

## Models of Democracy and the Politics of Recognition

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### [A] Introduction

My aim in this chapter is to conduct a critical analysis of the relationship between democracy and recognition. To date, many discussions of this relationship have focused on a relatively narrow range of issues. Above all, they have been concerned to establish whether – and, if so, how – a democratic polity should guarantee the representation of certain social groups and/or categories of person. Cases often discussed include quotas for women, special representation rights for national minorities, and representation for marginalized and oppressed groups (Kymlicka 1995; Phillips 1995; Williams 1998; Young 1990; 2000). I would argue that, in at least some cases, these discussions are based on prior but unarticulated assumptions about the relationship between democracy and recognition. One such assumption is to do with the objects of recognition. Does the idea of recognition only concern the status of collective groups, or does it also concern the standing of individual citizens? Another assumption relates to the scope of recognition when evaluating democracy. Should a standard of recognition only be used to evaluate the fairness of democratic procedures, or can it also be used to judge the fairness of outcomes? A third assumption concerns the relationship between recognition and democracy. Are these two political goods always perfectly compatible, or can they come into conflict? And, if they can pull in different directions, then how are such conflicts to be resolved? I would argue that it is only when satisfactory answers to these and other questions have been provided that we can move on to address more substantive issues about the institutional arrangements necessary to achieve democracy and recognition in practice. It is

for this reason that I intend to focus in this chapter on a number of fundamental assumptions about the relationship between democracy and recognition.

The chapter falls into three parts. Since I want to claim that any viable account of the relationship between democracy and recognition must strike an appropriate balance between procedure and substance, I begin in the first part of the chapter by considering a number of accounts which try to avoid striking such a balance. A first account prioritizes democracy over recognition, a second prioritizes recognition over democracy, and a third suggests that each good is located in a separate sphere. By considering and then dismissing these three positions, I establish that any defensible account of the relationship between democracy and recognition must be located on a spectrum from procedure to substance. In the second part of the chapter, I examine three accounts of this relationship which are located at different points on this spectrum. At the former end is an account which focuses exclusively on the fairness of democratic procedures, and do not concern itself with the fairness of outcomes. At the latter end is an account which seeks to ensure that such procedures produce outcomes which meet an independently defined standard of justice. In the middle is an account which attempts to find an appropriate balance between a concern for fair procedures and a concern for just outcomes. In the final part of the chapter, I defend my own account of the relationship between democracy and recognition. Here I begin from a position toward the middle of the spectrum from procedure to substance. I refine this position by arguing that there should be a circular relationship between democracy and recognition, so that, while rules of recognition are to be determined by fair deliberation, to be fair such deliberation must itself be shaped by such rules. In a brief conclusion, I consider what political mechanisms might be implied by my account of the relationship between democracy and recognition. It is only at this point that I return to consider the idea that adequate recognition necessitates guaranteeing representation for certain social groups and categories of person in the procedures of democracy.

## [A] Three models rejected

The aim of this part of the chapter is to demonstrate the inadequacy of three accounts of the relationship between democracy and recognition which – either implicitly or explicitly – reject the idea that it is necessary to find an appropriate balance between procedure and substance. Referring to these positions as ‘the priority of democracy’, ‘the priority of justice’, and ‘separate spheres’, I shall now briefly examine each in turn.

## [B] The priority of democracy

One way in which to avoid the idea that it is necessary to strike an appropriate balance between democracy and recognition is to give democracy absolute priority over recognition. In this case, if and when their demands conflict, the former always takes precedence over the latter. I would suggest that one person who takes up a position of this kind is James Tully. His thesis, in a sentence, is that it is more important to preserve democracy and to practice freedom than it is to try to achieve a final and definitive state of recognition. Tully begins by arguing that every particular set of rules of recognition will inevitably contain misrecognition: ‘Any purported resolution’ of a democratic struggle for recognition, he asserts, ‘will harbor elements of non-consensus and injustice’ (Tully, 2000, p. 474). It follows that in practice any attempt to achieve a final state of recognition would freeze a particular pattern of misrecognition into place. For this reason, Tully believes that, rather than attempt to eliminate all traces of misrecognition, it is better to ensure that citizens are able constantly to challenge the existing rules so that misrecognition can be brought to light. As he says: ‘One should not look for the just and definitive theory of recognition on which all citizens could agree once

and for all'. Instead, the aim should be to articulate an account of democracy in which prevailing norms of recognition can be continually challenged and defended (Tully, 2000, p. 472). It is in this specific sense that Tully believes democracy should take priority over recognition.

This might appear to be an appealing way of thinking about the relationship between democracy and recognition. If we acknowledge the inevitability of continuing disagreement about recognition, it may seem right to place democracy (and freedom) at centre-stage. It is important to understand, however, that Tully does not endorse the priority of democracy simply as a pragmatist who thinks that, since political struggles will never cease, we must accept democracy as the least worst alternative to a Hobbesian war of all against all. On the contrary, he thinks that agonistic democracy provides us with the fairest way in which we can continue to disagree about the rules of recognition, and thus strive to achieve justice. Pursuing this line of thought a little further, it should be possible to see that, if Tully's argument is to work, he has to incorporate a notion of fairness into his conception of democracy. His vision of agonistic democracy is only defensible if it gives all citizens equal opportunities to shape the outcomes of struggles for recognition. Hence I would suggest that, rather than giving democracy priority over recognition, Tully in fact defends a model of democracy which is already shaped by a substantive conception of recognition. Given more time, the general conclusion that I would seek to draw from this specific suggestion is that, if democratic deliberation is to be fair, appropriate rules of recognition must already in place. ~~The general conclusion that I draw from this argument is that, if democratic deliberation is to be fair, appropriate rules of recognition must already in place.~~

#### [B] The priority of recognition

A second way in which one might deny that it is necessary to strike an appropriate balance between procedure and substance in the relationship between democracy and recognition would be to assert the absolute priority of recognition over democracy. On this account, it is accepted that these two goods are distinct and can come into conflict, but it is then claimed that, since democracy has no independent value, it should be regarded merely as a means to achieve recognition, so that, if other non-democratic means are more effective and efficient, they should be employed instead. Philippe van Parijs takes a view of this kind. Arguing that there is no 'pre-established harmony between justice and democracy', he suggests that in fact 'there are deep-seated reasons for expecting acute conflicts between them' (van Parijs, 1996,

p. 109). He then argues that, when conflicts between these goods occur, we should ‘adhere to justice and sacrifice democracy’ since the latter ‘is not an independently important ideal’, but ‘only constitutes an institutional instrument, from which it is legitimate to deviate *if* the ideal [of justice] demands it’ (van Parijs, 1996, p. 110). In other words, if democracy proves a useful means of realizing justice, then it should be protected. If it does not prove useful, then other non-democratic means may be justified in the pursuit of justice. In short, ‘we should be guided by an ideal of justice, in relation to which any democratic “ideal” which one might formulate constitutes at best a sheer instrument’ (van Parijs, 1996, p. 111)<sup>1</sup>. On this account, then, democracy is not an end in itself, but solely a means to the end of justice<sup>2</sup>.

This position clearly provides a solution to the problem of the potentially conflicting demands of democracy and recognition. I would argue, however, that a solution which gives no independent value whatsoever to democracy cannot be satisfactory. Van Parijs’ assertion that ‘we should be guided by an ideal of justice’ prompts a number of questions. First, by *which* ideal of justice should we be guided? Libertarian? Egalitarian? Communitarian? Some combination of these? Or some other conception? Second, *who* chooses the appropriate ideal? It cannot be everyone, since this would be to acknowledge the value of democracy. In this case, then presumably it is the task of a sub-set of especially wise citizens to identify the best conception of justice. Third, *how* should we be guided by this ideal? It cannot involve simply proposing such an ideal in democratic debate, since this would again be to acknowledge the value of democracy. The alternative would be to impose such an ideal without necessary having popular consent. It is clear from these considerations, I think, that van Parijs would licence authoritarian means of achieving justice<sup>3</sup>. This means that he would reject the fundamental principle of democracy, according to which, in order to be bound by a law, its addresses must be able to regard themselves as its authors<sup>4</sup>. In different models of democracy, such authorship may take different forms; according to the model I wish to defend here, rules

of recognition must be the outcome of democratic deliberation. In this case, my general conclusion is that the absolute priority of recognition cannot be justified since legitimate rules of recognition must emerge from fair processes of democratic deliberation.

### [C] Separate spheres

If the attribution of absolute priority to either democracy or recognition is indefensible, then I would suggest that the only other way to avoid the conclusion that it is necessary to strike a balance between these two closely interrelated goods is to place each of them in a separate sphere. Talking about the relationship between democracy and justice, Keith Dowding et al express this possibility in the following way: ‘the two concepts inhabit, and rule over, “separate spheres” that are hermeneutically isolated from one another’ (Dowding, 2004, p. 13)<sup>5</sup>. In this case, once the proper scope of each good is clearly specified, then any issue can be placed within one sphere or the other, and so dealt with according to the logic prevailing in that sphere. According to this account, then, the only sense in which democracy and recognition are related is by virtue of the fact that they share a border which clearly separates the two. It may be useful to imagine what such a relationship between democracy and recognition would look like in practice. Perhaps the most plausible model would be a form of constitutional democracy in which the two sides of the polity are kept strictly separate. On one side, a constitution shapes the fundamental terms of the political association – including a specification of the rules of recognition. On the other side, there is a public space in which citizens can collectively deliberate about a range of issues of common concern. Strict separation means that those charged with defending the constitution cannot interfere with the democratic process, and citizens cannot collectively decide to alter the fundamental terms of their association in any way.

I would argue this way of thinking about the relationship between democracy and recognition is incoherent since the strict separation makes it impossible to realize either of these two goods. Let me explain. With regard to democracy, it may be possible to imagine an original founding moment in which all citizens determined together the status and content of their constitution, so binding themselves democratically to particular rules of recognition<sup>6</sup>.

However, even if the reason for insulating the constitution from democracy was to protect that democracy from itself, complete insulation would mean that it could not be considered a democracy at all. This is because a polity in which citizens have no opportunity to renegotiate the terms of their constitutional settlement is not properly democratic. Dowding provides valuable support for this argument by showing that, when a constitution works systematically to the disadvantage of some citizens, they must have the power to renegotiate its fundamental terms (Dowding, 2004, p. 32-39). So far as recognition is concerned, this good would not be realized either (or at least it would not be realized for the right reasons). Since, as I have already argued, legitimate rules of recognition must be determined through a process of democratic deliberation, insulation from such deliberation would render them illegitimate. I conclude that the proposal to locate democracy and justice in separate spheres must be rejected.

[A] Three models considered

The arguments that I made in the previous section led me to three important conclusions. First, processes of democratic deliberation are only fair if they are shaped by appropriate rules of recognition. Second, such rules of recognition must be chosen in fair processes of deliberation. Third, as should already be apparent from the two previous points, democracy and recognition stand in an intimate and complex relationship to one another. Given these

conclusions, I now want to take my argument a stage further by suggesting that the proper relationship between recognition and democracy is one that strikes the right balance between procedure and substance. In this section, I shall examine three ways in which such a balance could be struck. Beginning with positions close to each end of the spectrum, which I shall call ‘strong proceduralism’ and ‘strong substantivism’<sup>7</sup>, I end with a position roughly in the middle of the spectrum which, following Charles Beitz, I shall call ‘complex proceduralism’ (Beitz, 1989).

### [B] Strong proceduralism

Toward the former end of the procedure-substance spectrum, models of democracy are shaped by a concern to ensure that, while the fundamental fairness of democratic procedures is guaranteed, citizens have as much freedom as possible collectively to determine the rules of recognition of their polity. By ‘strong proceduralism’, I mean to refer to a version of this position which holds that due recognition can be defined as that which emerges from fair procedures of democratic deliberation. I would argue that Iris Marion Young’s account of what she calls ‘communicative democracy’ can be regarded as an instance of strong proceduralism. Contending that there is ‘a tight theoretical connection between democracy and justice’ (Young, 2000, p. 17), Young declares that ‘[w]hat counts as a just result is what participants would arrive at under ideal conditions of inclusion, equality, reasonableness, and publicity’ (Young, 2000, p. 31)<sup>8</sup>. In light of their importance, it is worth examining these conditions a little further. The condition of inclusion stipulates that ‘a democratic decision is legitimate only if all those affected by it are included in the process of discussion and decision-making’. The second condition of (political) equality is explained as follows: ‘Not only should all those affected be nominally included in decision-making, but they should be



included on equal terms' (Young, 2000, p. 23). The condition of reasonableness refers to 'a set of dispositions that discussion participants have', including a willingness 'to listen to others', to 'enter discussion to solve collective problems with the aim of reaching agreement', and to change 'opinions or preferences' (Young, 2000, pp. 24-5). The final condition of publicity is designed to ensure that 'the interaction among participants in a democratic decision-making process forms a public in which people hold one another accountable' (Young, 2000, p. 25).

It is important to understand that Young's ideal conditions of participation concern what I shall call the input side rather than the output side of processes of democratic deliberation. Thus her well-known argument for group representation is meant to ensure that all citizens have equal voice in deliberative processes, rather than to guarantee that the decisions made in such processes show them all due recognition. As she says,

Arguments for the special representation of structural social groups that would otherwise be under-represented ... appeal to the contribution such practices can and should make to inclusive political discussion and engagement with those who are different and with whom there may be conflicts (Young, 2000, p. 144).

In other words, the argument for group representation concerns the fairness of citizens' deliberations rather than the justice of the decisions that they may collectively make. These conditions are designed to ensure that all citizens are included equally, act reasonably and are publicly accountable for their decisions in deliberative processes. They are not intended to guarantee that such processes issue in rules, policies and institutions under which each citizen is treated fairly. Taking this point a little further, we can say that, by defining the justice of outcomes in terms of the fairness of procedures, Young rules out the possibility that an

independent metric could be used to assess whether the outcomes of fair democratic procedures are ‘really’ just<sup>9</sup>.

The problem with this position, or so I want to argue, is that an account of the relationship between democracy and recognition which focuses exclusively on the input side of the equation fails to consider the possibility that following completely fair procedures can lead to highly unjust outcomes. In other words, if the idea of recognition is only used to define the fairness of democratic procedures, then such procedures may result in collective decisions which involve extensive misrecognition. But how can this be? If all citizens enjoy equal political voice, how can the outcomes of their deliberations treat them unequally? One plausible explanation is provided by Ian Shapiro, who suggests that

In countries where the basic democratic institutions of popularly elected governments based on universal franchise prevail, wealth may or may not be redistributed in justice-promoting ways, minorities may or may not be respected, opportunities may or may not be open to all, and religious dissent may or may not be tolerated. Far from promoting justice, then, democracy can actually undermine it (Shapiro, 1999, p. 18).

Shapiro’s argument is that, although formally equal democratic processes may be in place, equality may still not be achieved in practice since the socially and economically powerful can use their power to perpetuate their advantaged condition. In such circumstances, then, formally equally democratic processes may actually hinder rather than help the pursuit of justice<sup>10</sup>.

I should note that Young is aware of the problem that there may be a vicious circle between ‘formal political democracy’ and ‘social inequality’, and she believes that her proposals for group representation could be a means of breaking that circle (Young, 2000, p. 141).

However, even if her modifications to a standard model of representative democracy were in place, I still see no reason why Shapiro's analysis would not apply. An account of democratic procedures which does not evaluate them at least in part by assessing the justice of their outcomes cannot rule out the possibility that such outcomes will be significantly unjust. The conclusion I draw from these reflections is that any plausible account of the relationship between democracy and recognition needs to attend to both inputs and outputs: it must be concerned both with the fairness of democratic procedures, and with the justice of the policies which may result if these procedures are correctly followed.

#### [B] Strong substantivism

Toward the opposite end of the procedure-substance spectrum are located models of democracy which pay close attention to output justice. To be specific, the deliberative procedures specified in these models are intended to ensure that the outcomes of those procedures are just. Thus, by 'strong substantivism', I refer to a model of democracy in which the fairness of democratic procedures is judged by determining whether they produce outcomes which meet independently justifiable standards of justice. According to such a model, a fair system of deliberation is one which issues in laws, policies and institutions under which all citizens receive due recognition. I want to suggest that Nancy Fraser's theory of democratic justice is an example of strong substantivism. To see why this is so, it is worth examining the key role that the conception of justice as 'parity of participation' plays in her theory. Fraser argues that justice as participatory parity has three distinct and mutually irreducible dimensions. The cultural dimension corresponds to the status order, the economic dimension to the economic structure, and the political dimension to the political constitution of society. This three dimensional conception of justice enables Fraser to identify three types

of obstacles which may prevent participatory parity from being achieved. People may be denied the social standing, economic resources or political voice that they need in order to be able to participate on a par with others. It follows that a just society is one in which the status order, economic structure and political constitution of society are so ordered that these three types of obstacles are overcome. If they are, then all individuals in that society will be able to participate on a par with their fellows (Fraser, 2005a, pp. 73-6).

To see why Fraser's theory counts as a form of strong substantivism, it is necessary to appreciate that participatory parity operates as both a 'substantial norm' and a 'procedural principle' (Fraser, 2007, p. 48). In its latter guise, participatory parity demands that all those affected by norms of justice must enjoy equal voice in the procedures by means of which such norms are determined. To be specific, such norms are only legitimate 'if they can command the assent of all concerned in fair and open processes of deliberation, in which all can participate as peers' (Fraser, 2005a, pp. 86-7). Taken by itself, this aspect of participatory parity (which corresponds very closely to Young's first two deliberative conditions of inclusion and political equality) would suggest that Fraser's theory is a form of proceduralism. In its former guise as a substantial norm, however, participatory parity also serves as a standard that social arrangements must meet if they are to be regarded as just. To be specific, this standard is used to assess the justice of the outcomes of deliberative procedures by asking whether those outcomes give citizens the economic resources, cultural status and political voice that they need in order to participate on a par with their fellows. It should be clear, I think, that this aspect of Fraser's theory goes beyond proceduralism since it attends not just to the fairness of procedures but also to the justice of outcomes.

From what I have said so far, it might appear that Fraser's theory is located somewhere toward the middle of the spectrum from strong proceduralism to strong substantivism. However, I want to argue that when it comes down to it her theory should be considered

strongly substantive. To see why, consider how Fraser describes the relationship of her theory to its rivals: referring to her 'status model of recognition', she says that it

does not so much exclude other meanings of recognition as set constraints on how they may be legitimately construed and pursued. Prioritizing the pursuit of justice, it rules out interpretations of recognition that require or promote institutionalized disparities of participation (Fraser, 2007, p. 36; and see pp. 28-41).

In order to understand what this might entail in practice, consider one well-known alternative to Fraser's interpretation of recognition. Axel Honneth contends that, since recognition has three distinct modes of love, respect and esteem, its realization requires the protection of strong affective ties between significant others, the implementation of a system of subjective rights, and the shaping and protection of a value-horizon in which each person's contribution to societal goals is appropriately valued (Honneth, 1995; 2003). Focusing on this final aspect of Honneth's account, let us suppose for the sake of the current argument that it is incompatible with Fraser's since it would licence a differential distribution of resources in line with societal contribution, where such an unequal distribution would mean that parity of participation in the economic system was not achieved. In this case, it would seem that, since it is contrary to participatory parity, Fraser would simply declare Honneth's interpretation of recognition illegitimate<sup>11</sup>. Hence justice as participatory parity takes precedence over any other conception which emerges from democratic deliberation. In this sense, participatory parity as a substantial norm trumps participatory parity as a procedural principle.

To my mind, these considerations reveal strong substantivism's fatal flaw. Of course, no-one questions the right of one political theorist to offer arguments against a rival theorist's position. Thus Fraser, in her exchanges with Honneth, has developed a sophisticated critique

of his account of recognition. However, Fraser does not have the right to rule Honneth's views illegitimate simply because they are incompatible with her preferred conception of recognition<sup>12</sup>. By doing so, I would argue, her use of participatory parity as a substantial norm threatens to render it irrelevant as a procedural principle. If any conception of justice incompatible with participatory parity would be dismissed just for reason of this incompatibility, then there would be no point in allowing citizens to debate matters of justice in the first place. From these reflections, I reach two conclusions. First, no acceptable account of the relationship between democracy and recognition can simply declare that the outcomes of democratic procedures are only acceptable if they are compatible with a particular conception of recognition. Rather, such an account must allow that, by following fair democratic procedures, citizens may come up with a range of legitimate interpretations of the requirements of recognition<sup>13</sup>. Second, procedures cannot be treated merely as instrumental means to particular ends, so that the preferred procedures are those most likely to deliver the right results. Rather, at least some independent weight must be given to the fairness of democratic procedures themselves.

#### [B] Complex proceduralism

If strong proceduralism is ruled out because some regard must be taken of the outputs as well as the inputs of democratic procedures, and if strong substantivism is ruled out because the appropriateness of particular procedures should not be judged solely by determining whether their outputs are compatible with a specific conception of recognition, then it would seem to follow that any acceptable account of this relationship must attend both to the inputs and outputs of these procedures, and not allow either one of these aspects to have absolute priority over the other. In this sub-section, I shall suggest that what Beitz calls 'complex

proceduralism' is located roughly halfway between strong proceduralism and strong substantivism. Combining elements of both the preceding accounts, his theory seeks to defend a model of democracy which is shaped by a concern with the quality of both the inputs and the outputs of democratic processes. As Beitz puts it: 'Citizens must be treated equally as participants in politics; but they must also be treated equitably as the subjects of public policy' (Beitz, 1989, p. 155). I contend that this dual focus on equal participation and equitable treatment enables complex proceduralism to overcome the deficiencies of both strong proceduralism and strong substantivism.

In order to understand those aspects of complex proceduralism of most importance in the current context, it will be useful to see why Beitz rejects a number of alternative accounts of political equality. On the one hand, he rejects procedural theories which 'identify fair participation with procedural equality' (Beitz, 1989, p. 99). For such theories, citizens are treated as equals so long as they enjoy 'equal opportunities to influence outcomes' (Beitz, 1989, p. 75). Beitz argues that purely procedural theories fail since no justification of a particular set of fair procedures 'is likely to be persuasive if it excludes considerations about results entirely' (Beitz, 1989, p. 95). That is to say, it will be impossible to demonstrate that political equality demands a particular set of procedures if no account is taken of the outcomes which are likely to ensue if such procedures are followed. On the other hand, Beitz rejects 'best result' theories which contend that 'the equal treatment of citizens' can be identified with 'equal treatment of their welfare or their preferences'. Such theories are to be rejected, since, amongst other things, they attribute no intrinsic value to the fairness of procedures, regarding them merely as instrumental means to achieve desirable ends. Beitz's own theory thus emerges as 'a substantive variant of the procedural theory that incorporates, albeit indirectly, certain result-oriented elements' (Beitz, 1989, p. 23). As Anne Phillips puts it, considering political equality as both 'an equal power over outcomes' and as 'an equal

weighting of political preference', complex proceduralism holds that 'fair terms of participation are determined by what can be made justifiable to each citizen in the light of both aspects of equal treatment' (Phillips, 1995, p. 38).

So how does complex proceduralism take the need for both equal participation and equitable treatment into account? With regard to the former, Beitz argues that democratic procedures should protect citizens' 'regulative interests' in 'recognition, equitable treatment and deliberative responsibility' (Beitz, 1989, p. 107). This means that they should express a 'communal acknowledgement of equal individual worth', promote 'a distribution that accords with the requirements of justice', and 'embody a common (and commonly acknowledged) commitment to the resolution of political issues on the basis of public deliberation' (Beitz, 1989, pp. 110, 112, 114). So far as equitable treatment is concerned, Beitz contends that there are certain limits to the range of acceptable outcomes of democratic procedures. In particular, complex proceduralism 'will justify a refusal to accept an institutional scheme mainly when it seems likely that the scheme will give rise to (or perpetuate) serious and recurring injustices and when there is an alternative available that would be less likely to do so without introducing countervailing harms of other kinds' (Beitz, 1989, p. 113). In these two aspects of Beitz's account, then, we see a serious attempt to balance concerns with fair procedures and just outcomes, and to argue that unjust outcomes may give us good reason to revise procedures. As Melissa Williams puts it, given 'the failing of pure proceduralism ... we should recur to outcome-oriented standards of fairness to judge our procedures and, if necessary, revise them' (Williams, 1998, p. 21).

[A] A circular model defended



In this third and final part of my chapter, I want to defend, at least in outline, my own account of the relationship between democracy and recognition. Although I do not endorse every element of Beitz's account of complex proceduralism, I begin my exegesis by showing what I do take from it. I then use Fraser's account of the circularity of what she calls 'democratic justice' in order I refine my position by arguing that there needs to be a feedback loop between procedures and outcomes.

#### [B] Lessons from complex proceduralism

One thing that Beitz's theory of complex proceduralism provides me with is support for my rejection of both strong proceduralism and strong substantivism. I reject the former since, no matter how detailed and comprehensive an account of democratic procedures is provided, if it makes no reference to the outcomes which emerge from such procedures, then it cannot rule out the possibility that such outcomes will be unacceptably unjust. I also reject strong substantivism since, by prioritizing one conception of just outcomes above all others, this theory threatens to make democracy irrelevant by treating its procedures merely as means to independently defined ends. By rejecting these two alternative theories, I am committed to the claim that the standard of justice must apply to both democratic procedures and to policy outcomes. Since I advocate a conception of justice as recognition, then on my account justice is achieved when citizens are shown appropriate recognition both as participants in democratic decision-making procedures, and as citizens affected by the policies which are chosen when those procedures are followed.

The second thing that I take from Beitz is an account of the complex interaction between the two aspects of what he calls political equality. In particular, I follow Williams' suggestion, in her gloss on Beitz, that if a certain set of procedures leads to unjust outcomes then this may

give us reason to examine and possibly to revise those procedures in order to affect the outcomes<sup>14</sup>. However, I must emphasize that this does not mean that procedures should be treated merely as means to particular ends. This is so for two reasons. First, independent normative significance must be given to the procedures themselves. That is to say, it is not acceptable to alter processes in whatever way might be necessary to get the right outcomes, since citizens as participants in democratic deliberation must be shown the recognition that they need in order to play a full part in such deliberation. Second, a conception of justice as recognition cannot identify one particular set of policy outcomes as uniquely just. Rather, there will be a range of sets of acceptable outcomes, each of which meets minimal standards of justice. This being so makes it more difficult to argue that a particular set of outcomes gives us reason to revise procedures, since it is only when such outcomes fall below a minimal level that we might have us reason for considering such revision.

The third thing I take from Beitz's account of political equality is not one I have mentioned hitherto since it has not been necessary for the development of my principal line of argument. This is the claim that it is not possible to deduce a specific set of democratic procedures or an acceptable range of policy outcomes directly from an abstract principle of justice. This is because the specific character of local conditions will have a significant effect on our account of best procedures and outcomes. As Phillips says, 'we cannot deduce what is politically fair from abstract principles of political equality: we have to draw on empirical judgements of what is likely to happen as well as what seems in principle to be fair' (Phillips, 1995, p. 38). To give a specific example, Beitz argues 'the interest in protecting against the political effects of racial bigotry and prejudice will be more weighty where its legacy is more pronounced' (Beitz, 1989, p. 118). In other words, in a society that is significantly affected by a history of racism, specific attention will have to be paid to the need for measures needed to eradicate that racism and to compensate for its legacy. There may, for example, may be a good case for

race-conscious redistricting in order to ensure adequate representation of groups defined in racial terms. This consideration will come into play in the final part of my argument below.

#### [B] Circularity of democratic justice

I now want to finesse the account offered so far of the interaction between outcomes and procedures by suggesting that there must be a feedback loop between the two. Here Fraser's account of the circularity what she calls 'democratic justice' provides a useful way forward. She has recently argued that 'if justice implies democracy, the converse is equally true'. On the one hand, 'justice binds only insofar as its addressees can also regard themselves as its authors'; on the other, democracy is only legitimate if there is an absence of 'structural injustice' (Fraser, 2007, p. 24). In other words, just outcomes emerge from democratic deliberations, but only if such deliberations are conducted according to relevant standards of justice. Let us examine each side of the circle in a little more detail. On one side is the familiar claim that the legitimacy of laws, policies and institutions depends on their having been approved by citizens through fair democratic procedures. On the other side is the claim that such procedures are only fair they treat all citizens justly. To bring these two sides together, here is Fraser's almost paradoxical formulation of this idea of circularity: 'On the one hand, what exactly is needed to achieve parity of participation in a given case can only be determined dialogically, through fair democratic deliberation. On the other hand, fair democratic deliberation presupposes that participatory parity already exists' (Fraser, 2007, p. 46).

It is important, however, to resist a strong version of this argument, according to which outcomes and procedures are linked in a completely circular relationship, so that changes in democratic procedures can have unlimited effects on policy outcomes, and changes in such

outcomes can have unlimited consequences for procedures. If this were so, then there could be a vicious circle in which unfair procedures led to unjust outcomes, and such outcomes further undermined the fairness of procedures. The best way to avoid this danger is to make it more difficult to change the conditions necessary for fair and inclusive democratic deliberation than to change other conditions which are not necessary in this regard. Fraser can provide further help at this point with her idea of 'good enough deliberation'. As she argues,

Although such deliberation would fall considerably short of participatory parity, it would be good enough to legitimate some social reforms, however modest, which, when institutionalized, ensure that the next round of deliberation would come closer to participatory parity, thereby improving its quality (Fraser, 2005b, p. 33).

The trick, then, is to identify conditions of fair and inclusive deliberation which are substantive enough to ensure that vicious circles can be avoided, and which at the same time are thin enough to give appropriate scope to democratic deliberation.

Let us consider what these conditions might be in the case of Fraser's own theory of justice. If we follow her claim that justice as participatory parity requires that citizens have the economic resources, cultural status and political voice that they need in order to be able to participate on a par with their fellows, we need to specify what sort and quantity of resources are necessary, what type and degree of cultural standing is appropriate, and what sort of democratic procedures give all citizens equal voice. While I do not have the space here to give a full account of these conditions, I can at least suggest what they might be like. Good enough deliberation could be ensured if a minimal wage was in place, if there was an absence of disesteem that has a seriously adverse effect on the life-chances of particular set of individuals, and if what Shapiro describes as 'the basic democratic institutions of popularly

elected governments based on universal franchise' were secured. This would fall well below Fraser's standard of participatory parity which might require something like a basic income set at a suitably high level, a pattern of cultural values which guarantees suitable acknowledgement for all members of a political association, and a set of political procedures which includes, for instance, gender quotas and multicultural rights in order to ensure that all members of a political association have equal voice<sup>15</sup>.

#### [A] Conclusion

To conclude, I return very briefly to the vexed question of the conditions of fair political representation, and ask in particular whether justice requires the special representation of specific social groups. As I suggested at the start of this chapter, for many commentators this is *the* question about the relationship between democracy and recognition. So what light does the approach I have sketched out here cast on this question? To begin with, so far as the procedural side of the issue is concerned, it must be emphasized that the argument is not that some groups deserve recognition in virtue of certain essential properties which they share. Rather, the argument is that, if such groups deserve recognition, it is because they share common experiences or perspectives, often of oppression and exclusion. And it is in light of such shared experiences that their voices need to be heard and their views deserve to be taken into account. With regard to the outcome side of the issue, the argument is that, by giving special representation rights to certain groups, we hope for policy outcomes which will treat members of those groups more fairly than they would otherwise have been treated (although of course this must not be at an unacceptable cost to other individuals and groups). Linking outcome back to procedure, two distinct possibilities present themselves. First, if certain groups not currently represented are subject to systematically unfair treatment, then

there is a case for inclusion. Second, if already represented groups are still treated unfairly, then this is reason to revisit the procedures to see if they can be modified in order to work better. Two final caveats are worth repeating. First, it is not acceptable to alter procedures in whatever way necessary to try to achieve certain outcomes, since procedures must meet the necessary standards of fair inclusion. Second, no universally valid set of procedures or outcomes are derivable from a particular conception of justice since there is always a need to take local circumstances into account. In this case, if a particular group has suffered a history of injustice, one which strongly affects its current experiences, then there will be a strong case for special representation in order to guarantee equal voice. This final point, perhaps more than any other, demonstrates the intricate nature of the relationship between input and output, procedure and outcome, democracy and recognition.

## Notes

<sup>1</sup> Richard Arneson takes a very similar view: ‘The choice between autocracy and democracy should be decided according to the standard of the best results’ (Arneson, 2004, p. 41).

<sup>2</sup> I should note here that van Parijs is describing the relationship between democracy and *justice*, rather than that between democracy and *recognition*. However, as long as recognition is understood as a conception of justice (one which contends that justice is achieved when

everyone is shown due recognition), then any analysis of the latter relationship will also apply to the former.

<sup>3</sup> In this context, see Charles Beitz's comments on the idea of 'a perfectly impartial dictatorship' (Beitz, 1989, p. 98).

<sup>4</sup> This way of putting it paraphrases Nancy Fraser (2003, p. 44; 2007, p. 24).

<sup>5</sup> It should be noted that this is a position Dowding et al identify, but do not endorse.

<sup>6</sup> See Ian Shapiro (1999, p. 34) for scepticism about the relevance of such founding moments.

<sup>7</sup> 'Substantivism' is not an attractive neologism. However, I think it is worth coining, since the alternative would be frequently to use wordy formulations such as 'models of democracy toward the latter end of the procedure-substance spectrum'.

<sup>8</sup> Arneson is strongly opposed to such a view: 'I take it to be obvious that we have a lot of knowledge about the substance of justice – that slavery is unjust, for example ... Moreover, our grounds for holding these beliefs are independent of any convoluted account one might give to the effect that these positions would win a majority vote under procedurally ideal conditions' (Arneson, 2004, pp. 42-3).

<sup>9</sup> In this sense, Young's theory could be said to be a case of what Rawls calls 'pure procedural justice' (Rawls, 1971, p. 86).

<sup>10</sup> Compare James Bohman's remark: 'Only under ideal conditions would democracy realize justice and rights; in nonideal conditions, democracy might even arguably promote the continued existence of unjust circumstances' (Bohman, 2005, p. 103; and see pp. 114-5).

<sup>11</sup> Compare my remarks on the relationship between participatory parity and Rawls'

difference principle in my (Thompson, [forthcoming2009](#)).

<sup>12</sup> I cannot see that it is any defence of Fraser's position to say that other 'meanings of recognition' are not excluded, given that, as she admits, their pursuit is constrained or ruled out if they are contrary to participatory parity.

<sup>13</sup> To speak more strictly, while it may be possible to declare certain conceptions of recognition unjust, it is not possible to declare one particular conception the out-and-out winner.

<sup>14</sup> I say ‘may’ and ‘possibly’ rather than ‘will’ and ‘certainly’, since other countervailing factors may apply. For example, the changes to procedures which would be necessary to guarantee just outcomes could be ruled out since they would render those procedures unfair.

<sup>15</sup> This sub-section shares a general argument, as well as several specific phrases, with my (Thompson, forthcoming).

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