

Justifying Liberal Democracy in Multicultural Societies

– the Role of the Agenda Phenomenon

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To provide equal opportunities for citizens to live in accordance with their own ideals and values is an essential commitment of modern liberal democracies, at least according to many theorists. A rich pluralism of cultural and religious expressions and comprehensive views within a society indicates the fulfillment of this ideal. At the same time, since not all manners of living are consistent with the maintenance of an open society, liberal democracies cannot allow for unrestricted pluralism. Their policies and institutions will in practice favor certain values and conceptions of the good more than others. Also, in real societies some ideas and ways of life will be more dominant than others, giving rise to more subtle informal limits to what values and stances can in practice achieve political and/or popular leverage.

Taken together, the political establishment and social institutions, along with traditions and cultural customs always set limits to what ideas and opinions may enter the political *agenda* of any liberal democratic society. This paper will thematize how the foundation and shaping of the agenda matter for liberal democratic procedures and, by extension, for theoretical efforts to justify liberal democratic governance in multicultural societies.

Within political theory there are many usages of the term “agenda”. Here I will mainly focus on what may be seen as the “generic” agenda of any given liberal democratic society. As such it is not only characterized by the specific “set of issues which, at a particular moment in time, the public, the media and the politician actors believe needs government intervention” (John 1998, p. 203) but also by the dominant and ideologically impregnated features and currents of the public discussion and political decision-making procedures where such “beliefs” are expressed. My use of the term “agenda” resembles what Roger Cobb and Charles Elder call “the systemic agenda for political controversies”:

The systemic agenda consists of the full range of issues or problem areas that are both salient to a political community and commonly perceived as legitimate subjects of governmental concern. ... It exists only in the

sense that popular concerns, priorities, and values will both prescribe and proscribe the type of questions upon which authoritative decisions may be rendered. (1983, p. 161)

The limits or frame of the agenda affect what it may possibly contain: which questions can and cannot be raised, discussed and politically decided upon, which premises and ways of expressions can and cannot be used etc. These limits can be both formal and informal and are set by dominant values, social institutions such as the educational system and the economical system (e.g. capitalism), and other political, historical, religious and cultural factors.

This main issue of this paper is: How can liberal democratic governance be justified in multicultural¹ societies, where some citizens would prefer alternative political orders and/or cannot voice their views within the dominant cultural framework? In Section I, “the agenda phenomenon” (AP) is presented along with Robert Dahl’s theory of the democratic process. It will be argued that AP entails a tension between three of Dahl’s five criteria. Due to AP, some citizens will be excluded from effective political influence insofar as their alternative non-liberal views on how to organize society, and/or their ways of expressing them, are in too sharp contrast to the agenda to stand a chance of entering it. The point of Section II is to illustrate how this exclusion tends to be more significant in multicultural societies. In Section III, some objections to and conclusions of the arguments so far are discussed. Section IV discusses the response to AP offered by Political Liberalism. The concluding Section V points to the prospect that actual liberal democracies with extensive pluralism may fail to live up to ideal liberal-democratic procedures to the extent that a political order grounded on other values might be preferable, *in light of the liberal democratic theory itself*. I sum up by suggesting that questions on *whether* and *in virtue of what* liberal democracies are legitimate should be settled on a case by case basis. Such normative political reasoning has to be founded on empirical research on the concrete accomplishments of existing democracies.

I. AP AND DAHL’S THEORY OF THE DEMOCRATIC PROCESS

Who Governs? by Robert Dahl (1961) is an ambitious study of the equality and inequality of political influence and political resources among the citizens in New Haven, Connecticut. Its publication was followed by a debate on agenda-setting where it was stressed that political power or influence is involved not only in the making of decisions, but also in the control of

¹ I will use both “multicultural” and “pluralistic” to denote the characteristic of (some) societies to “consist of groups and communities with diverse practices and beliefs, including groups whose beliefs are inconsistent with each other”. (Raz 1990:3)

the agenda, i.e., in the process that decides both *what* questions will and will not be considered as proper objects of decision-making and *how* these questions will be defined and handled in public etc. In this debate, Elmer Schattschneider's words on the "mobilization of bias" are often cited:

All forms of political organization have a bias in favor of the exploitation of some kinds of conflict and the suppression of others because organization is the mobilization of bias. Some issues are organized into politics while others are organized out. (Schattschneider 1960, p. 71)

AP refers to the idea that all political agendas incarnate a mobilization of bias in that they are formed by and reflect the existing balance between the struggling social forces within the society in question. At any point of time the particular constitution of the agenda serves the interests of some groups of individuals and counteracts the interests of others.²

About thirty years after *Who Governs?* was published, Robert Dahl's presented his influential theory of the democratic process in *Democracy and its Critics* (1989). The theory is based on two liberal democratic premises: *Moral equality*, meaning that the (similar) interests of each and every individual deserve equal consideration; and *personal autonomy*, meaning that adults are normally capable of governing themselves. Dahl argues that applied on a collective level, it follows from these premises that all citizens³ are best suited to, on equal terms, decide the common arrangements of society.

From this, Dahl derives five criteria that recognize citizens as equal and autonomous and are to be met in the democratic process:

- (1) Effective participation
- (2) Voting equality at the decisive stage
- (3) Enlightened understanding
- (4) Control of the agenda
- (5) All-inclusive citizenship

² Although agenda-*setting* is the established term in the debate, I prefer the more all-inclusive term agenda *phenomenon*. Cf. Bachrach and Morton 1962; Bachrach and Baratz 1970; Lukes 1974; Cobb and Elder 1983; Baumgartner and Jones 1993; John 1998

³ All-inclusive citizenship is defined as "all adult members of the association except transients and persons proved to be mentally defective." Dahl 1989, p. 129

Control of the agenda is defined as: “*The demos must have the exclusive opportunity to decide how matters are to be placed on the agenda of matters that are to be decided by means of the democratic process.*” (p. 113) Dahl suggests this criterion to be what democrats refer to when saying that “people must have the final say, or must be sovereign”. (ibid.)

“Effective participation” is taken to involve that:

[t]hroughout the process of making binding decisions, citizens ought to have an adequate opportunity, and an equal opportunity, for expressing their preferences as to the final outcome. They must have adequate and equal opportunities for placing questions on the agenda and for expressing reasons for endorsing one outcome rather than another. (p. 109)

Dahl’s theory prescribes that fair democratic procedures should offer all citizens equal opportunities to *express their preferences* regarding the final outcome, i.e. that their ability to *voice* concerns should be equal. While the theory does not require that the *outcomes* of political procedures reflect concerns equally, this expression of preferences must have *some* prospect of gaining influence, otherwise the criterion of effective participation is violated in advance.

To deny any citizen adequate opportunities for effective participation means that because their preferences are unknown or incorrectly perceived, they cannot be taken into account. But not to take their preferences as to the final outcome equally into account is to reject the principle of equal consideration of interests. (ibid.)

AP highlights that at some level of diversity among the demos, certain citizens will lack the mere *potentiality* to exercise political influence. In cases where the content of their preferences, or the ways they are expressed, stand in too sharp contrast to the agenda the preferences will indeed be “unknown or incorrectly perceived” by the political establishment.

AP entails that the degree of efficiency in voicing concerns depends on how much in line these are with the agenda’s concept of “the political”, what the agenda prescribes to be of smaller or larger political importance, which questions it contains and how they are understood, defined and handled, etc. In order for citizens to “have adequate and equal opportunities for placing questions on the agenda and for expressing reasons for endorsing one outcome rather than another” they must have adequate and equal opportunities to control firstly, how different issues are defined as sufficiently political to enter the agenda and

secondly, the conditions on which these are discussed and decided upon. Yet again, AP shows that every argument on “how matters are to be placed on the agenda” is evaluated in the context of the prevailing agenda and that the outcome of discussions about what procedures to use in a democratic society will therefore be biased and unequal.⁴

So, in order to fulfill the criteria of effective participation, there must be an equal control of the agenda. But due to AP this control can hardly be executed on *equal* terms among *all* citizens since effective political participation is an option only for citizens whose views are sufficiently similar to the content in, and premises of, the prevalent agenda. This tension between criteria 1, 4 and 5 seems to impede the complete realization of Dahl’s theory. But this is hardly sensational. As the theory is meant to work as an ideal and will at best be approximated in real societies (p. 130-1) Further, each citizen may raise a range of different concerns and it may be the case that some of these gain influence on the agenda due to their approximation to it, while others are inefficiently raised. If so, the democratic process may in the long run be able to recognize each citizen as equal and autonomous through its receptiveness to their concerns.

Even if the above scenario would be possible, it would require an extremely homogeneous demos. This is unlikely to be the case, even in societies that are not that pluralistic. Both the mere logic of liberal democracy (to encourage, rather than to suppress pluralism in views and expressions) and today’s tendency towards large scale democracies seem to diversify the demos, irrespective of the religious and cultural differences it contains. Geographically large democracies can be expected to inhabit conflicts between local loyalties and interests. Also expansions of the demos, as when women are given the right to vote, may diversify views on what power and function the state should have etc.

My claim is that in contexts where the demos holds vastly different views on what should be the overall form and goal of politics AP may result in a more or less *systematic* exclusion of some citizens from political influence. In the next section I will develop and exemplify such exclusion in *multicultural* societies, although it may not be unique for such societies.

⁴ The idea to *democratically* settle the procedures that best fulfill an overall democratic control of the agenda encounters a regress since it requires the exact procedures that are to be settled. In order for the demos to exclusively determine the terms for delegating its political authority, *the demos must be in control of the conditions on which the terms for delegating its political authority are to be determined*. This, in turn, presupposes the demos to already be in control of the ways *these* conditions are to be settled. And so on and so forth.

II. EXCLUSION OF CITIZENS IN PLURALISTIC LIBERAL-DEMOCRACIES

Multicultural societies are likely to contain a wide range of opposing views, not only on particular issues and conceptions of the good life, but also on political governance, the good society, the content and limits of politics, how issues are to be dealt with within the agenda, what constitutes appropriate terms for opinions to enter and be expressed in the public sphere etc. Frequently, these differences in views might be mutually exclusive.⁵ No matter the *portion* of the demos not sympathizing with the liberal-democratic agenda, multicultural societies of today always seem to contain *some* groupings that lack democratic overall views.

AP illustrates not only how different views compete for influence *within* the political agenda; more interestingly it shows that certain outlooks are precluded *in advance* from such competition. In spite of its permissibility with regard to conceptions of the good, liberal-democracy still admits that the *mere opportunity* to exercise effective political influence is restricted to *citizens using the ways to adjust the agenda offered by the agenda itself*. Rejecting this agenda requires conformity to, and confirmation of, the democratic rules and norms one opposes.

Thus, in multicultural settings, the agenda of any liberal democracy impedes certain citizens from openly arguing against democracy; their basic outlooks are denied access to the public sphere due to their sharp contrast with the shaping and foundation of the prevalent agenda. The view that physical power – not rational arguments and considerations of justice – should be decisive in conflicts of interests in society may serve as an example of an outlook that will be precluded in advance from influencing the agenda. We can also imagine a radically secular liberal democracy where a religious minority considers its religion to be the only conceivable political foundation of society. AP shows this to be something more than a minority disagreeing with the majority on a particular political issue; in the democratic discussion this minority lacks the mere possibility to anchor its standpoint or have an impact on what the relevant premises for evaluating different opinions should be. This is the case since the politically established view on the societal role of religion provides the firm setting for the

⁵ For instance, some groups might highly value making it impossible for their members to question or revise the conceptions of the good that are prevalent in these associations. Allowing such activity is hard to combine with the governmental protection of individual rights. (Cf. Kymlicka 1995) Let us say a democratic government accepts the standpoint that political regulations ought *not* to include prohibition against associations to restrict the autonomy of their members. In such case the liberal-democratic idea of the individual as a primal basis for politics is decreased or even repealed.

political procedures in which religious matters are dealt with. Therefore, negotiations of the border between politics and religion are biased to turn out to the advantage of the predominant conception.⁶

There are both similarities and diversities in the way all constitutions of different liberal-democracies formally as well as informally restrict what views can gain societal and political leverage.

In Sweden, freedom of expression is formally limited by a law against incitement to racial hatred. This law restricts the liberty to publicly express opinions that deliberately threaten or prove of contempt for people in a way that alludes to their race/ethnicity, religious beliefs or sexual preferences. In the USA the First Amendment of the Bill of Rights prohibits the enactment of laws that restrict freedom of speech and freedom of press. However, as in all countries, freedom of speech is circumscribed by laws alluding to the national interest (military security and the avoidance of public disorder).

An intended effect of all constitutional frameworks is that some questions that are of fundamental importance for preserving societal and democratic stability should not be open to continuous democratic discussion and renegotiation. In Germany, some constitutional articles, such as the one stating that Germany is a democracy, are “eternal”, that is, resistant to revisions. The Swedish constitution, however, contains a formal possibility to democratically abrogate the democratic governance. In conformity to other changes in the constitution two parliamentary majorities (separated by an election) have to vote in favour of such proposal in order for it to be implemented.

As an example of informal restrictions to influence the agenda, American citizens who aim for a political career are normally in great need for of considerable personal financial assets. Without large amounts of money they lack both credibility and overall prospects for effective campaigning. This is not the case in Sweden, where wealthy politicians have troubles gaining

⁶ Further, in multicultural societies there is a disagreement of what counts as a law, where it is valid and what the source of its validity is. Minorities may argue that the juridical law has no prior authority when it comes to certain practices that are ascribed by their religious authority, although they happen to be illegal. And even if legal exceptions were made in order for some religious minority to be able to continue its traditions this may not be regarded as a satisfying solution in the eyes of the religious minority. This is since its obligation consists of obeying the religious law *as* a religious law and not as a secular law. The state has no authority to apply religious laws like that are given by, for instance, the Sharia or the Book of Mormon.

political credibility and have to prove that despite their money they are just like “common people”. One reason for this difference might be the cultural tendency in the US to highly admire winners and to regard the pursuit for fame and fortune as a good thing, while in Sweden the ideals of economical equality and humbleness (to “not make oneself important” etc.) are more widespread.

Common for all agendas is that statements of opinions have to be made in a certain manner to be taken seriously. As Iris Marion Young, among others, has pointed out, the political rhetoric in liberal-democracies often emanates from the distinctive features of white, well-educated men. According to Young, the norms in politics (and in most other areas) in Western nations are founded on the experiences of this societal group. When the agenda demands, e.g., eloquence and lack of emotion, this is to the detriment of groups of people with other experiences and adherent ways of expressing themselves. (Young 2000)

III. OBJECTIONS AND CONCLUSIONS SO FAR

The liberal-democratic agenda permeates not only political discussions and decision processes but also societal institutions in their function to implement political principles and policies which are also established through the agenda. While the establishment of these institutions cannot in practice be equally favorable to, and in other ways in line with, all opposing conceptions of the good in multicultural societies, there are competing and non-liberal values that some citizens would prefer as the political foundation of society. As an effect of formal and informal limitations on views to enter the agenda, the democratic procedures systematically exclude and/or look down on such civic expressions. The exclusion of illiberal citizens does not only amount to unequal influence on the outcome of political procedures, but to systematic obstacles to make their voices heard throughout the process of making binding decisions.

Of course, (most) people in a democracy are in a sense free to voice their opinions in public with the use of whatever premises or sources of arguments they like, and to try to mobilize groups in order to gain a hearing for their point of view, however far away from the agenda it may be. In a literal sense, citizens who argue in public that Jews are not humans or that women’s right to vote should be taken away from them will be listened to. Why would these citizens be more excluded from influence than all other democratic citizens who may (or may not) say something more in line with the agenda but without that turning out to have actual

influence on policies and outcomes of political decisions? The difference, as I have tried to argue, is that citizens with views in sharp contrast to the agenda lack the mere *potentiality* to influence the function of and content in politics. Citizens who openly express hatred against Jews are likely to end up in prison in most liberal democracies. And even if there are no formal restrictions against starting a political party for disallowing women to vote, such party – even if it attracts quite a few members – is very unlikely to be listened to in a way that may impact the agenda.

In order to even enter the liberal democratic agenda, non-liberal views need to be adjusted to the degree that they do not remain the same views. For instance, Nazis will have to hide their political identification and in a sense “stop being themselves” in order to gain even potential influence. As well as there being clear formal restrictions for what a Nazi can say without ending up in prison, informal limitations of a secular, liberal democratic agenda circumscribes potential influence for religious people: Were they to openly use religious sources for their arguments, they would be likely to lose credibility. Their efforts to gain influence would then rather be contra productive.

A liberal democrat may not be too sad about the fact that Nazis, citizens who are against women’s right to vote, extremely religious people, and pedophile-defenders etc. lack potential to effectively influence the liberal democratic agenda. Further, she might see no significant difference in exclusion between the numerous citizens who never use their potential political influence and the citizens who lack such potential. Such a line of argument, however, is ideologically unorthodox. It would imply that liberal values such as equality and autonomy only include people with the “right” views. It would imply that citizens who never use certain constitutional rights, such as freedom of speech or religion, are as well off as citizens who lack such rights. The liberal democratic may insist that, although illiberal views have no chance of having the pervasive force on the agenda that is required for them to be widely accepted, every view or idea may have *some* indirect impact on the agenda simply by being part of society. As time goes by, this influence may increase, she may argue. But is that an interesting form of political influence? Surely, the exclusion of illiberal citizens from having an impact on the agenda is, in the end, a matter of degree. But if liberal-democratic theory are to take its ideals seriously, then significantly inequalities when it comes to access to the agenda should not be ignored.

AP shows that the prevalent liberal democratic agenda is biased against people with non-liberal outlooks. This circumstance implies that the criteria in Dahl's theory of the democratic process, set to approximate the ideals of political equality and autonomy – that everyone should be equally able to influence the societal premises under which they are to lead their lives – cannot be completely met. How can liberal democratic theory justify that the prospect for a certain conception to gain societal impact rests on its consistency with a liberal-democratic outlook rather than, say, the views of a certain religious leader? The answer that this is acceptable since the majority condones it is circular since it presupposes the validity of the premise that democracy is preferable. Such a premise is not self-evident in a pluralistic society, not even to a liberal democrat: It does not follow from liberal democratic theory that pluralistic societies should automatically be liberal democratic. It may be the case that in a society where all citizens really *are* equally free or autonomous to govern society it might well be that other, values of less liberal character would come to form the basis for society. One, perhaps paradoxical, conclusion to draw is that in highly pluralistic liberal democracies there might be liberal democratic reasons for making the governance less liberal democratic.

Is it possible for liberal democratic theory to rule out such a possibility, or at least marginalize the importance of AP when it comes to justifying liberal democracy in pluralistic settings? This will be discussed in the next section that starts out in John Rawls' *Political Liberalism* ([1993]; 2005), since most contributions to this debate refer to this piece of work.⁷

IV. THE RESPONSE OF POLITICAL LIBERALISM

In *Political Liberalism*, Rawls states that reasonable pluralism constitutes a permanent condition in a free and open society. That is, such a society will always contain a reasonable disagreement on the truth of conflicting metaphysical, religious, philosophical and moral

⁷ I will leave out more substantive or “comprehensive” liberal approaches. Such justifications of liberal-democracy claim that politics must admit and argue for its normative foundation and that this normative foundation should be of a liberal kind in pluralist societies. (see, e.g., Raz 1990; Gutmann and Thompson 1996; Macedo 2000) First, I question the plausibility of this presupposition when it comes to pluralistic societies where these values are controversial. Second, AP points to that the more pluralistic the liberal-democratic society gets, the less it can allow for its citizens to be free, not only to lead their lives in accordance with their own ideals and values, but also to have such ideals and values entering the arena of public discourse and policy making. Thereby liberal values such as freedom, autonomy and equality, which should form the normative foundation for politics, according to comprehensive liberalism, risk being undermined in pluralistic societies. However, AP points to a difficulty to establish completely *democratic* procedures. But just as democracy does not imply liberalism in a direct sense, comprehensive liberals need not be dedicated to democracy which would allow them to disregard AP: Their defense of liberalism as a comprehensive doctrine is compatible with other less democratic, procedures being best suited to generate the values they take to justify liberal governance in pluralistic society.

doctrines. In order to avoid oppression, a democratic society has to make *some* morally selective considerations; it has to position itself against the elements of oppression that an *unrestricted* pluralism may entail. But other than that, the political framework advocated by Rawls and other political liberals seeks to remain neutral between controversial comprehensive doctrines.

What makes liberal governing principles superior to all other governing principles is that they rest on a political conception of justice acceptable to all citizens within a reasonable pluralism. Thereby the principles are *legitimate*, irrespective of whether they are true.⁸

Reasonable citizens are described as to “desire for its own sake a social world in which they, [mutually recognizing each other to be morally] free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold with that world so that each benefits along with others.” (Rawls 2005, p. 50) It is possible for all reasonable citizens, *as citizens*, to derive reasons from their respective comprehensive views to support liberty and equality as a basis for a society’s main political, social and economical institutions.

Rawls does not claim that all reasonable citizens within a pluralistic society will embrace liberal-democratic principles as readily. But, partly drawing on Thomas Scanlon’s psychological principle of moral motivation, Rawls states that most citizens embrace a principle of reciprocity since “we have a basic desire to be able to justify our actions to others on grounds they could not reasonably reject”.⁹

Public reason and the broad outlines this idea lays down for the political discourse is an important means of reaching an overlapping consensus on a political conception of justice. Participants in public discussions on constitutional essentials and matters of basic justice follow public reason when they use arguments that reasonable citizens can be expected to

⁸ As David Estlund has pointed out, there is a truth-claim involved in this, namely that it is the acceptance of the group of reasonable people that decides whether politics in its basic respects is legitimate. But this, says Estlund, is compatible with leaving open questions of the exact truth or what truth metaphysically consists in. (Estlund 1998)

⁹ Rawls 2005, p. 49 The reference to Scanlon refers to “Contractualism and Utilitarianism” in Sen and Williams 1982, p. 104f and 115f

accept as free and equal citizens irrespective of what comprehensive doctrines they may hold in private. (Rawls 2005, p. 437ff)¹⁰

Since the consensus will inevitably be narrow and shallow, highly and deeply contested issues, on for instance religion and morality, should be excluded from political discussion and decision-making through what Rawls calls the *method of avoidance*.

Considering AP we may ask on what grounds certain issues should be removed from the agenda. When the state refrains from taking an official stand on a controversial issue this may in itself imply an authoritative moral and metaphysical judgment. For instance, a society in which abortion is not illegal makes the implicit claim that abortion is not murder and hence that the aborted fetuses are not persons. (Galston 1989)

The more pluralistic a society is, the harder it will be to reach consensus on where to draw the line between politics, morality, religion and cultural custom, and on how these boundaries should be reflected in basic governing principles. AP points to undemocratic implications in pluralistic societies where certain questions that some citizens regard as utterly important are excluded in advance from entering the agenda. Rawls's idea of a method of avoidance hardly dissolves this problem.

In order for the theory to help formulating which principles and policies are justified in a pluralist liberal democracy an inevitably normative definition of what is "reasonable" has to be added. Also, the views on what constitutes "reciprocity", "mutual recognition" or "cooperation on mutual acceptable terms" might differ to a large extent among groups in multicultural societies, as well as the costs to live up to such standards. If the meaning of these terms are given by the prevalent agenda this may be seen as a reflection of the AP. No justification to those defined as "unreasonable" can be given without presupposing the definition of reasonable, given by the agenda.

¹⁰ Robert Audi 2000 expresses a similar idea of a common basis for political legitimacy in his "principle of secular rational". Audi argues that rational citizens realize the importance of offering secular reasons in discussions that precede political decision-making. Rawls and Audi agree on that religious opinions can be expressed in public as long as their premises can be accepted by all citizens by virtue of their common human reason.

Neither does Rawls pay attention to the scenario where the reasonable citizens in pluralistic societies are actually too few to generate enough cooperation to found a well-ordered society. His picture of pluralistic liberal democratic societies is rather idealistic in that he supposes them to generate common intuitive pro-liberal ideas among the populations. Empirical research, however, shows that in existing societies whose institutions are far from perfect liberal ideas are only supported to a limited degree among the populations. This arguably reduces the practical relevance of Rawls's reasoning. (Audi and Wolterstorff 1997; Bader 1999; Klosko 2000; Stout 2004)

Pluralistic societies are likely to contain widely different views on, for instance, the range of conceivable ways to handle fundamental disagreement that can be *at all* considered, and on what constitutes proper criteria of good argumentation. Even if citizens are reasonable, in the sense that they are willing to compromise in order to enable a well-ordered society, there is always a limit to such willingness to negotiate. If enough is at stake, reasonableness can allow for citizens to choose confrontation and conflict rather than cooperation and peace. How and where to draw the lines of which choices are reasonable and which are not will vary considerably due to differences in comprehensive views. A highly religious person, who insists that certain very detailed religious declarations (e.g., given by a certain interpretation of the law of Sharia) must be a part of the governing principles of society, expresses the view that religious authorities are particularly privileged from a rational point of view. It is easy to imagine such a person choosing to fight rather than to compromise on this issue. Similarly, a dedicated liberal can be prepared to sacrifice peace in order to try to implement a societal order where individuals are guaranteed certain liberties in their personal life-style (as in the battle against slavery, for instance). It is hard to see on what common ground these two persons can agree on the foundation of the political agenda concerning the governing principles of society.

Naturally, I am not denying the possibilities for liberal democracy to accommodate a *certain* level of confrontation and conflict within a framework of peaceful cooperation. (See e.g. Waldron 2001) My point is that this possibility is not unrestricted and that it is not a given fact that the political agreements that can be reached between citizens will be extensive and inclusive enough to secure social stability.

Further, even if citizens in a liberal democracy abide by its rules and regulations, that does not automatically mean that they *accept* such governance. To put “acceptance” on a par with “restrain from violent resistance” is to my mind a too weak use of the term since it would imply that most people living under dictatorship accept such governance.

So, pluralist societies are most likely to contain a subset of “unreasonable” citizens who will not accept liberal-democratic political arrangements, in the sense that they consider them legitimate. As shown by AP, these will be marginalized in public policy discourse and democratic decision processes. More specific definitions of what characterizes a reasonable citizen and what he or she would recognize as fair political procedures only amplifies this effect since they indicate a substantial view of what is reasonable that not all citizens within an extensive pluralism subscribe to. To question the agenda is to question not only the conception of reasonable citizens that it expresses but also the procedures for adjudicating between these and other substantive views.

AP shows that democratic procedures cannot offer a neutral way for citizens (in the sense “on equal terms for all”) to reach consensus on how to disagree. Rawls’s argument that acceptance from the “unreasonable” is not required for the legitimacy of liberal democratic governance reflects AP: certain citizens are systematically excluded from equal political influence, on terms they do not accept. The more numerous these citizens are and the less opportunities they are given to lead their lives in accordance with their conception of the good, the more the liberal ideal of neutrality between comprehensive doctrines is renounced – the same ideal on which liberal-democratic legitimacy is grounded within the theory of Political Liberalism.

To expand the concept of reasonable as to include all citizens does not offer a solution to this problem, since it undermines the possibility to argue that the constitutional framework should be grounded on liberal ideals rather than on other, conflicting ideals. The more the theory remains neutral between moral doctrines, the less it can prescribe when it comes to what political policies should be implemented in order to handle disagreement within pluralistic societies. In the end, it can offer no guarantees that the societies in question will be maintained.

Every effort to justify liberal democracy by virtue of its procedures can be criticized on democratic grounds for delimiting the range of opinions given room within the agenda too

generously, or too narrowly. Susan Moller Okin (1994) has argued that there are certain issues, such as gender equality, that liberal democratic states cannot compromise on. According to Okin, Rawls allows for far too much trade-offs between competing values in order to form the overlapping consensus from which he derives the legitimacy of liberal-democratic policies and procedures. On the opposite side, there are communitarians like Charles Taylor and Alasdair MacIntyre, who have argued that liberal democratic procedures are too restrictive since they fail to accommodate certain local values and traditions that diverge from those of the majority.¹¹

Hence, political liberalism seems unable to offer any convincing reasons for why the legitimacy of liberal-democratic governance is not seriously undermined by the fact that unreasonable citizens – defined either generously or narrowly – are systematically excluded from political influence.

Neither can this exclusion be satisfactorily handled by founding liberal-democratic governance on what is *actually* the lowest common liberal democratic denominator in fundamental political views, using survey results on beliefs and attitudes of the citizens, as George Klosko (2000) suggests. From Klosko we may learn how to identify the character of the governing principles that more or less liberal democratic citizens in different societies assent to (either explicitly or as a consequence of other principles they openly assent to). But the question of this paper is more fundamental: how do we settle that a political order based on consensus is desirable and/or justified *in the first place*? While Klosko uses the idea of an overlapping consensus as his starting point, my argument is that this idea, due to AP, can be questioned even from the point of view of the liberal democratic ideals themselves.

Klosko agrees with Rawls on that legitimate liberal-democratic procedures do not require consensus among all citizens since there will always be some illiberal citizens within a pluralistic liberal democratic society. I have suggested that such exclusion of illiberal citizens may undermine the basic values of liberal democracy and might make the society itself illiberal. Klosko's answer to this would be that we should lower our expectations on what makes liberal democracy legitimate: Depending on the character and scope of a liberal-democratic consensus among a population, liberal democratic legitimacy may sometimes be

¹¹ Cf. the slightly different lines of arguments given in MacIntyre 1988; Taylor, Gutmann, Habermas and Appiah 1994; Young 2000

grounded on as weak values as social stability. This, however, is insufficient as a justification of liberal democracy since *other* forms of governance may in practice equally well or better achieve the same ideal, weak or not.¹²

Nevertheless, I believe both Rawls and Klosko are right to ascribe social stability a fundamental weight in justifications of liberal democracy. Without some level of social stability there can be no society at all.¹³ Therefore, it would seem that most ideologies presuppose social stability in their further claims for what ideals societies should try to attain, and that most citizens would include social stability in their views of what constitutes the good society.

However, Rawls's assumption that an exclusion of unreasonable views from influencing political debate and decision-making is necessary for preserving societal stability is problematic: It disregards that the consequences of such exclusion may equally well threaten societal stability. The maintenance of a stable and well-ordered society requires that enough citizens respect current legislation and refrain from trying to overthrow the regime. My own view on legitimacy is similar to Klosko's in that this weak consensus may often be a crucial, and sometimes sufficient, part of what constitutes liberal democratic legitimacy in multicultural settings.¹⁴ But I have considerably less confidence in using surveys to identify the liberal-democratic governing principles that should legitimately be implemented.¹⁵ A more important worry, in the context of this paper, is Klosko's argument that the scope of the governing principles should be determined by democratic procedures and that "the contents of rights principles must be filled in democratically". (2000, p. 233) He seems to presuppose that democracy offers a fairly neutral way to negotiate, revise and establish political procedures, which is exactly what AP contradicts. It remains unclear why *democratic* procedures should be used, rather than procedures derived from other ideals, of what *kind* these should be and how that is to be *settled* and *justified* in a multicultural society.

¹² One possible alternative would be republican governance of a kind that is prepared to compromise with civil rights and the citizens' influence and governmental support in order to attain a certain overall functioning of society. See, e.g., Pettit 1997

¹³ Underlining the importance of social stability is different from arguing for the importance of preserving the prevailing societal arrangements. There can be shifts of societal orders without the overall social stability being affected or weakened.

¹⁴ This is not to say that stability is always preferable to chaos. The overthrow of Ceausescu in Romania may serve as an example on where there are good reasons to disrupt stability even to the cost of a subsequent chaos.

¹⁵ Klosko's suggestion to solve the problem of liberal democratic legitimacy by using surveys seems slightly simplistic. For instance, why use survey only when determining governing principles and not build all political decisions on surveys? In that case democratic procedures as such would seem superfluous.

I have claimed that the liberal democratic ideal prescribes that all citizen should be left free and/or autonomous to, on equal terms, shape their lives along with their own. At the same time, pluralistic societies lack a total consensus on the secular, liberal ideas on which the constitutional arrangements of liberal democracy rest. Since the political weight a society ascribes to the outlooks of its citizens follows from a liberal framework, citizens who do not share this liberal outlook are given inferior starting points to lead their lives as *they* want. I have taken AP to illustrate that they are also given inferior possibilities to revise this liberal framework. My argument has been that since liberal democracies embody a specific view on the form, limits and content of politics pluralistic liberal democracies contravene their own ideals to some degree. This may be seen as an internal problem for liberal democratic theory to justify liberal democratic governance, particularly in multicultural settings. If liberal-democratic governance cannot live up to its own ideal, by virtue of what is it justified? Neither Rawls's nor Klosko's reasoning remedy this problem without presupposing what is at question, namely that liberal democratic governance is more preferable than alternative governing principles that may be preferred by some citizens in pluralistic societies.

There is usually a discrepancy between what ideals a regime is committed to and what it in practice achieves, as well as between how well different regimes, committed to the same ideals, actually fulfill these ideals in different contexts. In the concluding section, I will argue for a conception of political legitimacy that takes this discrepancy into careful consideration and focuses on the optimal rather than the ideal scenario.¹⁶ In the multicultural case, this moves the justification of democracy out of efforts to justify the liberal democratic ideology itself and into what actually follows from following different governing principles in different contexts.

IV. POLITICAL LEGITIMACY ON A CASE BY CASE BASIS

Since the same ideal or procedure can have different outcomes in different contexts, empirical circumstances – such as what follows from the exclusion of citizens that AP may result in – have to be considered when arguing for the appropriateness of trying to attain (i.e. founding a society on) liberal democratic, rather than non-liberal and/or democratic, ideals.

¹⁶ My view on legitimacy is inspired by Dahl's justification of democracy focusing on the optimal scenario: "[A]s a consequence of [actual democracies] meeting those [democratic] criteria more fully than other regimes, and also of the political culture that the idea and practices of democracy generate, on the whole they are, with all their imperfections, more desirable than any feasible nondemocratic alternative." Dahl 1989, p. 84.

In my view, therefore, normative theorists need to make use of context-specific arguments on why and in what forms certain ideals should be placed above others as guidelines for politics when discussing how political authority can be justified in multicultural societies. And this cannot be done without considering the effects of AP and other empirical circumstances in the context in question. Depending on the level and character of disagreement the demos exhibits, some liberal democracies might be legitimate by virtue of coming close to attaining equal political influence and other liberal ideals. But in contexts where there is a systematic exclusion of many citizens or social groups, these are not at all free to live as they want and are likely to express a forceful discontent, and so social stability may be jeopardized at some point. In such contexts it seems considerably less plausible to argue that the governance is legitimate by virtue of it being grounded in the ideal of autonomy or equality.

I suggest that the claim that a certain governmental form is legitimate should be understood as claiming that:

- a) this form is justified by virtue of fulfilling certain conditions of legitimacy (i.e., values or goals derived from a political ideal)¹⁷ in a better way than alternative forms of governments and that
- b) the attainment of these conditions of legitimacy is *more called for in the present context* than trying to fulfill other conditions of legitimacy given by alternative political ideals.

AP implies that not all criteria of liberal democracy can be completely met in pluralistic societies. In order to formulate and approximate what is the optimal political order in a specific context, different liberal goals and derived policies need to be adjusted in light of empirical circumstances. In this procedure values such as social stability, security and safety may become paramount, although they are not the prime ideals in (most versions of) liberal-democratic theory.

The ideal to allow “people to choose a conception of the good life, and ... to reconsider that decision, and adopt a new and hopefully better plan of life” (Kymlicka 1995, p. 80.) permeates many liberal democratic policies, not least within the educational system. Let us imagine a scenario where a minority group keeps its children from going to publicly regulated

¹⁷ For instance, fair political procedures and/or autonomy and equality among the citizens.

schools. The group wants to protect its children from being introduced to critical thinking and to the fact that there are other faiths and lifestyles than its one practiced by the group. Dialogue with the authorities has been refused and several of the group members are prepared to use violence in the sake of ensuring that their children remain in the safe and comforting knowledge of the uniqueness and trueness of the group's own faith and lifestyle. In order for the state to fulfill their policies set to ensure that all children are given equal freedom to choose how they want to lead their lives, forceful intervention in this minority group might be required. This in turn, might lead to outbreaks of disturbances where parents either are injured or taken away from their children, which might harm these children more than being unable to independently choose how to lead their lives.

It is not clear, not even in light of the liberal ideal themselves, that the state should insist on guaranteeing liberal rights to these children at the risk of social instability, rather than to revise its policies in a less liberal direction.

My argument that the legitimacy of liberal democracy cannot be established irrespective of the concrete accomplishment of such governmental form is, of course, far from new.¹⁸ For instance, Rawls takes his reasoning to be relevant only for relatively well-ordered societies. Liberal institutions should not be initiated in, e.g., anarchic societies, in communities where clan chieftains rule or among populations in which democratic ideas completely lack foothold. In addition to this, however, I argue that *what* makes liberal democratic governance legitimate, both to establish and to maintain, depends on the prospects to approach what is arguably a legitimate political order.

V. CONCLUSION

AP points to a systematic exclusion of certain citizens from political influence in multicultural liberal democratic societies and involves difficulties for actual liberal democratic governments to fulfill their own ideals and terms for justified procedures. This, I have argued, risks undermining theoretical justifications of liberal democratic governance in multicultural settings. Justifications of liberal democratic procedures given by Political Liberalism have

¹⁸ Utilitarian philosophers such as Adam Smith, Jeremy Bentham and J.S. Mill did not argue for an *inherent* value in liberal ideals and rights establishments, but referred to the good consequences that they thought this organisation of society would sum up to. However, by underlying the importance of considering the concrete accomplishments of actual liberal-democracies I am not subscribing to a particular normative view, since these accomplishments can be judged in accordance with other forms of normative criteria.

rather exemplified the problem than offered its remedy. I have therefore suggested that the justification of political governance should depend less on the ideal and more on the optimal societal scenario, the character of which may differ due to different empirical circumstances. In light of the overarching interest of keeping society together, appeals to legitimacy must consider the actual effects of different policies and other empirical circumstances in the society in question. Taking AP in consideration, justifications of liberal democratic governance in pluralist societies should appeal to *legitimacy* by making plausible that the society in question is better off with liberal democratic governance than with alternative governance. What values that constitutes this “better off” might vary from case to case and more or less be of a liberal kind.¹⁹

The establishment of to what extent and on what grounds different liberal democratic regimes are legitimate requires many and various kinds of empirical facts. Possibly, empirical data can support the claim that the challenge of multiculturalism offers reasons for actual liberal-democracies to revise certain elements in their forms of government and political culture. There may be pragmatic reasons for implementing policies that in practice distance liberal-democratic governments from the liberal democratic ideal for the reason of protecting social stability. If, where and to what extent this might be the case is yet to be shown. More determinate conclusions on liberal democratic legitimacy require close collaboration with empirical research on the concrete accomplishments of existing democracies.

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¹⁹ As a consequence such legitimate governmental form may at some point no longer be adequately described as “liberal democratic”. But this can hardly be an objection since the premise for this discussion is that the legitimacy of liberal democracies should not be presupposed.

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