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The Fragility of Compromise

In this chapter, I will show that the capacity to compromise, whether in interpersonal or political contexts, is a fragile, intersubjective resource.¹ My basic claim, in a nutshell, is that compromise arises in contexts in which that very resource is very likely in scant supply. The need to compromise arises in situations of conflict – conflicts over resources or over norms (or over norms governing the distribution of resources). Yet, the willingness to compromise presupposes some positive disposition of the parties in conflict toward one another. What is more, situations in which compromise might be seen as desirable commonly occur in contexts in which one party possesses significantly more power and resources than the other and is therefore in a position in which they could simply impose their will. Thus, there is a tension and, accordingly, a fragility inherent in the notion of compromise, which I intend to elucidate in this chapter. I will also propose some ways in which to render the circumstances of compromise less intractable than this tension may suggest.

I will proceed by, first, engaging in some conceptual ground-clearing aimed at distinguishing the kinds of deliberation that are most likely to give rise to compromise from the kinds that occur in the context of the search for consensus and that arise in bargaining contexts. Second, I will show that, in real-world contexts, these kinds of deliberation often risk fading into one another. In particular, there is a risk that deliberation aimed at compromise will give way to the kind of bargaining in which the will of the strongest is likely to prevail. Third, I will provide some arguments to show that we should care about setting up bulwarks against this kind of tendency – the tendency for the search for compromise to give way to the pressures that incline the stronger party in a deliberation to revert to considerations of power. Finally, I will identify a pair of mechanisms that, in ordinary interpersonal contexts, can serve to establish such bulwarks, before somewhat speculatively pointing to some institutional contexts in the life of modern democracies that might, under the right circumstances, embody those mechanisms.

¹ Versions of this paper have been presented to audiences in Essen, Frankfurt, and Dublin. I thank the audiences in all three of those places for having provided me with more questions and comments than I could possibly have addressed.

I

Let me begin by pointing to an ambiguity in the very concept of compromise. Compromise can refer to a result, a decision that conflicting parties may arrive at as a means of finding a joint way forward in the context of a disagreement. This result has the following principal characteristic: all parties to the disagreement view it as acceptable, yet suboptimal relative of their preferred option. I think that we ought to do A, you think we ought to do B, and we decide on C while maintaining our initial preferences for (in my case) A and (in your case) B. This result must be distinguished from one in which we come to agree on C because we both conclude that C is actually, notwithstanding our initial preferences, actually a superior way of resolving our disagreement. (We can call a situation in which we come to view C in this way a consensus.) It must also be distinguished from a result where the stronger party imposes its will upon the other by virtue of its greater threat advantage.²

Compromise can also refer to the *process* through which we arrive at such an outcome. We disagree and deliberatively engage with one another in order to resolve our disagreement. I have in previous work argued that the kinds of deliberative processes that lead to compromises, to consensuses, and to settlements significantly differ from one another (see Weinstock 2017). When we aim for consensus, we are inclined to deliberate in ways that set aside the aspects of our positions that may impede consensus being reached. The literature on deliberative democracy is replete with characterizations of the kinds of deliberative moves that may make the attainment of consensus more likely.³ For example, we present our arguments in terms that are available to the other side in a disagreement. We prescind from framing our arguments in terms of our comprehensive conceptions of the good, for when there is a clash of such fundamental conceptions, it is unlikely that framing arguments in terms that emanate from them will yield agreement. We make use, for example, of the resources of “public reason” in order to find a potential *terrain d’entente*.

Settlements can also result from an appreciation by both sides of the balance of the forces in play. Now, the process that gives rise to such settlements is not purely mechanical. Parties to a disagreement that appears to be headed toward this kind of settlement can engage in a number of rhetorical moves aimed at changing the perception that the other side has of the balance of forces. They can make themselves look more powerful than they actually are. They can make it

2 For a more formal account of compromise, see May 2013.

3 The most thoroughgoing account of public-reason liberalism is Gaus 2010.

appear that they are not ready to accept anything less than a certain position relative to their initial preference, thereby increasing their adversary's perceived costs of continuing the conflict. They can attempt to change the currency in which assessments of relative power are carried out in ways more favorable to them. But at the end of the day, such settlements do not result from the search for any kind of a deliberative common ground, but from the way in which the balance of forces is perceived by both sides. They involve winners and losers.⁴

The kind of deliberation that typically gives rise to compromises is of another nature altogether. Compromises arise through a process of reciprocal concessions being made by both sides (see Rouméas 2021). A compromise requires that both sides to a disagreement see the other side as being prepared to give something up which is of roughly equal value to what they are themselves willing to sacrifice. The parties to a compromise engage in a fairly complex procedure in which each side must determine for themselves where they draw their "red line," short of which they are not willing to compromise. They must also evaluate whether the reciprocity that reciprocal concessions involve exists in what is often a highly fluid and dynamic process (one that can in fact change where someone sees their "red line" as being situated). A compromise emerges where at least three necessary conditions are in place: First, neither side can be made to compromise *themselves* by being forced to give up something that falls within the sphere of what they view as nonnegotiable, whether this has to do with aspects of values that they are being asked to compromise or shares of resources that they see themselves as having a legitimate claim to. Second, each side must see their partner in reciprocal concession-making as willing to give up something of roughly equal value compared to what they themselves have given up. And third, the resulting area of possible compromise must contain at least one position on the resolution of the disagreement at hand that, from the perspective of both sides, can be considered progress relative to continuing the conflict.

It should be clear from the foregoing that the kind of deliberative process that gives rise to compromise differs from the processes that give rise to consensus on the one hand and to power-based settlements on the other. The search for consensus – at least according to deliberative democrats and public-reason theorists – involves making use of some version of what John Rawls (1985) referred to as the "method of avoidance," whereby one abstains from making use of controversial arguments – for example, those rooted in sectarian conceptions of the good – which might stand in the way of the search for consensus. However, deliberation aimed at compromise positively *requires* that a party be open about their

⁴ For a recent defense of the kind of bargaining at issue here, see Schwartzberg and Knight 2024.

real reasons for holding a given position, since this is the only way in which it will be possible for their deliberative partner to be able to ascertain the degree to which that party has in fact been ready to concede something of (roughly equal) value. A party cannot even begin to measure concessions when their real preferences remain out of sight. What is more, it is not possible for the party to engage in the self-reflection that is required to determine what parts of their initial position are susceptible to being compromised and what, in contrast, is nonnegotiable unless they are clear about what their ultimate motivations are.

Deliberation aiming at compromise differs from the kind of procedure that is in play when a party is heading toward power-based settlement in that the kinds of strategic considerations that are dominant in the latter are largely absent in the search for a compromise that, after all, must be acceptable to all. In a procedure aiming at compromise, the parties accept less than what they consider to be optimal. However, in order to distinguish compromise from the simple operation of power differentials, it is crucial that they view themselves as having been *respected* during the process. Partners to a compromise must, for example, be sensitive to where each other's "red lines" lie and must not push the other side to go beyond them (even when they have the power to do so). They must also ensure that the compromise evinces fairness to a sufficient degree, in the sense that neither party should have to give up much more than their deliberative partner has (even though, to reiterate, most difficult compromises will not be amenable to precise calculations of gains and losses).⁵

II

The picture that I have briefly sketched here is, of course, highly idealized. In the real world, these three logics often coexist. Partners to a disagreement rarely, if ever, find themselves squarely in one or the other of these deliberative spaces. Though this is not the kind of case that I will be focusing on below, it can transpire that parties who feel that compromise is the best that they will be able to achieve to resolve their disagreement will find themselves before a deliberative breakthrough that unexpectedly points toward the possibility of consensus. Creatively redescribing the problem area will sometimes open up unforeseen deliberative vistas.

The kind of case I am interested in is one that goes in the opposite direction, as it were. What looks like deliberation aiming for compromise is in fact (in ways

5 For an examination of the condition of fairness in compromise, see Jones and O'Flynn 2013.

that I will illustrate in a moment) permeated with strategy. Or the expected breakdown of compromise-driven deliberations leads one of the parties – perhaps the most powerful one – to opt for the strategic logic of the balance of power.

There are a number of ways in which strategic considerations can infiltrate procedures that are ostensibly designed to yield compromise. One is obvious: when stronger and weaker parties are engaged in deliberations aimed at compromise, knowledge of the asymmetry, and the subtle and not-so-subtle ways in which that knowledge can be exploited by the stronger party, can incline the weaker party to accept concessions that go beyond what they might otherwise have been willing to accept. It can lead them to accept a compromise that is unfair or that prompts them to cross a “red line” that they had initially seen as non-negotiable. The more powerful party need not make any explicit threats. The very knowledge that failure to achieve a compromise may lead the disagreeing parties into the space of balance-of-power considerations may suffice to give rise to compromises that, to a significant degree, bear the stamp of strategic considerations.

But strategic considerations can infiltrate deliberative processes in a more insidious way (one that, I should add, is available to both parties). Consider the case of “strategic misdescription” (SM). In SM, a party to a disagreement exaggerates their starting point in order to appear reasonable during a deliberative process that nonetheless yields an agreement with respect to which they have not, in fact, made truly commensurate, reciprocal concessions. I want the thermometer set at 19, and you want it at 21. The salient point of compromise is, all things being equal, 20. But I can strategically manipulate our joint deliberation by stating, falsely, that my initial preference is actually 17. This would make 19 the salient point of compromise — which corresponds to my actual initial preference. If I manage to make my SM opaque to my interlocutor, I will have succeeded in manipulating the proceedings in a way that make me appear as having engaged in compromise, though I have, in fact, conceded nothing.

Such misdescriptions are rendered even more complicated by the fact that we are often opaque to ourselves, which sometimes makes us unaware of the misdescriptions that we engage in. In the heat of deliberations in the context of a disagreement, we may find ourselves exaggerating for expressive rather than straightforwardly strategic reasons. This well-known phenomenon can skew deliberations aiming at compromise in ways similar to the way in which SM does, but it calls for different solutions. I will not say any more about this phenomenon in the context of this chapter, except to suggest that procedures aiming at compromise must identify ways for participants to consciously express not just preferences, but also the intensity of their preferences.

One variant of this kind of strategic consideration (one that can also play out “behind the backs” of those that engage in them) has to do with misstatements about where one’s “red line” lies. If one party is in fact willing to accept X, but claims that anything less than X+1 would be completely unacceptable an affront to their identity, and so on, they shift the feasible set of outcomes closer to their initial preferences than would be justified by a more sincere expression of what, within their set of preferences, is potentially the object of concession and what is not. In general, it could be said that an index of the success of a deliberative process is that it tends to reduce the area judged by both sides to be nonnegotiable. A sign of failure, conversely, is if both sides tend to “ratchet up” the line separating what can be conceded and what cannot.

The point of this section is to complicate the picture presented in section I. Disagreements that need to be resolved (some do not!) can sometimes (rarely) yield to consensus, at other times to compromise, and in other occasions again to power-based equilibria. To be sure, the nature of the disagreement will make a difference to the nature of the most likely resolution. But this connection will, in the view developed here, be mediated by the way in which the parties to the disagreement engage in deliberation. In the real world, the deliberative procedures that people engage in often mix elements of all three in different ways. Perhaps it is best to think of the three as lying on a continuum. Homing in on the case that interests me within the context of this chapter in particular – that of compromise – it is entirely possible that there are, in fact, very few cases of pure compromise. That is, there are very few cases of compromise from which strategic considerations are completely absent. The deliberative processes that I have been describing are idealizations. In the real world, processes of compromise are either colored by the prospect of consensus or (as I believe more likely) haunted by the risks associated with the untrammeled operation of considerations of power differentials.

III

I have thus far been engaged in a purely descriptive exercise. I have delineated three ways in which disagreements might be resolved and three kinds of deliberative or quasi-deliberative paths that can be taken to achieve these three very different kinds of resolution. But nothing I have said can be taken as an argument in favor of privileging one or the other of these three paths.

In this section, I would like to present a set of considerations that, in my view, should incline us, at least in the context of pluralist liberal democracies, to

privilege paths leading to compromise, as opposed to consensus or purely power-based settlements, as the dominant modality for the resolution of political disagreements. At first glance, this preference may seem counterintuitive. After all, one might ask, is consensus not the gold standard of conflict resolution that we should aspire to? There are at least a couple of reasons why we might have this preference. First, from the point of view of participants, consensus implies that everyone gets their preferred choice. Now, it could be that deliberations have altered the ways in which the parties view their disagreement and their preferences relative to that disagreement. I came into the process of deliberation favoring A, you entered favoring B, but we come to see as a result of our consensus-driven deliberations that C represents an optimal outcome for us both. (It could of course be that C = A, or that C = B, but what matters is that the party that had initially favored the other alternative comes to prefer the one favored by their deliberative partner in an uncoerced manner or, rather, due to the force of the better argument alone.) In the limit case of a consensus achieved deliberatively, there are no “moral remainders” – reasons to regret what might have been had one’s preferred option been selected.⁶

Second, it might be that there are reasons to prefer consensus, and therefore the deliberative road to possible consensus, because it is more robust. Parties to a disagreement are, on the face of it, less likely to be persuaded to abandon their preference for a consensus solution because, as we have just seen, when consensus arises there is no preferred option lying in wait on the basis of which the parties to the (resolved) disagreement might reevaluate their agreement.

So why not aim for consensus? My argument is that, in the context of pluralist liberal democracies (though perhaps not in other contexts), this is a high-risk strategy. Let us begin from the premise that, where disagreement exists in the context of a society that is pluralistic with respect to conceptions of the good, many disagreements are likely to be profound rather than superficial. That is, it is likely that they will in some way point back to deep philosophical and religious convictions. At the outset of a disagreement, we may not know for sure whether this is so, but there is a higher probability that it is the case than in, say, a more consensual society (if such a thing exists). In the context of such a society, it is therefore more likely than not that attempts at consensus will fail. Now, this may seem to be a risk worth taking. After all, if the search for consensus fails, the par-

⁶ As Simon May (2005) has pointed out, the outcomes of some deliberative procedures are sometimes mistaken for compromises, although they really amount to one or both parties having changed their mind relative to their starting point once having achieved consensus.

ticipants can always move along the continuum that I have mentioned above and aim for compromise instead.

But this may not work. Failed deliberations leave traces and may lead parties to a disagreement to vilify their opponents in ways that make the search for compromise more fraught than it would have been had it been the sought-after objective in the first place. Examples drawn from Canada's (failed) attempts at constitutional reform provide evidence of this concern. After the failure to include the province of Québec in the 1982 Constitution, Canada launched into a period of attempts at constitutional reform that aspired to achieve consensus among all provinces (and during the "Charlottetown round," stakeholders other than provincial governments as well). When these attempts failed, the bad blood that had been generated at least temporarily took compromise options off the table and led Québec to come within a few thousand referendum votes of seceding (and the rest of Canada to adopting a much more "hard-line" position relative to Québec's historical constitutional claims).⁷ This is just an example, of course, rather than dispositive proof, but it does point to a dynamic that I think has considerable plausibility. The failure of deliberations aimed at consensus does not return parties to the *status quo ante*. Rather, it leaves them with emotional and psychological baggage that may block one road that had previously been open – the road to compromise.

There is another, less obvious reason why failed attempts at consensus may not set the table adequately. If my suggestion above is plausible, this means that deliberators aiming at consensus do not develop the deliberative virtues required to reach compromise. Consensus-seekers practice some version of the "method of avoidance" and thus do not learn how to deal deliberatively with the kinds of conversations that need to be had when the comprehensive conceptions of the good that underpin the positions of parties locked in a disagreement are on the table, rather than avoided for the purposes of consensus-seeking. If this is correct, then those coming out of a failed attempt at consensus are not just dispositionally but perhaps also epistemically unprepared for the work of compromise.

My argument is that the case for compromise is partly prudential: in the context of a pluralistic society, there are reasons to think that quests for consensus will fail and that such failures will come with costs that may place parties to a disagreement in a less favorable position than they would have been had they not attempted an improbable consensus in the first place. Can a more full-

⁷ For an account of Canada's constitutional travails that makes the point that Canadian federalism was stabilized only after the search for constitutional consensus had been abandoned, see McDougall 2023.

throated, affirmative moral case be made for the preferability of compromise? I think it can. Let me now suggest three ways in which such an argument might be developed.

First, and perhaps most obviously, acknowledging that compromise, rather than consensus, might very well be the most realistic way of overcoming disagreement is perhaps the most plausible way of affirming the irreducible pluralism of conceptions of the good that is a permanent feature of modern societies that affirm basic rights and freedoms. Exercising such rights and freedom leads reasonable people to form diverse ways of thinking about the fundamental, normative questions that underpin the very different responses that various citizens give, for example, to complex policy questions. In other words, if we affirm the freedoms that give rise to pluralism, then the quest for compromise appears not as a *faute de mieux* that we repair to with regret when the search for consensus proves fruitless, but rather as a “first-best” – a process that allows us to identify solutions to our disagreements with which we all can live without having to renounce or hide from view the conceptions of the good that consensus theorists would have us bracket.⁸

Second, and relatedly, any decision to engage in the kind of deliberative process that aims at compromise, rather than at consensus, evinces a kind of respect that is arguably absent from deliberations aimed at consensus. In the latter, we view the comprehensive conceptions of others as obstacles preventing us from arriving at a desired result. In the former, on the other hand, we regard these conceptions as facts about our deliberative partners that are to be understood, appreciated, and explored. Moreover, we manifest respect toward those partners by sincerely putting forward the reasons that fundamentally motivate the positions that we take on disputed policy questions. Call this respect for curiosity, rather than epistemic abstinence (to borrow a phrase from Joseph Raz). There is, I would argue, something attractive about viewing our own controversial conceptions of the good, as well as those of others, as resources to be explored in the creative exercise that the search for compromises represents. Another way of expressing the point I am trying to make here is that compromise involves a kind of

⁸ Much contemporary political philosophy has taken its impetus from the claim made by John Rawls (1994) in *Political Liberalism* that the “fact of pluralism” constituted an ineradicable fact about modern democracies, one rendered even more acute by the liberal freedoms – of conscience, of association, of expression – that are hallmarks of such societies. It is ironic that, in that work, Rawls himself continued to insist upon the necessity of consensus, given the instability that he saw as inherent in *modus vivendi*. The fact that there is a middle ground between the two was something that he did not sufficiently appreciate.

recognition of others that is absent from the deliberations that occur in the somewhat austere terms of public reason.

Third, I would argue that, precisely because compromise allows us to draw on the full range of considerations that motivate us to take up the initial positions that we assume when we join in on deliberations, it opens up greater avenues toward the resolution of disagreements than searches carried out in the rarefied language of public reason. There are at least two reasons for this. First, we are more articulate when we deliberate with one another in terms that are meaningful to us and that are rooted in our identities and senses of what is of ultimate value. Public reason is no one's mother tongue. When we engage in debate – for example, by exchanging different arguments as to what the extensions and implications of standard liberal rights are – we are, as it were, arguing with one arm tied behind our backs, prevented as we are from saying what we really want to say. When, on the other hand, we bring the full normative resources of our conceptions of the good to bear, we can express ourselves with greater precision and naturalness. This points to a second way in which deliberation aimed at compromise can be more effective in giving rise to agreement. To the extent that we are making use of the full conceptual repertoires available to us in our rival evaluative schemes, there is the possibility for creative and, perhaps at the outset, unexpected bridges to be built between our conceptions that allow us, if not to fully close the distance that separates us, then at least to reduce it to some degree. Articulacy and conceptual richness are, I would argue, resources rather than impediments to the identification of possible compromises.

Now, there is no doubt that attempts at forging compromise can fail, and, when they do, they give rise to the same pathologies as failures to achieve consensus. I would respond to this by arguing that, first, if what I have said thus far is plausible, a search for compromise in the context of pluralism is more likely to succeed than attempts to reach consensus, and, second, that when such searches do fail, they place compromise in no worse a position than the one we find ourselves in when the search for consensus fails.

IV

I have thus far argued that compromise differs from settlement and consensus both because they are different *kinds* of agreement and because we deliberate differently depending on the kind of agreement that we are aiming to reach. I have also contended that, in real-world deliberative processes, deliberative partners often occupy spaces along a continuum on which we can place the three pro-

cesses, which mix with each other in different ways. In particular, deliberators aiming to achieve compromise may sometimes identify unexpected paths toward consensus, but they are more likely to labor with the shadow of strategy, with settlements based on power differentials looming as a consequence. Partners aiming to identify compromises are, in an important sense, *adversaries*. They disagree as to what the best way forward is on some policy question that they have to find a common answer to. They may, all things being equal, be inclined to prefer compromise solutions to the continuation, or even exacerbation, of conflict. But often, all things are not equal, and there are limits to what both sides are willing to accept by making the concessions that might be necessary to reach agreement.

Now, it could be that the threat of strategy is in some cases offset by the perception held by the parties that they are roughly equally situated with respect to the threat advantage. In such a situation, there may be no incentive for either side to a disagreement to shift the deliberative process in a more strategic, balance-of-power direction, given the risk that the winner-take-all logic that exists in strategic contexts represents. But disagreements occurring in a context of roughly equal threat advantage are likely to be rare. If this is the case, we will not be able to rely on a background of strategic deadlock to hold parties to the compromise point on the spectrum.

It is here that the tension that I alluded to earlier in this chapter clearly arises. We are imagining parties that disagree as to some question of policy. They are thus in a situation of conflict. We are also supposing, as seems likely, that these parties have unequal power relative to one another. In such a situation, we, looking at the situation as it were from a third-person perspective, may prefer that the parties resolve their conflict by means of compromise. But what motivation does the more powerful party have for doing so, when reverting to a more strategic logic could yield a more favorable outcome? People who are in conflict with one another tend not to be favorably disposed toward one another, and yet compromise requires some positive affect or, at the very least, a willingness to refrain from maximization, at least enough to prevent the more powerful party from taking a strategic perspective – but perhaps also to prompt both sides to adopt a curious, if not sympathetic point of view relative to the values and normative considerations that underpin the positions that they hold in a conflict. The question is: How do we generate the necessary reservoir of goodwill against the backdrop of conflict and disagreement? How do we arrest what might otherwise be an inexorable slide toward an outcome based solely in considerations of relative threat advantage?

Let me suggest two kinds of dynamics that can be quite clearly observed in some settings and that may perhaps be adapted to our purposes. First, there are

compelling examples of human settings in which, at least in non-dysfunctional cases, positive affect is generated by the nature of the relationship in which the parties to a disagreement find themselves. Consider the case of intimates, be they members of a family or group of friends. In such cases, the parties to the disagreement maintain their focus on compromise because they (hopefully) love and/or care for one another and, by virtue of that strong emotion, prescind from taking undue advantage of one another, even when considerations of power might allow one of the parties to do so. Parties to a disagreement in such contexts may also derive part of their identity from being a member of such an intimate unit. They may experience feelings of positive self-regard due to being part of a group that is capable of solving conflicts by giving due consideration to the perspectives of fellow intimates, without one stronger party simply dictating the terms of agreement to the weaker parties. In the following, I will refer to this kind of mechanism as *sympathetic identification*.

Considerations may also emerge in some contexts in which the stronger party refrains from imposing their will. This has to do with the fact that many non-intimate relationships are, though instrumental, extended through long periods of time. These include contexts in which interactions occur frequently over time. Now, in such a context, it could be that, with respect to one specific disagreement, one party finds themselves in a strategically favorable position that might allow them to impose their will. While doing so may appear advantageous if one focuses narrowly on the disagreement in question, it might come to seem too costly when the longer-term context of the relationship as a whole is taken into account. Though one party to a disagreement may find themselves in a strategically advantageous position here and now, there is no guarantee that the tables will not be turned at some later date. Some relationships, in other words, possess properties that inhibit local maximization, not by virtue of any affective relationship that the parties might find themselves in, but simply due to their temporally extended nature and the strategic uncertainty that often characterizes these kinds of relationships.⁹ I will refer to the kind of mechanism at work here as *iterated interaction*.

Can the more impersonal groups that are ultimately the focus of the work that must be undertaken in order to understand how compromise can function as an important tool of conflict resolution in social and political contexts avail themselves of these kinds of mechanisms?

⁹ The way in which the iterated nature of many human relationships can give rise to constraining maximization was of course central to the work of David Gauthier (1987) and to his solution to the Hobbesian fear of a war of all against all.

Let me in the first instance warn against institutionally unbound ways of answering this question. By this, I am referring to the search for the relevant mechanisms that occur outside specific institutional contexts. We may, for example, think that national identity might serve as a sufficient anchor for the identities and sympathies of citizens to activate sympathetic identification, and where it is ineffective, we might then be prompted to think that the rousing of national identity could give rise to the required affect. I would argue, however, that the currency of identity can give, and, in a number of societies in recent years, clearly has given, rise to dynamics that have exacerbated rather than calmed mistrust as well as a concomitant unwillingness to compromise. Conflicts often occur in modern pluralistic societies among members of identity groups whose affective claims upon their members are stronger than those of the encompassing national group. What is more, and as was made quite clear in the recent debates that occurred in many countries around public health measures in the context of COVID-19, political conflict, far from being able to draw on resources such as shared identity, often breeds new, conflictual identities. To be for or against public-health measures in many contexts became not just a matter of holding different beliefs, but of being different sorts of people. If we are concerned with finding ways in which society-wide disagreements can be prevented from descending into a purely strategic logic, there may be costs to adopting the currency of identity.

Moreover, the kind of “constrained maximization” that may result from *long-term* relationships presupposes two (or more) discrete, readily identifiable deliberative partners whose relationship extends through time. Though there may be examples of such relationships in modern societies (for example, partners in a federal power-sharing arrangement), the messy nature of democratic politics means that the kinds of partnerships that form in political contexts, and the kinds of disagreements that they are engaged in, are often fluid, cross-cutting, and evanescent. “Anti-vaxxers” constituted an identifiable group in the context of debates over vaccine mandates, but they were made up of political actors who, in other contexts, would find themselves on opposite sides of most other political disagreements. It is a healthy sign of democracy when such fluidity exists, as it avoids the formation of permanent divides and, even worse, of permanent minorities. The downside to this kind of fluidity, however, is that it may be difficult to halt the slide from compromise to purely power-based strategy by leveraging the kind of temporally extended prudence briefly described above.

If institutionally unbound political entities cannot rely on the kinds of affective resources that facilitate compromise among intimates and among parties that are engaged in long-term, iterated interactions, are there any other places that we can look to that might provide analogous resources? Or are large-scale polities stuck with the fragility of compromise?

I think that we can make at least some headway in averting such a pessimistic conclusion. What follows is not meant to be in any way exhaustive. Rather, it is intended to point out a way forward toward the kind of investigation that might help us to locate potential sources of affective support for compromise in settings that are very important for modern democracies, but that are institutionally constrained in ways that might avoid the risks associated with more institutionally unbound political spaces.

Here, I would like to suggest that one of the institutional locations central to the life of modern democracies – which is also the site of potential policy compromises – is the *political party*. Different electoral systems will tend to give rise to different kinds of political parties, more or less tightly organized around a core set of ideological commitments. However, it is fair to say that, aside from what perhaps tends to exist in proportional representation systems with extremely low qualification thresholds such as Israel's, political parties are coalitions. Political parties bring together people who, though they are united by some general set of political principles (often pitched at a fairly high level of abstraction), often disagree as to the best ways in which to realize those principles through specific public policies. In addition, political parties contain internal factions that are not so much organized around ideological principles as they are on the basis of distinct identities. Thus, large political parties generally comprise youth wings, women's caucuses, and the like. The members of these cross-cutting groups belong to political parties by virtue – at least in part – of their view that belonging to, and militating within, party A is a better way of realizing their political preferences than militating in party B.

Groups defined either by identity or by granular ideological preferences must come together in the run-up to an election with a political platforms – that is, with a coherent proposal made to the electorate as to what policies the party will pursue if elected. Such platforms rarely fully satisfy all factions. Party platform conventions are typically lively, sometimes acrimonious, contested forums within which disagreements on complex and contentious policy questions are resolved. This is to say that they are, at least in principles, places where compromises can be achieved.¹⁰

Now, it would be naïve and unrealistic to claim that parties as they are presently constituted perfectly instantiate the kind of deliberative process that, as I have argued, facilitates compromise. A useful question to ask is therefore: How

¹⁰ There has been a great deal of work done in recent years on the functions served by political parties that has been unduly neglected by political philosophers. Three particularly salient and important works in this regard are Rosenblum 2010; White and Ypi 2016; Rosenbluth and Shapiro 2018.

should political parties be organized in order to facilitate compromise? A full answer to this question would require a book rather than the final section of an essay. So, let me begin answering this question by pointing to some recent developments in the political organization of parties that, in my view, make them less likely to achieve this objective. In many countries, and across the political spectrum, political parties have put in place measures that have tended to reinforce the power of the party leader (and often the small coterie of trusted advisers with whom they surround themselves) to the detriment of the parliamentary party and active party members. One of the main ways in which this has occurred has had to do with the apparently democratic shifts that have been made in many parties toward, first, allowing party leaders to be selected by all members of the party and, second, trivializing “member” status, which has meant that all that is required to attain such status is the online payment of a small membership fee. When members defined in this way wield decisive decision-making power over the selection of the leader, it provides the leader with a power base that renders them less beholden to active party members and legislators. They are therefore able to disregard the kinds of deliberative processes that might occur among a more restricted set of members. In particular, it allows them to disregard the kinds of compromises that active members and legislators might arrive at as a result of such processes. There are two unfortunate consequences of the fact that intra-party democracy is given less weight. First, there is less of an incentive to undertake such deliberations in a serious manner since all members know that the leader can ultimately decide against the will of active members by relying on the support of a broader, more diffuse set of paid-up party members. Second, it tends to change legislators’ motivations by leading them to believe that their career advancement depends upon their loyalty to the leader, rather than on their vigorously carrying-out of deliberative work.¹¹

If parties are structured to encourage deliberation, then they are also able to draw on motivational resources that have at least the potential to prevent internal deliberations aimed at compromise from devolving into more strategic bargaining. For one thing, as has been noted by some of the aforementioned theorists who have placed parties back on the political-philosophy agenda, political parties are sources of *identification*. Partisanship brings members together around a common identity that cuts across the various subgroups that make up “big tent” political parties. Partisanship unites members in a way that makes it at the very least less likely that they will be tempted to pursue winner-take-all approaches to re-

¹¹ For a strikingly different view of how parties should be reformed to better realize democratic ends, see Fabio Wolkenstein 2019.

solving the kinds of disagreements that are certain to emerge among them, most notably during deliberations over an electoral platform. There are, to use the terminology introduced above, resources available within appropriately structured political parties that can mitigate the potential temptation for the more powerful parties to a deliberation to simply impose their will upon weaker parties by making use of sympathetic identification.

Now, it might be argued that though parties may indeed be locations of compromise, they are only sites of *partial* compromise. They leave unaddressed the conflicts and disagreements that will continue to exist *between* political parties. The institutional features of political parties may very well allow for differences between political agents who share a general political orientation to be bridged, but they do nothing to address broader societal divides. Indeed, to the extent that those agents succeed in doing their work, they may end up exacerbating the differences between the supporters of different political parties. Under the right circumstances, intra-party democracy can be a forum for compromise, but what about inter-party democracy?

This is where paying attention to specific institutional mechanisms may point toward sources of affective support for compromise that are invisible when we consider democracies in a more institutionally disembodied way. I will now briefly invoke two features that deserve more in-depth exploration. First, the party members who get elected to the legislature form a political class. In an appropriately designed context, they might come to see legislators “on the other side of the aisle” as colleagues with whom they share a professional identity. They will tend to work together within the (to the general public largely invisible) institutional contexts of structures such as legislative committees tasked with reporting to the legislature on a host of important policy issues. A question analogous to the one that we asked in the case of political parties can be posed here too: How can we institutionalize the multiple institutional locations where legislative colleagues interact in a way that leverages the potential compromise-promoting collegiality fostered by professional identity and institutional proximity while minimizing incentives that might lead legislators (especially members of the governing party) away from a logic of compromise toward one that encourages purely strategic considerations?

As in the case of political parties, I can only give the briefest of responses here by briefly illustrating, rather than exhaustively dealing with, this question. Consider the composition of legislative committees. One way in which to ensure, or at least make it very likely, that strategic considerations will take on a central role in the deliberations of legislative committees is to staff them in a way that simply reflects the balance of forces in the legislature. If committees are composed in this way, the incentive for members of the dominant party to simply

“lord it over” committee members from other parties will loom large. If, however, they are staffed more equitably, such strategic temptations will be muted. The kind of collegiality and professional identification that I hypothesized above will be allowed to hold sway, at least to a degree, against the temptations that the less equitable staffing of parliamentary committees might give rise to.¹² Thus, once again, given adequate institutional design, there is potential for a kind of sympathetic identification.

Another point about the work of parliamentary democracy is that it is paradigmatically a site of iterated interactions. Parties and their members face one another over the long term, and it is known to all, at least in democracies marked by fair elections accompanied by frequent changes in power, that a party or coalition of parties possessed of considerable power at time T1 may find itself bereft of power at time T2. To revert to the terminology introduced above, there is at least the potential within well-designed parliamentary institutions for the kind of iterated interactions that might tend to constrain maximization and promote compromise.

Now for a final word: Philip Pettit argued in “The Cunning of Trust” that trust can obey a bootstrapping logic. Individuals and groups who may initially be marked by an almost complete lack of trust can increase their capital of trust by successfully negotiating a conflictual situation. They will then meet the next disagreement that they must face with an increased reservoir of trust, which will make success more likely than it might have been in the initial situation of distrust. A virtuous circle can thereby, according to Pettit (1995), be set in motion that increases both trust and the effective use of that trust in order to achieve mutually agreeable solutions to disagreements, rather than outcomes that merely reflect the balance of forces.

Is it implausible to suppose that a similar dynamic might characterize successive attempts at compromise – that is, that success in achieving compromises might increase the affective resources available to putative compromisers in ways that make subsequent compromises even more likely? If this is the case, then it might turn out that a third potential resource for the stabilization of deliberative logics of compromise is . . . compromise itself!

¹² For some analyses of how the potential for parliamentary committees and commissions of inquiry to give rise to compromises waxes and wanes depending on circumstances and on questions of institutional design in one particular jurisdiction, namely Sweden, see Mattson 2016; Dahlström, Lindberg and Pronin 2021.

Conclusion

In this chapter, I argued that compromise is important for modern democracies marked by deep and intractable pluralism. However, I also contended that it is marked by constitutive fragility, since there is a temptation for strategically better-situated parties in democratic debate to move from a deliberative space conducive to compromise to a strategic space marked by the logic of both winner-takes-all and *modus vivendi*. I suggested that erecting bulwarks against this fragility requires the identification of spaces within democracies where the kinds of dynamics that we see sustaining compromise in interpersonal contexts might exist proposing “sympathetic identification” and “iterated interactions” as terms to potentially describe such dynamics. Finally, I argued that political parties on the one hand and “off the radar” parliamentary institutions such as parliamentary committees on the other might be appropriate institutional locations for this. They will only operate in a manner conducive to compromise if they are designed with attention to the potential that they hold in this regard.

Works Cited

Dahlström, Carl, Erik Lindberg, and Kira Pronin (2021) “No More Political Compromise? Swedish Commissions of Inquiry 1990–2016,” *Scandinavian Political Studies* 44.4, 416–440.

Gaus, Gerald A. (2010) *The Order of Public Reason* (Oxford: Oxford University Press).

Gauthier, David (1987) *Morals by Agreement* (Oxford: Oxford University Press).

Jones, Peter, and Ian O’Flynn (2023) “Can a Compromise be Fair?,” *Politics, Philosophy & Economics* 12.2, 115–135.

Knight, Jack, and Melissa Schwartzenberg (2024) *Democratic Ideals: A Defense of Political Bargaining* (Cambridge: Harvard University Press).

May, Simon Căbulea (2013) “Compromise,” in *International Encyclopedia of Ethics*, vol. 1, ed. Hugh LaFollette (Oxford: Wiley), 959–968.

May, Simon Căbulea (2005) “Principles Compromise and the Abortion Controversy,” *Philosophy and Public Affairs* 33.4, 317–348.

Mattson, Ingvar (2016) “Parliamentary Committees: A Ground for Compromise and Conflict,” *Oxford Handbook of Swedish Politics*, ed. J. Pierre (Oxford: Oxford University Press).

McDougall, Andrew (2023) *Sleeping Dogs: Quebec and the Stabilization of Canadian Federalism after 1995* (Toronto: University of Toronto Press).

Pettit, Philip (1995), “The Cunning of Trust,” *Philosophy and Public Affairs* 24.3, 202–225.

Rawls, John (1985) “Justice as Fairness: Political not Metaphysical,” *Philosophy and Public Affairs* 14.3, 223–251.

Rawls, John (1994) *Political Liberalism* (New York: Columbia University Press).

Rouméas, Élise (2021) “The Procedural Value of Compromise,” *Social Theory and Practice* 47.2, 377–396.

Rosenblum, Nancy L. (2010) *On the Side of Angels: An Appreciation of Parties and Partisanship* (Princeton: Princeton University Press).

Rosenbluth, Francis MacCall, and Ian Shapiro (2018) *Responsible Parties: Saving Democracy from Itself* (New Haven: Yale University Press).

Weinstock, Daniel (2017) “Compromise, Pluralism, and Deliberation,” *Critical Review of International Social and Political Philosophy* 20.5, 636–655.

White, Jonathan, and Lea Ypi (2016) *The Meaning of Partisanship* (Oxford: Oxford University Press).

Wolkenstein, Fabio (2019) *Rethinking Party Reform* (Oxford: Oxford University Press).

