

Against compromise in democracy? A plea for a fine-grained assessment

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1 | INTRODUCTION

Disdain for compromise between political forces within democratic regimes is widespread¹ and, as we will show, polymorphic. This paper provides a systematic mapping of objections² to compromises developed within the field of contemporary political theory³ and evaluates different kinds of rebuttals to these objections. We dedicate considerable space to the discussion of the normative, as well as the empirical, validity of these counterarguments. By reviewing objections and rebuttals in an organized, succinct, and at the same time, comprehensive way, we wish to arbitrate carefully between them.⁴

Typological work that builds inventories of objections and proceeds to the evaluation of such objections is not unprecedented in political theory.⁵ Our typological approach sheds light on the ambivalence surrounding the notion of compromise, a conundrum that in the absence of a systematic exploration of its sources has puzzled many political theorists (Baume & Novak, 2020; Carens, 1979; Fumurescu, 2020; Luban, 1985; Manin, 1997; Rostbøll & Scavenius, 2018; Tillyris, 2017).⁶

We expose five main arguments against compromises, which can be grouped into three categories.⁷ The first two objections are classic, and they both appeal to the adherence to values, in terms of either their inviolability or their consistency. The antirealist objection asserts that compromises are made at the expense of universal moral principles (Menkel-Meadow, 2016, p. 3), whereas concerns about integrity are animated by fears that compromises may infringe on principles that rule makers need to apply consistently (Dworkin, 1986). The third objection, based on the irreducibility of conflicts (Mouffe, 1998), manifests hostility to an understanding of politics that implies balancing interests and fostering moderation through the forging of compromises. The last two objections have appeared more recently and are (albeit differently) concerned with domination: the outcome of a compromise may disadvantage less-privileged groups because of the unequal power resources of the compromising parties (Ruser & Machin, 2017, pp. 12–28), or it may silence dissenting voices, and thus, reduce the diversity of political debate (Ruser & Machin, 2017, pp. 29–47).

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The pertinence of rebuttals to objections, in the sense of Walton's (2013) definition of a rebuttal as "an argument directed against another argument to show that the first argument is somehow defective" (p. 61), is discussed directly after the presentation of each objection to evaluate their soundness. Summarizing our assessment of objections and rebuttals, the conclusion in the first step shows that the counterarguments highlight different kinds of flaws affecting objections. In a second step, it outlines the main lessons to draw from a multidimensional and fine-grained evaluation of compromises. We do not conclude that compromise in democracy can be rehabilitated in its entirety and without nuance. Although most objections can be qualified, if not invalidated, we acknowledge in particular that the antirealist objection may be serious. However, democracies offer safeguards in the policy process.

Our differentiated assessment of the value of compromises contributes to the debate on the merits of negotiated decisions.⁸ More broadly, it aims to provide an input to the public discussion on remedies for the rising polarization in party politics, which coincides with a loss of capacity to compromise and is likely to undermine the quality of democracy (see, among others, Gutmann & Thompson, 2012; Levitsky & Ziblatt, 2018; Muirhead, 2014; Urbinati, 2019).

2 | A PRELIMINARY NOTE ON DEFINITIONAL ISSUES

Unlike other concepts, such as justice or fairness, compromise is a nonessentially evaluative concept (Oltshoorn 2017, p. 173): although disparate normative evaluations of compromise may exist, its definition is not a source of controversy. Definitions typically include the idea of mutual adjustment to settle a conflict or disagreement and, more or less explicitly, refer to the voluntary nature of such an adjustment or at least the consent to the settlement terms.⁹ Sometimes, definitions disentangle the compromise's constitutive elements (e.g., May, 2011, p. 583) into three "essential features," whereby compromise is defined as "(i) a collective action concept involving (ii) support for an inferior position motivated by (iii) the presence of disagreement between parties." Some works also distinguish the motivations of the compromising parties (strategic vs. sincere open-mindedness), different dimensions (as a process vs. as an outcome), and different types of compromises (integrative vs. substitutive).¹⁰ However, the relative definitional consensus coexists with contrasting normative evaluations. According to Margalit (2013, p. 6), compromise "is a 'boo-hurrah' concept, a positive notion indicating human cooperation, coupled with a negative notion denoting unprincipled behaviour." This kind of criticism appears in the first two objections to compromise that we discuss, and it has attracted more interest in the literature than the others have. Therefore, it is justifiable to dedicate more space to its discussion.

3 | COMPROMISE AND ANTIRELATIVISM

3.1 | The objection

The first objection considered in this typology originates from an antirealist perspective: compromise is devalued if achieved to the detriment of principles considered good, and this "good" is "knowable, objective, rational, and essentially, at its core, universal" (Menkel-Meadow, 2016, p. 3).¹¹ This is quite a common objection (Benditt, 1979; Kuflik, 1979) that can be presented briefly, but a strong one that deserves a detailed and differentiated discussion. John Hallowell, a Christian conservative political theorist, who was an adept of natural law, and a critic of liberalism, probably expressed it most vehemently: "Compromise, as a self-sufficient principle divorced from all considerations of truth and justice, is simply, in the last analysis, the ancient Thrasymachian doctrine that might makes right. It is a doctrine born of despair and rooted in nihilism" (Hallowell, 1944, p. 173).

From such a perspective, the common sense consequentialist view that any compromise costs should be compared with their advantages cannot apply because the costs implicated by the denial of fundamental values are prohibitive. What is more, opposition to compromises that endanger core principles is a salutary firewall to preserve moral taboos, as Weisberg (2014, p. 37) argued in a book eloquently entitled *In Praise of Intransigence*.

3.2 | Counterarguments

Some of the defenders of compromise praise it as a manifestation of a relativistic view of politics. That was prominently the case in the interwar period of Austrian jurist Hans Kelsen, whose positive attitude toward compromises stemmed from his belief that truth is not achievable in public debates. Kelsen established an intimate relationship between democracy and relativism based first on the impossibility to establish a hierarchy of conceptions of the good or right, and second, on the ensuing legitimacy of conflicts among these conceptions (Invernizzi Accetti, 2015, p. 184). Denying the existence of absolute values, he thought that the antirealist objection to compromises has no substance. If no access to absolute validity exists in the field of political values, then none of them can be imposed. Consequently, conflicts in a democratic community should be overcome through compromises (Kelsen, 1925, p. 359).¹²

Is this a credible rebuttal to the antirealist objection? We do not think so. The Kelsenian approach that attaches little importance to core values because of their contingency remains, in our view, excessively audacious, keeping in mind that relativism can pave the way to Faustian bargains that contribute to establishing or maintaining an inhuman regime or to tolerating crimes against humanity (Margalit, 2013). For Margalit (2013), these “rotten” compromises, which are taboo cases,¹³ are “a mere tiny subset” (p. 16) of compromises. Nevertheless, we cannot ignore the possibility of hideous compromises that raise, in our view, legitimate concerns, for example, if they permit slavery or torture.

If one is not satisfied with the relativist rebuttal, one first needs to acknowledge that determining the perimeter of values deserving of protection is no easy task. The difficulties of deciding which and whose values are untouchable, as well as whether a particular compromise is susceptible to putting them at risk, are illustrated by the pluralist approach to compromise. On the one hand, pluralists tend to justify compromises because values can be incommensurable or incompatible, so that a single right choice might not exist (Bellamy, 1999, p. 103).¹⁴ On the other hand, the prominent pluralist thinker Isaiah Berlin believed that “there are, if not universal values, at any rate a minimum” on which “there is no justification for compromise” (Berlin, 1990, p. 18). In his discussion of Berlin’s work, Crowder (2019, p. 185)—another pluralist—agreed that minimal standards of decency and legitimacy are necessary as parameters for compromise but acknowledged that universals may collide or that minimum standards are only locally valid.

A related question is who has the authority to decide which values are not negotiable and which compromises are normatively tolerable. As we shall see, just trusting the compromisers may not be satisfying because of their vested interests. However, alternative options have their weaknesses as well. Should the authority be attributed to those in whose name the compromisers speak (some of whom may feel “moral discomfort” with the compromise);¹⁵ to those affected by the outcome (whose judgment may be equally biased); to external evaluators, such as ethics specialists (who are not always deemed impartial by all parties); or to public opinion (which may have no meaningful preferences about the issue and cannot be easily grasped)?

We could simply think that, as compromises are voluntary, no one would agree to an outcome hostile to one’s fundamental values. However, this only applies to evil consequences that directly affect the compromising parties. The protection related to the voluntary nature fails to work if the compromises in question put at risk, for example, the integrity of outsiders who do not participate or are not adequately represented in the negotiations. Even “principled” compromises,¹⁶ defined as those in which concessions are not necessary for pragmatic reasons but emerge out of respect for others’ dignity (May, 2005, p. 321), are not immune to this problem. Apart from the fact that genuine principled compromises are rare (Cohen, 2018, p. 108), even the sincere wish of the compromising parties to respect each other’s claims provides no guarantee against the risk that the outcome undermines values that may be equally, if not more, legitimate than those respected by the compromise in question.¹⁷ Therefore, the existence of a shared “compromising mindset” (Gutmann & Thompson, 2010)—denoting tolerance, positive engagement with others’ preferences, and respect for their values—is not a sufficient safeguard.

It may be added that the invocation of noble principles should not deceive us because principles may dissimulate the pursuit of less avowable narrow interests (Fumurescu, 2013, p. 46): appeal to principles can be part of the strategic manipulation that is inherent to negotiation processes (Wendt, 2018, p. 66). We do not think that the strategic element, as such, suffices “to cast doubt on the very idea of a principled compromise” (May, 2005, p. 317). We follow

Weinstock (2013, pp. 553–554), who envisages that compromises may even better allow for the realization of values than failure or lack of will to compromise. It suffices to think that if one refuses “to cede moral terrain,” one “could plausibly be blamed on moral grounds” for the missed opportunity to see one’s values partially realized. According to Weinstock, such situations are characterized by “principled consequentialism”: compromises are principled because they serve to promote values, and they are consequentialist because actors take the circumstances of the real world into account to determine the unavoidable sacrifices to reach an outcome that is in line with their values.¹⁸ The problem though is, again, that the promotion of one’s values through compromises may come to the detriment of fundamental values that are not salient to the negotiation parties.

In sum, compromising processes do not necessarily shield against outrageously disrespectful agreements, especially if we keep in mind that the outcome may result from opaque pork-barrel politics plagued by the “dirty hands” problem (Fumurescu, 2013, p. 47; Jones & O’Flynn, 2012; Rostbøll & Scavenius, 2018, pp. 3–4; Wendt, 2016, p. 60). Hence, safeguards ultimately need, in our view, to be provided by the broader political process. We think here of checks on the outcomes of bargains, namely, veto points of a different nature, such as popular ratification or judicial review, with referenda serving as a counterweight to elite rule, and the judiciary protecting constitutional rights.

4 | COMPROMISE AGAINST INTEGRITY

4.1 | The objection

Another claim against compromise bears on integrity in its formalist sense, which relates to the necessity of applying principles in a consistent manner (Dudzinski, 2004, p. 299). Considering that the consistent application of general rules to different individuals is perceived as “the essence of the rule of law” (Cass, 1990, p. 609), the simultaneous application of mutually incompatible principles in legislation has generated resistance. For example, to Cass (1990), the most important source of legal inconsistencies relates to compromises, reflecting the “absence of normative consensus among those who set the parameters for implementation” (p. 612).

Ronald Dworkin abundantly discussed the claim for integrity regarding the practice of compromise. In *Law’s Empire*, he considered integrity to be a political obligation, requiring a “fidelity to a scheme of principle each citizen has a responsibility to identify, ultimately for himself, as his community’s scheme” (Dworkin, 1986, p. 190). In law making, respecting that obligation means that legislators must avoid “inconsistency in principle among the acts of the state” (Dworkin, 1986, p. 184). Therefore, we should not accept compromises whenever they require inconsistent applications of principles. Dworkin was deeply concerned about compromises that gave birth to arbitrary “checkerboard” rules, which he perceived as “the most dramatic violations of the ideal of integrity” (1986, p. 184) because they undermine the principle of integrity by treating similar situations differently without a credible (even controversial) justification (1986, p. 179). To use Dworkin’s phrasing, checkerboard solutions are typical instances of “internal” compromises, such as the “hideous” (1986, p. 184) Three-Fifths Compromise of the 1787 Philadelphia Convention, in which slaves in Southern states were counted as three-fifths of a person for representation and taxation purposes.¹⁹

4.2 | Counterarguments

Invoking the principle of integrity to diminish the value of compromise and, above all, internal compromises, has nevertheless been challenged. We identified three main counterarguments: two empirical arguments that challenge the possibility of consistency in political processes, and a normative argument that relativizes the value thereof.

First, Lagerspetz (1999, p. 112) affirmed that the principle of integrity wrongly assumes a “community of principle” (Dworkin, 1986, p. 214) or, in other words, the existence of homogenous values across a given society. The notion of integrity, as understood by Dworkin, seems inappropriate and perhaps detrimental in its application because

community members may not agree on general principles, especially in polities affected by deep cultural cleavages. Regarding the checkerboard solution adopted in the Three-Fifths Compromise, the United States was not, at that time, a “true political community,” but rather “two separate communities: the slave-owning South and the North,” according to Lagerspetz (1999, p. 112). Dworkin (1986, p. 185) asserted that “integrity holds within political communities, not among them.” In other words, the Dworkinian principle of integrity can only be applied in relatively cohesive communities. By contrast, differential treatment may, or even must, be envisaged if heterogeneity is acknowledged and if the measures that apply different principles appear validly related to the specific characteristics of population segments. Indeed, many states have opted for inconsistent solutions to disagreements, aimed at accommodating diverse local preferences. For instance, collaborative federalism—as it exists in countries such as Germany or Switzerland—is built on the premise that political communities are formed by entities that do not share the same sensitivities and that the implementation of national legislation must be “customized” (Thomann, 2018) to adjust to particularisms. In the case of the quasi-federalist European Union, differentiated degrees and forms of political integration appear necessary, with regard to divergent national preferences (Leruth & Lord, 2017).

Second, Raz objected more generally that consistency does not match the reality of decision-making. The “vagaries of politics” inherent in the legislative process offer no reason to “expect the law to be coherent” (Raz, 1992, p. 295). This more radical objection resonates with approaches that emphasize the role of contingency in policy-making (Kingdon, 2013) and is empirically confirmed by the finding that the adoption of legislative reforms is greatly facilitated by discursive ambiguity because reaching a majority would not have been possible otherwise. The complexity of issues and the trading of favors to achieve sufficient support frequently require building coalitions around an “ambiguous agreement” (Palier, 2005) between actors with different, possibly also contradictory, preferences. Therefore, the inconsistency of public measures, generated notably by intentional ambiguities, exemptions, and divided directions (Cass, 1990, p. 613), must be acknowledged as an essential mechanism for the aggregation of collective preferences. Consequently, expecting policy measures to square with principles can also be regarded as an unrealistic perception of decision-making.

Of course, empirical considerations about political feasibility do not invalidate concerns about integrity deficits of a normative nature. However, the relevance of integrity can also be challenged by questioning the relative value of consistency. Expecting policy measures to be consistent with principles can be seen as contradicting another essential democratic principle (i.e., the principle of self-determination), which may justify checkerboard solutions if the “demos” is heterogeneous. As shown above, differential treatment appears legitimate because “one-size-fits-all” approaches are ill-suited to the protection of particularisms (Scharpf, 2003). In that respect, it is worth noting that Raz not only challenges the possibility of consistency, given the “vagaries” of politics, but also disputes that consistency, as a value, should be prioritized over other values, such as justice or fairness. Raz rejects the idea that “there is a distinct virtue of coherence through loyalty to the past which justifies deviating from the precepts of justice and fairness” (1992, p. 315). Raz rather contends that speaking with one voice “is not an independent ideal with the moral force to lead us to endorse solutions less just than they need be” (1992, p. 309). In an ideal world, laws must be consistent, but only because they reflect moral imperatives, not because of any presumptive intrinsic value of coherence (Raz, 1992, p. 312). Hence, the issue of a compromise’s consistency with principles should not be envisaged independently from the attributes of these principles.²⁰

For Raz, although compromises may be unsound arrangements, they are morally defensible whenever they represent “the nearest approximation to morally sound solutions that we can obtain, even though by doing so we may reduce the coherence of the law” (1992, p. 308). If consistency is not the supreme value and is in competition with other values, then it must be assessed in the light of possible trade-offs. Lagerspetz (1999, pp. 111–112) considers that the harmfulness of compromise must be evaluated in the light of its outcome, relative to a noncompromising solution. This is in line with the common sense consequentialist view that the benefits of compromises must be put in balance with their costs.

Following Dworkin’s illustration, does the Three-Fifths Compromise between slave states and free states then create an “additional evil” (Lagerspetz, 1999, p. 112)? From a consequentialist perspective, this is not at all clear. A noncompromising solution, which would have given “the representatives of slave-owners everything they wanted”

(Lagerspetz, 1999, p. 112), would not have hurt the principle of integrity but would have engendered a worse situation regarding widely accepted values. One should also consider the option of refusing to cede to the pressure of slave states, as delegates opposed to slavery desired, but this would have prevented the states from remaining united, a collectively suboptimal outcome that everyone participating in the deliberations sought to avoid.

We have seen that checkerboard solutions may be politically inevitable and, more importantly, enjoy legitimacy in a context of social-cultural heterogeneity. They are also defensible from a consequentialist perspective that compares them to their alternatives. Therefore, the force of the imperative of integrity appears context-dependent; however, agreeing on the conditions under which exceptions can be made may be difficult. Whether a polity is a “true” political community may be controversial, and more specifically, which properties of social groups justify distinctive treatment, so that such differences do not appear arbitrary, may be contentious. Moreover, one needs to agree on the instance that authoritatively decides whether inconsistencies are admissible. Similar to the challenge of the antirealist objection, the consent of those affected is necessary to avoid the outcome of compromises being imposed on populations that are not consulted. The acquiescence of their representatives may not be sufficient; the delegates of slave states endorsed the Three-Fifths Compromise, but the outcome would, in all likelihood, have been different if the slaves had been allowed to express their views.

5 | COMPROMISE IGNORING THE IRREDUCIBILITY OF CONFLICTS

5.1 | The objection

The third category of arguments against compromise relates to a vision of politics according to which societies are characterized by irreducible political conflicts that cannot be tamed by compromise. Austro-Marxist Max Adler’s conception of politics in capitalist regimes prominently illustrates this approach, which concludes by emphasizing the inanity of compromise, at least when crucial and divisive issues related to class conflict are at stake. Adler believed that only “the brutal outvoting of one class” (our translation; Adler, 1927, p. 96) is a realistic option for such issues. His position is linked to a controversy with Kelsen (1927), whom we know was a major advocate of compromise in the highly polarized Weimar Republic. According to Adler, Kelsen seriously underestimated the depth of class conflict, and Adler spoke with biting irony about Kelsen’s trust in conflict resolution through compromise.²¹

The contemporary understanding of democracy in Chantal Mouffe’s “agonistic” model bears a strong resemblance to Adler’s argument. However, unlike Adler, who stresses the inanity of compromises, Mouffe argues instead that they denature democratic politics. According to Mouffe (2011, p. 99), “the prime task of democratic politics is not to eliminate passions nor to relegate them to the private sphere in order to render rational consensus possible, but to mobilize those passions toward the promotion of democratic designs.” Mouffe (1998, p. 13) contested what she called the “typical liberal perspective,” which reduces politics to elitist deliberation and negotiation, obscuring its adversarial nature. Compromises take the heat out of public debate and ultimately harm democratic politics, which requires that competing views be traceable.

5.2 | Counterarguments

Kelsen (1927) replied to Adler that he did not ignore class conflicts but believed that they could be moderated through compromise. Kelsen rejected that assumption, according to which conflicts—even intense ones—are irreducible. His optimistic perspective regarding the feasibility of compromise cannot be detached from his normative argument that compromise is desirable due to its compatibility with the principle of self-determination that he vigorously defends. For Kelsen (2007),

Compromise means the solution of a conflict by a norm that neither entirely conforms with the interests of one party, nor entirely contradicts the interests of the other . . . it is precisely because of this tendency towards compromise that democracy is an approximation of the ideal of complete self-determination. (p. 288)²²

It is nevertheless true that Kelsen does not offer any convincing reasons to substantiate his claim that democracies tend toward compromise with the existence of quasi-natural limits to majority rule (Przeworski, 2010, pp. 7050–7051). The propensity for actors to compromise is contingent on their incentive structure, a point that is missed by Kelsen.²³ Although Kelsen intends to propose a view of the functioning of democracy that is stripped from “fictions” such as the common good,²⁴ his approach to the specific point of the natural inclination of democracy toward compromise does lack realism.

Neither Adler’s nor Kelsen’s assumptions are testable at such a general level. Empirically, some issues are more divisive than others and they are less easily resolved through compromises. Hence, no a priori reason supports the belief that class conflict is more polarizing than, say, religious conflict or moral disagreement, for example, in the case of abortion. Contrary to Adler’s claim, in many European countries, distributive conflicts related to the socioeconomic cleavage were resolved through so-called “corporatist” bargaining and “social pacts” between business and labor associations acting as social “partners” (Schmitter, 1974); for example, unions conceded to wage moderation to obtain job protection for their members. An evidence-based approach necessarily poses a challenge to the belief that all politics is inherently, unavoidably, and, to the same degree, conflictual.²⁵ The sheer presence of actors that are willing to compromise can be taken as an indicator that falsifies the agonist thesis: even though compromisers may be seen as traitors to noble causes, there is no compelling reason to credit only hardliners or purists with an unbiased view of the magnitude of conflict. What is more, compromises should not necessarily be rejected even by adherents to the agonist paradigm because they might be emancipatory when “counter-hegemonic actors are in fact capable of building alliances that are *powerful enough* to decide the political struggle for hegemony in their favor” (italics in the original; Westphal, 2020, p. 106). Without adhering to such a confrontational view, Muirhead (2014) criticizes the “uncompromising certitude” (p. 247) of purists and zealots and considers the willingness to compromise essential to sound partisanship: compromise is necessary “in order to form a group that is large enough to claim power by legitimate democratic means” (p. 89). In other words, as Kelsen (1925: 324) stated, even the majority itself can only emerge through compromise.

6 | COMPROMISES REVEALING INEQUALITIES

6.1 | The objection

The fourth argument against compromise, which is more recent, highlights the inequalities that compromise may reveal or generate and includes variations. The general idea, however, is that compromises are unethical if they are achieved through the exercise of unequal power, such as in the case of the “victor’s peace treaty” (Menkel-Meadow, 2016, p. 4). As Ruser and Machin (2017, p. 25) assume, inequalities persist in compromise and may even be exacerbated by them. Such an objection bears some similarities to critiques of deliberation and the way in which it is likely to reveal, or even increase, inequalities between deliberators due to its tendency “to exclude or marginalize members of disadvantaged groups” (Mansbridge et al., 2006, p. 1).

A slightly different objection concerns not horizontal inequalities between the negotiating parties, but vertical inequalities between elites that negotiate and the rest of society that denote deficits in representativeness. In cases of agency slack in which checks by citizens over their representatives are weak, politicians are likely to forge compromises at the expense of others (Kirshner, 2018, p. 282); stated differently, compromises may be struck through “self-serving elite-bargaining,” to the detriment of the common good (Cheneval & el-Wakil, 2018, p. 297). Consequently, compromises are not democratically legitimate because they reflect the preferences of the political elite, which privi-

leges its interests over those of the general population that it is supposed to represent. This sort of criticism is not new: Carl Schmitt, a notorious critic of Weimar parliamentarism, denounced the “incessant compromises between parties and parliamentary groups that come about at the cost of the interests of a third party or of the state as a whole” (Vinx, 2015, p. 143).

6.2 | Counterarguments

The objection according to which compromises do not afford the required conditions of equality among compromisers can be relativized by the definition of compromise. As already stated, compromises necessarily include the element of mutual (even though admittedly not always equal) concession, which means that a precondition of relative equality is necessary, whereas this is not true for majority decisions (Bellamy, 2012, 2018).²⁶ Furthermore, they are voluntary, even if constrained by power relations: when making compromises, “it is assumed that they [politicians] always have alternatives or could choose not to act at all” (Bellamy, 2012, p. 449; see also Lepora, 2012, p. 16). There are no incentives to compromise if the payoffs for all parties are not superior to those of a noncompromising solution; and the option remains not to consent whenever the pill to swallow is too bitter because the gap in relation to each party’s initial preferences is too big. Compromises are incompatible with open coercion, and no party is dominant enough to impose its views. By contrast, if one side dominates, then it is simply in a position to dictate its preferences and therefore has no reason to make concessions. To use the example of consociational systems again, the domestic power balance probably underpinned the value of mutual respect; that is, these systems “typically developed when no cultural group was able to dominate the others and some form of compromise became inevitable” (Hueglin, 2003, p. 63).

However, one needs to clarify what it means to be *relative* equals, and how much imbalance in the initial bargaining position is tolerable. Van Parijs (2012, p. 474) estimated that a compromise is good if it is “the fairest compromise which can be reached under the circumstances,” which includes situations in which “one of the parties gets less than what fairness would require, but as much as is currently achievable, given the balance of power” (Van Parijs, 2012, p. 473).²⁷ Because assessing the extent to which the negotiating parties are unequal may not be easy, potentially leading to an unfair outcome, Van Parijs claims that the involved parties should not assess fairness, but rather the assessment should come “from above.” However, there may be no agreement on the appropriate arbitrator that would possess the epistemic competence and the authority to assess the fairness of compromise.²⁸ Finally, a third party’s evaluation may not suffice in practice because the propensity to subscribe to a compromise and, subsequently, to feel obligated by it and willing to commit to its implementation also depends on the involved parties’ perceptions of its fairness.

As we have seen, the answer to the objection that compromise reveals or generates inequalities is that sheer domination provides no incentives to compromise. Therefore, relative equality is a precondition, although the degree of tolerable asymmetry may be controversial. The answer to the objection on self-serving bargaining is different: if this objection has some empirical validity, it is not crippling, in that it is possible to prevent negative externalities imposed by self-interested elites to third parties that undergo the consequences of compromise although their consent was not required. This can be achieved with a careful design to ensure that the organizations involved in negotiations are encompassing (Olson, 1986), that their leaders are truly representative, and that they act under the shadow of accountability checks (Lupia, 2003). The trade-off is that the transaction costs will increase and the implementation of compromise will become more difficult.

7 | COMPROMISE AGAINST PLURALITY

7.1 | The objection

The last objection we have singled out was also formulated by Ruser and Machin (2017). Although Bellamy (1999) estimated that real-world compromise shows “a decent respect for pluralism” (p. 93), Ruser and Machin (2017) assumed

that compromise—at least, if concluded “too quickly, or too easily”—jeopardizes pluralism (pp. 29–47). It may reduce the diversity of political debates by excluding possibly valuable perspectives as well as through pressure to “water down” one’s positions (Ruser & Machin, 2017, p. 8).²⁹

Compromise tends to rule out more extreme positions that may also be more original, thereby entailing the risk of diminishing not only the number but perhaps also the quality of the political opinions exposed. This objection has a political and an epistemic side. On the one hand, compromise may illegitimately deprive public debates of the perspectives of actors who potentially bear meaningful political messages regarding, for example, social justice or environmental concerns but are either unwilling to engage in the compromising process or do not have sufficient bargaining power to do so. Participatory thinkers who deal critically with the study of collaborative forms of policy-making warn that a loss of pluralism can be the negative facet of accommodative problem-solving through, for example, the deradicalization of grassroots movements that are pressured to behave “responsibly” in governance bodies (Fung & Wright, 2001, p. 34). Moreover, by reducing plurality, compromise undermines the propensity of actors to reach evidence-based decisions grounded on robust knowledge and thus impacts problem-solving capacity negatively. For example, policy responses to the recent COVID-19 crisis in Switzerland resulted from compromises between public authorities and influential groups (such as business associations), whereas the expert advice of public health specialists was given less consideration (Sager & Mavrot, 2020). Tussman (1960) followed this line of thinking in suggesting that agreement can be achieved “at the expense of an adequate solution of the external problem” (p. 116), by using the argument that science (or art) does not “move by compromise” (p. 115) in controversial issues.

7.2 | Counterarguments

Let us first note that the impact of compromise on pluralism also must be assessed in comparison with the impact of alternative decision-making methods in democracies, namely, standard majority rule. We think it is clear that, above all in (culturally) heterogeneous polities, majority decisions are more exclusionary than compromises. The latter must take into account a broader range of preferences than majority decisions do, which “fail to give due recognition to the diversity and multiplicity of individual citizens’ preferences” (Bellamy, 2018, p. 318; see also Overeem, 2020, p. 53). In addition, the objection to compromises as a potential threat to pluralism can be qualified by adhering to Habermas’s (1996) argument that the negotiating parties accept compromises “each for its own *different* reasons,” unlike a rational consensus that rests on reasons that convince all of the parties “*in the same way*” (p. 166, italics in the original). This is true not only for compromises that resolve moral conflicts but also for those addressing socioeconomic issues and forged by actors with opposing motivations. Workfare reforms are a case in point: right-wing parties supported them because they created more stringent control mechanisms over the unemployed, and left-wing parties supported them because the state adopted measures to facilitate job-seekers’ integration into the labor market (Palier, 2005).

Nevertheless, we acknowledge that the inclusiveness of bargaining processes is subject to empirical variation, and even for a specific compromise, there may be no agreement on how respectful it is of pluralism. In all likelihood, those supporting or benefitting from the compromise probably will not regard a lack of pluralism as a problem, whereas those who do not recognize their input in the outcome will be more skeptical. The evaluation of the positive or negative contributions of marginal voices can also be controversial. Marginal voices may inhibit the achievement of collective well-being; for example, policy reforms that were necessary to sustain welfare systems have been blocked by the action of well-organized, albeit narrow, rent-seeking groups keen on preserving their vested interests (Immergut, 1992).

Then, one must delve a bit deeper into the reasons that militate for dissenting voices being heard. At first glance, democratic representativeness pleads for full inclusiveness. However, this leaves some questions open: in line with the antirealist objection, should, for example, racist or antidemocratic views be considered?³⁰ Or, to the argument that the “all-affected” principle should prevail, one objection may be that many competing claims of affectedness are made in policy-making processes, so it may be difficult to determine which claims are authentic and deserve to be heard (Näsström, 2011).

There may be more compelling reasons to preserve diversity if one considers the epistemic side of the argument on the erosion of pluralism. We actually expect the maximization of deliberative variety to benefit all deliberators

TABLE 1 Classification of objections to compromise and of their rebuttals

OBJECTIONS	Primacy of values		Critique of domination	
	Antirelativism	Integrity	Irreducibility of conflicts	Equality
	Risk of jeopardizing fundamental moral values (Hallowell, 1944)	Inconsistency in the application of principles (Dworkin, 1986)	Risk of obfuscating the inherently conflictual nature of politics (Adler, 1927; Mouffe, 1998; 2011)	At the expense of outsiders or disadvantaged groups (Cheneval & el-Wakil, 2018; Kirshner, 2018; Ruser & Machin, 2017)
REBUTTALS				
<i>Wrong assumptions</i>	Absolute values do not exist (Kelsen, 1925)	Consistency depends on a political community's homogeneity (Lagerspetz, 1999); coherence in legislative processes is illusory (Raz, 1992)	Politics is not inherently and unavoidably conflictual; compromises are suitable for conflict resolution (Kelsen, 1927; 2007)	
<i>Wrong assessment of the dynamics of compromise</i>				Compromise requires respect for pluralism (Bellamy, 1999; 2018)
<i>Lack of comparative evaluation</i>		Coherence should be put in balance with other values (Raz, 1992)		Compromise is more respectful of pluralism than is majority rule (Bellamy, 2012; 2018)

because every new argument—regardless of its content—can be seen as an opportunity to revise or confirm one's arguments. Nevertheless, the extent to which this happens in practice is unclear: one's willingness to learn through exposure to additional information and new arguments is bounded by cognitive bias (Kahneman, 2011). Furthermore, loss of pluralism has a greater negative impact on deep compromises than on bare compromises, according to Richardson's (2002) distinction, with the former being closer to a deliberative logic and the latter being closer to a bargaining logic. Deep compromises require "a possibility for reasonably revising ends" in light of considerations brought forward by others, which is only possible "if people deliberate together in a strong sense" (Richardson, 2002, pp. 148–149). By contrast, bare compromises do not imply any "reconsideration of what is worth seeking for its own sake, only a willingness to accept less satisfactory means to the ends one started with" (Richardson, 2002, p. 148).³¹ Because deep compromises result from deliberation processes, the inclusion of as many points of view as possible becomes an epistemic requirement, according to the standard opinion that "good deliberative practice ought to maximize deliberative inputs, whatever they are, so as to benefit all deliberators, including the least effective" (Bohman, 2006, p. 175). By contrast, it is not at all clear that loss of plurality reduces the epistemic value of bare compromises because such value may be weak anyway. In that respect, it is noticeable that although Tussman (1960) defends compromise for its capacity to contain conflict, he simultaneously recognizes that compromises do not offer guarantees regarding the epistemic quality of decisions whenever they replace "co-operative deliberation" with "competitive bargaining" (p. 114).

In the face of so much uncertainty regarding the actual degree of the loss of pluralism in compromise and its implications, we again assert our argument for a consequential evaluation: as was the case with damage to integrity, any damage to pluralism should be put in balance with any virtuous effects of compromise.

8 | CONCLUSION

In the concluding section, we first present a synthesis of the five main theoretical objections to compromise and of the corresponding rebuttals that challenge these criticisms in the literature. Table 1 summarizes these findings:

In the upper part of the table, we present the five objections, grouped into three categories: classic objections grounded on the primacy of values, those inspired by an "agonist" model of politics that emphasizes the irreducibility of conflict, and more recent objections concerned with the effects of domination. For each objection, we present rebuttals in the lower part of the table that call into question its (normative or empirical) validity, derived largely from the works of Hans Kelsen, Joseph Raz, and Richard Bellamy. The rebuttals develop along three lines of attack, highlighting two types of fallacies and a limitation of the negative evaluations of compromises. The first fallacy consists of wrong assumptions, upon which the objections related to the primacy of values and to agonism would be built, regarding whether a belief in the existence of absolute values, exaggerated expectations about the possibility of consistency in democratic decision-making, or an a priori vision that conflict is inherent to politics. The second fallacy consists of the unnuanced evaluation of the dynamics of compromise, which necessarily generate inequalities or reduce pluralism. As to the limitation that also may lead to unwarranted conclusions about the negative facets of compromise, it stems from the absence of a comparative perspective. Such a lacuna is visible in the lack of comparative treatment of the values at stake when engaging in compromise, or in the fact that other decisional modes (majority rule), which present similar or even more serious weaknesses, are not considered.

In a second step, we present our own careful arbitration between the aforementioned objections and rebuttals. In further detail, we conclude the following:

- The antirealist objection is in our view the most robust. It cannot be dismissed and a "no go" appears justifiable if core values are undermined. This risk remains for third parties notwithstanding the voluntary nature of compromises and the fact that they can be principled. Therefore, compromises should be embedded in broader political processes that offer guarantees, namely, in the form of different kinds of veto options.

- Fulfilling the requirement of integrity (in the sense of consistency) is not always feasible or even desirable. Nevertheless, deciding when exceptions are appropriate and when inconsistency is more suitable than its alternatives may also be controversial.
- To the agonistic model of democratic politics, according to which conflict is irreducible, we simply oppose the fact that not all political matters are equally and unavoidably conflict-laden. The sheer existence of actors eager to compromise is an empirical indicator that a conflictual framing is controversial.
- One may diverge on the evaluation of a compromise being inegalitarian or not, but a process characterized by blatant inequalities leads to domination, not to compromise. Furthermore, it is possible to prevent negative externalities of elite bargaining by a design that provides safeguards while majority decision—the default option in democratic politics—reflects power inequalities even more blatantly.
- The magnitude and implications of disrespect for plurality (again probably more pronounced in majority rule) are also uncertain. Hence, as with possible damage to consistency, the existence of trade-offs should be considered. Besides, it is mostly the epistemic side of the critique that is valuable, but it affects only the subset of compromises involving sustained deliberation.

As already noticed, the argument of this paper on compromise is in line with a research tradition of assessing objections to core political values, institutions, and practices. We extend this work by adding to the evaluation of objections a systematic assessment of the existing rebuttals. Through our encompassing and balanced discussion of the arguments favoring and opposing compromises, we also contribute theoretically to the study of compromise in democratic politics. Our assessment shows that most objections to compromise succeed only very partially and must be qualified. Rather than rejecting this form of decision-making, our reading invites us to carry out a multidimensional and nuanced evaluation of real existing compromises.³² Deciding the suitability of a particular compromise is a complex task. This does not only mean that compromises should not be dismissed, as some critics might prefer, and should rather be evaluated on a case-by-case basis, but also that the evaluative criteria must integrate different variables. Based on a novel, cautious assessment of the conditions under which compromises are acceptable—and sometimes also necessary—in democratic politics, we ultimately think that they can be defended against criticisms that a priori deny their legitimacy, and they should be given a chance to work as remedies to the unnecessary polarization that is likely to undermine the quality of democracy.

NOTES

- ¹ As notably suggested by Fumurescu (2013, p.1), Manin (1997, pp. 217–218), and Rintala (1969, p. 327).
- ² We refer here to Walton's (2009) broad definition, according to which an "objection does not necessarily have to be a counterargument posed against an original argument" (p. 2).
- ³ Because "much of the debate over the desirability of compromise in politics is set within the context of democratic theory" (Carens, 1979, p. 132), we do not discuss objections to compromises in international relations or peace-building processes, as does Margalit (2013), for example.
- ⁴ Our inventory of the objections against compromises showed a pattern of emergence dating back to the interwar period, whose beginning coincides with the growth of mass parties and the advent of the era of "party democracy" (Manin, 1997, pp. 206–218). We opted for privileging an encompassing treatment of objections and rebuttals; spatial constraints prevent us from addressing each of them in detail in this paper.
- ⁵ See, for instance, defenses of compulsory voting (Hill, 2014; Umbers, 2020).
- ⁶ Fumurescu (2020, p. 21) showed that ambivalence with respect to compromise is historically situated. The Middle Ages seemed to be immune to this ambivalence: because compromises only involve the external and not the inner self, they raise "no fear of *being* compromised" (*italics in the original*).
- ⁷ Although this is not the core of their article, Devolder and Douglas (2018) offered a shorter list of objections to compromise: lack of integrity, complicity, and deception. We discuss the first two objections in the sections on integrity and antirelativism. As Devolder and Douglas (2018, p. 114) correctly stated, compromise often does not involve deception.
- ⁸ Discussions on the virtues of negotiation in policymaking often use the deliberative ideal as a benchmark: see Warren and Mansbridge (2013) on deliberative negotiation. Bellamy (1999, p. 101) also prefers when negotiators, animated by

reciprocity and an inclination to solve problems, “adopt a more deliberative model of democracy than the instrumental account.”

- ⁹ These elements appear, with minor variations, in Bellamy (2012, pp. 448–449), Jones and O’Flynn (2012, pp. 118–120), Overeem (2020, p. 49), and Wendt (2019, p. 2856).
- ¹⁰ Integrative compromises occur “when parties integrate aspects of the others’ position into the final settlement” (Weinstock, 2013, p. 540). Substitutive compromises, by contrast, take place “when parties agree to something in order to arrive at a compromise that was not part of either’s initial position” (Weinstock, 2013, p. 540). See also Dworkin’s “external” compromises below.
- ¹¹ A variant of this criticism regards intrapersonal compromise when one opportunistically compromises one’s values and integrity (Benjamin, 1990; see also Rostbøll & Scavenius, 2018, pp. 4–6).
- ¹² Invernizzi-Accetti adds a third argument in favor of the connection between relativism and democracy: the recognition of the normative value of freedom, so that coercion requires consent. On Kelsen’s support for compromise being underpinned by his value relativism, see also Baume (2017) and White and Ypi (2016, pp. 152–153). For a similar link between cognitive skepticism and ethical relativism, see Tussman (1960, pp. 114–115).
- ¹³ For more nuanced views, see May (2018a) and Wendt (2019). There is a philosophical controversy on the morality of compromise: although we take stock of the (frequently quite sophisticated) arguments developed, we do not attempt to contribute to this particular debate.
- ¹⁴ For a critical discussion, see Overeem (2018).
- ¹⁵ See Lepora (2012, pp. 17–19).
- ¹⁶ Runciman (2018, p. 220) refers to compromises by “principled” politicians who recognize “that on any important question there will be an equivalent strength of feeling on the other side.” To illustrate this form of recognition, we can refer to Weinstock’s (2013, p. 552) example of political communities eager to avoid the “winner-take-all” paradigm, which can be deleterious for minorities. Consociational systems that emerged in countries such as the Netherlands, Belgium, Switzerland, and Austria are a good illustration of this kind of “spirit of accommodation” (Lijphart, 1968). Authors also refer to “sanguine” (Margalit 2013, p. 54) and “honourable” (Van Parijs, 2012, p. 472) compromises or distinguish between “deep” and “bare” (Richardson, 2002) or “shallow” (Bellamy, 2012) compromises.
- ¹⁷ See below on compromises detrimental to the public interest.
- ¹⁸ See also Luban’s “paradox of compromise” (1985, p. 414): “commitment to a principle means commitment to seeing it realized. But in practice, this means compromising the principle (since all-or-nothing politics is usually doomed to defeat)—and compromise is partial abandonment of the principle. Conversely, refusal to compromise one’s principles means in practice abandoning entirely the hope of seeing them realized.” For Runciman (2018, p. 154), the distinction between ideas and practice is not always apparent within the realm of political activity, even though politicians seek to differentiate between compromising on their actions from compromising on their principles (Runciman, 2018, p. 221).
- ¹⁹ Unlike “internal” compromises, Dworkin accepts “external” compromises when the parties select “a new scheme of justice” (Dworkin, 1985, p. 365): a guiding principle that allows conflict resolution without undermining the consistency with one’s principles. For example, the outcome of an external compromise between different religious preferences within a community consists of adopting a secular scheme of justice as a substitute for religious schemes.
- ²⁰ Dworkin may have shared such a conception of the case for legal consistency; nevertheless, he was not completely clear on this part of his evaluation (Raban, 2015).
- ²¹ “In his view, the actual remedy for the crisis of political democracy is a fatherly opinion, ‘Be good kids and behave, for God’s sake.’ In reality, he does not see that the presence of class antagonisms entails such a profound cleavage about the most important questions of life in today’s society that it cannot be solved by compromise, which is only possible for non-fundamental social issues and creates only temporary tranquility” (our translation; Adler, 1927, p. 96).
- ²² See also Rostbøll (2017), who associates compromise with self-determination because fellow citizens are treated as corulers. We think that Wendt’s (2018) argument that compromises have value because they are widely accepted partly resonates with these lines of defence.
- ²³ Manin shares Kelsen’s view on the intimate relationship between democracy and compromise (see Ragazzoni, 2018, p. 96), explicitly mentioning compromise as a condition for democratic stability: party democracy is “a viable form of government only if the opposing interests deliberately accept the principle of political compromise, since there is nothing to temper their opposition in the social sphere” (Manin, 1997, pp. 212–213). However, it is still unclear what makes actors adhere to democratic stability as a core objective, which, in turn, incentivizes them to tame their conflicts and makes compromise a functional necessity.
- ²⁴ Kelsen (2013, p. 41), for example, directly refers to Roberto Michels’ elitist view in the second edition of *Zur Soziologie des Parteiwesens* (Michels, 1911) on the undemocratic organization of parties, which, according to Kelsen, “take on an explicitly aristocratic-autocratic character.”

- ²⁵ Interestingly, a study of U.S. politics in the recent context of partisan polarization (Wolak, 2020) demonstrated that legislators refuse to compromise, wrongly thinking that this is what their constituents want them to do, whereas citizens value compromise because they expect politicians to be able to settle disagreements.
- ²⁶ Habermas (1996, pp. 166–167) is more demanding with respect to the equality condition because in his view, compromises should follow bargaining procedures that provide all parties with an equal opportunity to influence one another. However, applying Habermas's requirement of complete equality would de facto imply denying the legitimacy of compromise in the real world. Besides, asymmetrical concessions between the parties may not only be inevitable but also justifiable (Wendt, 2018, pp. 73–76), as in the case of negotiations for the allocation of portfolios in coalition governments, in which parties derive their power from their parliamentary strength that (more or less accurately) reflects their popular support (Knight & Schwartzberg, 2020, p. 273).
- ²⁷ See Wendt (2019) and Jones and O'Flynn (2012) for a detailed discussion of fairness in compromises.
- ²⁸ For a similar issue, see the discussion of the first two objections.
- ²⁹ Ruser and Machin (2017, pp. 48–65) also questioned whether people should compromise their positions in the face of allegedly compelling scientific evidence. According to them, this functions more as a refutation of the positivist view of science.
- ³⁰ There is controversy on whether democracies should be "militant" and isolate antisystem parties: see, among others, Kirshner (2014).
- ³¹ For a comment on and illustration of that distinction, see May (2018b, p. 43).
- ³² See Umbers (2020) for a similar conclusion based on the assessment of objections against compulsory voting.

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