in the Netherlands and Austria. Indeed, Dahl contends that consociationalism has never survived unless accompanied by a measure of social and economic development sufficient to create elements of polyarchy. Unfortunately, evidence also points to consociationalism sometimes working against the very background elements that allow it to operate. For the elite bias of consociational mechanisms diminishes popular interaction between the segments and so can fuel separatists parties. Though analysts dispute the gravity of the Belgium crisis, few deny that some such dynamic has been at work there.

Some critics of group rights and consociationalism ascribe their problems to their supposed illiberalism, itself often related to the very idea of differentiated citizenship. This criticism misses the mark. As Kymlicka and Lijphart respectively have shown, both these mechanisms have a solid liberal pedigree. Their justification lies in demands for equality and freedom via the removal of humanly caused constraints that those concerned were neither responsible for nor welcome. Though additional difficulties arise through a small number of the groups so protected being illiberal, that is not the prime issue. By and large protected groups do respect basic liberal principles. Liberalism is not what divides the Quebeçois from their fellow Canadians or the Scots from the rest of Britain any more than it did the Norwegians from the Swedes. Aboriginal peoples employ contractarian reasoning not dissimilar to the liberal’s and most cultures respect a not dissimilar list of universal human rights. The problem, as we saw in section 1, is that these principles can be nonetheless the subject of disagreement when discussing their relevance to any concrete case. A uniform constitutional status does not guarantee unity let alone unanimity amongst a polity’s citizens when it comes to deciding how to exercise and apply those rights.

Demands for political autonomy arise when a group feels it is more appropriate to resolve these disputes between themselves rather than in conjunction with others. They feel historical, functional, geographical,
linguistic, cultural and other reasons make them a discreet demos. When the two groups can separate in ways that are not too costly to either, as occurred with Norway and Sweden and may happen with Scotland and Britain say, it is hard to mount a principled objection to their doing so. However, separating off into relatively homogenous units is becoming ever harder in today's global and multicultural societies. An independent Scotland would still have to operate as a member of a transnational EU and contain significant cultural minorities, including substantial English and Anglo-Scottish communities. Within this context, the chief defect of the segregationist approach is not its illiberalism so much as its doomed attempt to combine the two previous liberal strategies examined earlier, namely trimming and trading. Segregation is but a radical exercise in trimming away differences and keeping interference and the common public sphere to a minimum. The remaining interaction is supposed to be a pure matter of trading guided by a common instrumental interest in mutual autonomy and the provision of such public goods as security from external threats. However, trimming can never produce consensus nor trading fairness and stability unless agreement and equity already obtain amongst the parties concerned. Pluralism makes such preconditions unlikely. The task confronting plural societies is to encourage reciprocal agreements in unfavourable circumstances. The next section proposes an alternative approach that grasps this nettle.

IV Democratic Liberalism: Compromise as Negotiation

If liberal democracy employs constitutional trimming to reduce the grounds for mutual interference to a level where mutually advantageous democratic trading can take place, democratic liberalism requires the negotiation of differences and the search for conditions of mutual acceptability that reach towards a reciprocal compromise that constructs a common good. This approach draws inspiration from the republican tradition. Whereas liberals view freedom as a natural condition obtained via an absence of intervention, republicanism sees it as a civic achievement resulting from the absence of domination. A free society is one where citizens lack the capacity to dominate each other and can ensure the laws track their various interests and ideals.(23)

Trimmers seek a shareable public sphere in the lowest common-denominator, traders by appeal to mutual advantage. Both strategies try for agreement by showing certain arrangements are in every group's or
individual's interest. But that makes them highly vulnerable to free riding and defection because there is hardly any accord that someone could not gain from abusing. Freedom as non-domination, by contrast is a common good. It benefits all but can only be achieved through the civic cooperation of all. It is a good individuals can only know in common. As such, it is discontinuous with pre-political individual preferences. It emerges solely through membership of a polity where all enjoy equal status and collaborate to ensure the equity of the laws. Of course, individuals may sacrifice civic liberty in order to dominate others. However, something valuable will have been lost in the process: the experience of living on equal terms with others and knowing you are valued for your true worth rather than because of the power and influence you can wield over your supposed admirers.

Given that multicultural conflicts are typically characterised in terms of struggles for recognition, a condition of civic liberty ought to be attractive to all parties in such disputes. However, the motivation to create such a society may still be absent if we can only fully appreciate the benefits of a free society when we live in one. As earlier republican theorists observed, where the conditions of civility are absent we need a Legislator to create an institutional context capable of promoting the appropriate civic virtues. Though Solons are undoubtedly in short supply these days, the facilitative role played by an independent third party in establishing the rules of the game is a familiar one in domestic and international disputes of all kinds, from squabbling neighbours upwards. This approach also emphasises that the crucial aspect of constitution making is institutional design rather than the principled legal framework. Republicans take the idea of the body politic seriously. Just as a healthy physical constitution results from a balanced regimen that harmonises the different bodily passions and functions, so a healthy polity involves a balanced regime or political system that mixes the social interests and moral ideals in play, constraining the ability of any one to dominate another and motivating each to seek mutually acceptable compromises that reflect the concerns of those affected. The upshot of this republican strategy is a democratic liberalism that treats liberal rights as intrinsic to and products of democratic processes rather than preconditions for them, as liberal democrats suppose.

The key disposition to foster is encapsulated in the republican formula `audi alteram partem' or `hear the other side'. This criterion constrains both the procedures and the outcomes of the political process. People must drop purely self-referential or self interested reasoning and look for
considerations others can find compelling, thereby ruling out arguments that fail to treat all of equal moral worth. They must strive to accommodate the clashes of preferences and principles associated with pluralism by seeking integrative compromises that view the concerns raised by others as matters to be met rather than constraints to be overcome through minimal, tactical concessions. In sum, trimming, trading and segregation must give way to negotiation.

Unlike trimmers, negotiators do not seek a pre-political consensus to constrain politics. Rather they aim at the political construction of compromise agreements that reflect rather than abstract from the particular attachments and circumstances in which people find themselves. Indeed it is these specificities that make compromise possible by allowing the various feelings and arguments that lie behind people's preferences and values to be appreciated. Abstractly considered ranking Beethoven over Shakespeare may be simply nonsensical, but on a given night I might well be able to explain why I preferred going to a concert rather than a play. Political compromise standardly draws on these additional reasons to accommodate different points of view. By exploiting the ways groups often feel more strongly about the application of their views in some areas than in others, for example, the coexistence of apparently incompatible preferences becomes possible. Unlike traders, however, negotiators must try for a mutually satisfying solution rather than one that just satisfies themselves as far as possible. Instead of viewing a conflict as a battle to be won or lost, the parties must see it as a collective problem to be solved. Finally, unlike segregators, negotiators employ group rights to promote engagement with the broader collectivity rather than to protect and withdraw groups from such involvement. So group representation rights may be necessary to ensure certain minorities reach a sufficient threshold to have a voice that people take seriously but an interactive presence might be better encouraged through quotas within established parties, such as exist for women in many European countries, rather than separate constituencies, seats or parties. Likewise vetoes are to be avoided as largely negative.

The mechanisms needed to realise this scheme will necessarily vary according to the complexion of the groups involved. Certain general rules of thumb nonetheless emerge. First, voting systems must involve as wide a range of voices as possible whilst encouraging reciprocal acceptance and accommodation. Second, though dispersing power can aid this process, it too should be subject to similar conditions. Third, and less familiar, review procedures are needed whereby both the decisions and
the means they were arrived at can be contested. To fix ideas, I shall close this section with an example of each of these techniques.

Plurality electoral systems, such as the First Past the Post, pose obvious problems for minorities. Small parties are unlikely to be successful, particularly if a group is dispersed over several constituencies. By enhancing the power of the executive, minority influence is reduced within the main parties as well. Unless the governing party's parliamentary majority is small, the exception rather than the rule given that a massive majority can be delivered by well under 50% of the total vote, there will be little or no need for the leadership to compromise even with their own supporters. Proportional representation appears the obvious solution but has difficulties of its own. Allowing the proliferation of single issue parties can militate against an appreciation of the concerns of the wider community. Government coalitions between such groups will tend to reflect a trader's rather than a negotiator's compromise. Party list systems make outcomes more proportionate to a party's share of the vote but do not necessarily guarantee party representatives will more proportionately reflect the range of public opinions.

To get around these problems we need a voting system for both selecting representatives and making policies in the legislature that builds in compromise to majoritarian decision-making. As Albert Weale has recently observed, Condorcet voting has just this feature. (24) Under this system voters rank their preferences for candidates or policy options. The Condorcet-winner is that ranking that could defeat every other in a pair-wise contest. Take the following example: (25)

<table>
<thead>
<tr>
<th>Parties (% of the vote) Policy or Candidate Preference Rankings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party A (25%): a b c d</td>
</tr>
<tr>
<td>Party B (30%): b a d c</td>
</tr>
<tr>
<td>Party C (40%): c a d b</td>
</tr>
<tr>
<td>Party D (5%): d b c a</td>
</tr>
</tbody>
</table>
Here a plurality vote would lead to option or candidate `c' being chosen, since it, she or he gets the largest number of first preferences. However, the Condorcet-winner is `a' since it emerges as the majority preference when its ranking is compared against each of the alternatives. Weale observes that the combined consequences of issue by issue majority voting coincides with the Condorcet-winner,(26) as this procedure likewise involves finding those alternatives that command majority support.(27) Thus, the Condorcet-winner `both captures the idea of a majority converging around a compromise solution where there are divergent ideal preferences and it can be construed as the outcome of a procedure by which members of a political community take issues one by one.' (28) As is well known, when there are three or more alternatives a Condorcet winner may not exist, with pair-wise comparisons producing not an outright winner but a cycle. In candidate elections this result can be overcome by selecting the person who loses by the smallest margin(s) in one or more pairwise comparisons. Weale argues that in the case of issues, so long as these are discreet so that voter preferences on one issue do not depend on the outcome of a vote on another, then sequential voting is acceptable as a way of breaking the cycle. (29) Such methods do not guarantee the compromise candidates so chosen will themselves possess the skills of negotiating compromises when legislating. However, Condorcet voting means governments usually will have to build majorities on many issues, making such attributes desirable.

Dispersing power to semi-autonomous political units can also give minority groups a voice and an element of control. Within differentiated societies, centralised and hierarchical ways of distributing power will be inadequate. Sheer size and complexity as well as cultural and other differences often render centralised decision-making inappropriate and inefficient by over-representing people unaffected by, or with scant interest in, the resulting policies, under-representing those most involved, and paying insufficient attention to the peculiarities of particular enterprises, services and locations. Dispersing power amongst a variety of constituencies opens up spaces for undominated choice and allows the framing and/or implementation of laws to suit the particular needs of both a diverse public and a differentiated social system. The commonest form such dispersal takes is the creation of distinct territorially based tiers of government. As I noted in the last section, such schemes do not serve polyethinic groups well, nor do they always match the requirements of functional diversity. Typically they also involve a devolution downwards of a discreet set of powers and so do not provide a share in centralised decision making but rather remain subject to it. Thus the territorial
dispersal of power needs supplementing or even replacing by a more horizontal organisation of sovereignty across a wide variety of domains: from the workplace to schools and hospitals. This manoeuvre allows the development of a multiplicity of demoi that reflect the range of our multiple allegiances and interests. As ever, however, the promotion of diversity has to be balanced by the maintenance of solidarity. Where cross-cutting cleavages exist membership of these demoi can be expected to be heterogeneous and some connections between the different domains will be made, so that the knock-on effects of decisions in one area for others will get factored in. Even so, the necessity for appropriately joined up thinking will have to be formalised by connecting the various domains to more comprehensive decision making bodies. By sending representatives to a territorially based legislature responsible for dispersing funds and regulating public goods, for example, these diverse bodies will feed into central decision making but be constrained by their respective rival claims. Such devices will be even more necessary in the case of segmental cleavages if the pitfalls of consociationalism are to be avoided. Denominational schools, for example, should still belong to a local education authority with a more plural membership and participate in setting regional funding priorities, teaching training, assessment and the setting of attainment targets for pupils.

Analysts of the EU have commented on how the multi-level governance that emerges from such a dispersal of power has begun to characterise European decision making. Policy making increasingly involves negotiation and dialogue between a wide variety of actors and tiers of government. Joanne Scott, for example, believes the 'partnership' principle employed within Community structural funding can be interpreted in these terms. Partnership demands that Community development 'operations':

be established through close consultations between the Commission, the member state concerned and the competent authorities and bodies - including within the framework of each member state's national rules and current practices, the economic and social partners, designated by the member state at national, regional, local or other level with all parties acting as partners in pursuit of a common goal.

She argues that partnership shares power across different levels of government, with the Community recognising that member states are not single units and that actors outside the official public sphere also merit a political voice. Thus, it 'does not involve the parcelling out of limited pockets of sovereignty, but a genuine pooling of sovereignty' In other
words, it ensures the mixing of voices that is distinctive to the democratic liberal approach, promoting deliberation by dividing power.(30)

Contestatory and revisory procedures are familiar in legal contexts, where the right to appeal adverse judgements is standard. The grounds in these cases relate to the propriety of the procedures, matters of law, and the reliability, relevance, suppression or discovery of crucial evidence. Appellants can question the fairness and appropriateness of their convictions and raise new issues that cast their actions in a different light. Similar mechanisms are being increasingly employed to contest political decisions.(31) Judicial review of the constitutionality or procedural correctness of legislation is now commonplace. Special regulators, such as Ombudsmen, have also been created for both legislatures and many publicly and privately provided services, from banking to hospitals. These sorts of institutions offer important checks on the majoritarian bias of almost any voting system. However, multicultural struggles frequently turn on the very rules of the political game. New political demands and complaints that one's concerns are not heard raise questions about such matters as the qualifications for citizenship (as in calls to extend the franchise), the composition of the legislature (as in debates over quotas for minorities), the forms and methods of political participation and debate (should it be consensual or adversarial, direct or indirect, a plurality or proportional voting system and so on), and the location, scope and character of political decision making (federal or confederal, amongst workers or only for politicians and so on). A democratic liberalism makes space for such constitutional questions to be contested as part of normal politics rather than as exceptional matters. The logic for doing so has recently been stated with admirable clarity by the Canadian Supreme Court in its ruling on the constitutionality of the Secession of Quebec. The Court observed how:

a functioning democracy requires a continuous process of discussion. The Constitution mandates government by democratic legislatures, and an executive accountable to them, "resting ultimately on public opinion reached by discussion and the interplay of ideas" (Saumur v. City of Quebec, supra, at p. 330). At both the federal and provincial level, by its very nature, the need to build majorities necessitates compromise,
negotiation, and deliberation. No one has a monopoly on truth, and our
system is predicated on the faith that in the marketplace of ideas, the
best solutions to public problems will rise to the top. Inevitably, there will
be dissenting voices. A democratic system of government is committed
to considering those dissenting voices, and seeking to acknowledge and
address those voices in the laws by which all in the community must live.

One corollary of democracy so conceived was the constitutional conferral of

a right to initiate constitutional change on each participant in
Confederation. In our view, the existence of this right imposes a

corresponding duty on the participants in Confederation to engage in

constitutional discussions in order to acknowledge and address
democratic expressions of a desire for change in other provinces. This
duty is inherent in the democratic principle which is a fundamental
predicate of our system of governance.(32)

Such discussions naturally have to be consistent with the prevention of
domination by not denying the democratic choices of either the people
who are left over or any minorities the new unit may contain to be self-
governing in a manner commensurate with their numbers,(33) but their
availability is also necessitated by that goal. In a pluralist society it is
inevitable that the contours of politics will be in continual flux and the
legitimacy of any political system will ultimately depend on its being open
to new developments and obtaining continuous democratic endorsement
through referenda, conventions and more informal channels of public
debate.

Some commentators fear that any recognition of pluralism must
ultimately lead to the dissolution of the polity. But unity does not require
uniformity. A political community based on negotiation and compromise
ties a people together through a series of `family resemblances' and
affinities rather than a common identity.(34) This produces a deeper and
more stable union than appeals to either a putative set of basic common
principles or to mutual advantage are likely to generate, whilst still
recognising diversity and difference.
Conclusion

Pluralism is not just a problem within liberal democracies, it challenges the very practices and ideals of liberal democracy. Liberal principles cannot be treated as a consensual framework within which democratic trading can take place. Nor can particular cultural differences be hived off into separate liberal democratic units. Rather, differences have to be continually and democratically negotiated with compromise not consensus as the goal. Instead of freedom from interference, the citizens of such a political system enjoy the civic liberty of non-domination which makes the politics of mutual recognition possible. Many find the endless negotiation that accompanies pluralism tiresome. For good or ill, however, it is the price one pays for liberty and diversity.

Notes

1. 1. Research for this paper was supported by an ESRC Research Grant on 'Sovereignty and Citizenship in a Mixed Polity' (R000222446).


13. This possibility was key to English pluralists such as G. D. H. Cole and has recently been taken up by theorists of associative democracy. See P. Hirst, Associative Democracy: New Forms of Economic and Social Governance, Cambridge: Polity Press, 1994.


25. This example is adapted from Weale, Democracy, pp. 132-3.
26. Technically known as `the issue-median'.


31. On the importance of contestatory mechanisms for republicanism see Pettit, Republicanism, p. 232.


33. For these caveats see Thomas Pogge, `Cosmopolitanism and Sovereignty;', in C. Brown (ed), Political restructuring in Europe: Ethical Perspectives, London: Routledge, 1994, pp. 112-7. Similar reasoning informs the Canadian Supreme Court in its judgement.

34. See Tully, Strange Multiplicity, for this Wittgensteinian notion and its importance for a pluralist constitutionalism.