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COMPROMISE

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COMPROMISE AND REPRESENTATIVE GOVERNMENT

A SKEPTICAL PERSPECTIVE

ALEXANDER S. KIRSHNER

Compromise is the duct tape holding representative governments together. Without compromise, the ramshackle institutions of modern democracies would ground to a halt or, worse, collapse. A willingness to compromise plausibly resolves two related problems. First, compromises make public or reflect rival partisans' status as partners in the work of self-government. Second, compromises allow those who disagree vigorously with one another to get good things done. By contrast, bargaining and bare democratic competition, the chief rivals to compromise, are distressingly inadequate to these tasks. As long as our representatives take care to avoid reprehensible or morally rotten compromises, we should actively encourage them to come to terms.¹ At least this is what public intellectuals and political theorists often tell us.

Champions of compromise treat the fact that a decision was forged via a compromise as an additional reason to value that decision, an additional reason to trust in its wisdom. To warrant that special status, political compromises must be more effective at reflecting respect or advancing individuals' interests than other ways of making political decisions, like bargaining and voting. If that were not the case, or if we did not have good reason to believe it were the case, there would be little reason to consider whether a decision was a compromise.

One reason to think that political compromises are special is because interpersonal compromises may be. Certain valuable personal relationships, like a loving partnership or a true friendship, require compromise; compromise between individuals is fundamental, even constitutive of these relationships. Hard-won understandings and compromises distinguish a couple that has built a loving relationship from a couple that is merely in love. If a married couple never compromises with each other, we could infer reasonably that they were not properly participating in that relationship, that they lacked the requisite attitudes and commitments. It would raise a red flag if my colleague and his husband always made difficult choices by bargaining with each other. Moreover, in these relationships, compromises play a special role advancing and securing the welfare of the participants. We can be reasonably confident of this because, in theory, each party is deeply committed to the well-being of all those affected by their agreements. I assume, *arguendo*, the validity of these characterizations of interpersonal compromise.

Scholars are sometimes tempted to treat the political and interpersonal varieties of compromises as if they were interchangeable. Avishai Margalit's well-regarded work on rotten compromises illustrates the force of this temptation. Compromises, for Margalit, always convey recognition no matter who makes them.² He discusses the principal-agent problem and decries agreements that harm those not party to a compromise, but he still treats compromises reached by leaders of a state as if they had been reached by that states' citizens. In this chapter, I show the cost of this philosophical sleight of hand.

If we take the institutional setting of representative government seriously, we cannot overlook the fact that major political decisions are not made by the people themselves, but by their representatives, the people's agents.³ Political compromises are not interpersonal compromises. And once we remove the step stool provided by the analogy with interpersonal compromises, political compromises must stand on their own. Though I will not consider every argument in their favor, as I will show, we have good reason to be skeptical of the claim that political compromises are especially valuable.

Consider the first political challenge ostensibly resolved by compromise, the need for decisions to reflect or communicate mutual respect. When citizens recognize each other's equality and their representatives forge a compromise that citizens embrace, those citizens can understand themselves to be involved in a relation of mutual respect or partnership. But in the political context, that relation might also be reflected in fair bargains, fair competition, or in any number of practices besides compromise. More importantly, common cause is not reflected when legislators and representatives get ahead of those who elected them or when citizens do not respect one another. F. W. de Klerk, an elected leader, forged a compromise that ended Apartheid. But many South Africans did not respect their fellow citizens and de Klerk's compromise did not evince white citizens' respect for their black and colored counterparts. Because citizens rarely forge agreements themselves, we cannot assume that compromises regularly reflect mutual respect or its cognate sentiments, like recognition. And when we are sure that a compromise instantiates respect, there is little reason to think that it is the only or even the best way to make that respect public.

Instrumental arguments for compromise, arguments that focus on what compromise achieves, do not fare much better; they are also complicated by the institutional setting of representative government. In the political domain, representatives make decisions in place of their constituents and constituents possess only imperfect ways of holding their representatives to account. By implication, we cannot treat as given that compromises systematically advance citizens' interests. Politicians often forge compromises at the expense of others and those compromises may attenuate the mechanisms used to keep them in check.

From this more realistic perspective, we can also consider the claim that the stability of representative government hinges on key political players' willingness to compromise. Even if one conceded that compromises might not be consistently more attractive than other kinds of decisions, if they are necessary for democratic stability, they might warrant their lofty reputation. But this is a dead end too. Any polity that was actually steadied by the spirit of compromise, any polity that depended on compromise to that degree, would likely possess fairly dismal prospects for longevity. And

because many regimes are stable, we should conclude that they are planted in substantially firmer soil than individuals' willingness to compromise.

Scholarly and journalistic paeans to compromise are conspicuously silent about the institutional setting in which consequential political compromises are forged. The potential risks associated with compromise, some of them quite substantial, are not given their due and the problems resolved by compromise are mischaracterized. As a result, the conclusions of these works are skewed in predictable ways—compromise is warmly embraced, when a more nuanced and cautious approach is warranted. Political compromises may be of value, but they may also be objectionable. And any credible theory of compromise should acknowledge both sides of the coin.

I. DEFINING COMPROMISE

The process of compromising is a form of collective decision-making, like voting, deliberating, drawing straws, or bargaining. A compromise is the outcome of that process and, like the outcome of any decision-making process, a compromise can be evaluated in light of how it was achieved (was the process fair?) and with respect to its content and effects (is the new state of affairs more just?).

To assess the special character of compromises, I use a definition that allows us to distinguish compromises from other decisions. A compromise is the product of a negotiation in which at least one of the parties willfully accepts an outcome inferior to the outcome they would most prefer.⁴ They accept this inferior outcome because they desire, for whatever reason, to reach an agreement. In the case of bargaining, where both sides seek as much as possible, there is a serious risk that their efforts will not produce an agreement. By contrast, with a compromise, each party prefers that the other side accept her position, but together they come to a mutually acceptable agreement that does not fully satisfy at least one of the parties' preferences.

If during a negotiation a party changes her mind, coming to think that the outcome of the negotiation is superior to her initial preference, it does not make sense to refer to the final agreement

as a compromise.⁵ Consider the following example. Imagine I am negotiating with my partner about what to eat for dinner. Initially, I prefer pasta. My partner prefers salad. Suppose that I am also worried, for whatever reasons, about eating too many carbs. During our discussion, I realize I probably should avoid the pasta and we agree on salad. In this case, I haven't compromised. I now prefer salad to pasta.

Compromise necessarily carries an element of disdain or dissatisfaction.⁶ This distinctive element contributes to its evanescent quality, one it shares with the practice of toleration. As Bernard Williams observed: "If there is to be a question of toleration; there has to be some belief or practice or way of life that one group thinks (however fanatically or unreasonably) wrong, mistaken, or undesirable . . . [The tolerant] will indeed have to lose something, their desire to suppress or drive out their rival belief; but they will also keep something, their commitment to their own beliefs, which is what gave them that desire in the first place."⁷ In the case of toleration, if one no longer feels the pull of disapproval, if one becomes indifferent or even positively disposed to the belief or practice in question, then one is no longer engaged in the practice. So too with compromise. And as with toleration, the equivocal set of judgments at the core of compromise gives rise to a series of theoretical knots that philosophers and political theorists have habitually untied and tied again (e.g., If it is morally right to compromise, then how can it be objectionable to do so? If a compromise is morally objectionable, then how can it be right to agree to it?).⁸

This chapter is not concerned with the conceptual possibility of principled or moral compromise. I will assume that compromises are possible and not incoherent. I grant that some compromises are morally reprehensible, but that this fact should not lead us to reject all compromises. Turning from these issues, I focus on the key problem representation poses for self-governance: a society's moral stakeholders are not identical with its decision makers. Rather than make policy directly, in modern representative regimes citizens elect officials who make decisions in their name. These facts are plain enough, but they raise serious complications for our consideration of compromise. The practice may be an especially valuable tool when used by small groups, but its character is less obviously beneficial in a democracy.

II. THE INTRINSIC VALUE OF COMPROMISES

One strategy for establishing the special qualities of compromise is to focus on what it is, not what it achieves. Intrinsic arguments for compromise generally contend that it instantiates a form of respect. Daniel Weinstock has argued, for example, that coming to agreements at the cost of our own preferences reflects our regard for the epistemic quality of our fellow citizens and our desire that they see themselves as authors of policy and law.⁹ On this account, compromises are costly signals. By giving up something we value, we credibly communicate esteem for our partners.

This view of compromise might seem especially plausible if one adopts the perspective of certain ideal conceptions of democracy, conceptions that treat self-government as a joint activity in which everyone does their part. Scholars in this tradition contend that for democratic decisions to be obligatory, citizens must share a certain kind of attitude about their compatriots and a certain relationship with the institutions of the state. Ronald Dworkin developed a conception of democracy along these lines, one he called: partnership democracy.¹⁰ In a partnership democracy, citizens will think of themselves as members and collaborators in a political community. When disagreements arise in a partnership democracy, Dworkin observes, we do not treat another citizen as an enemy or an obstacle. Instead, we seek to "understand the force of his contrary views or to develop our own opinions in a way that makes them responsive to his."¹¹

Surely, in a democracy of this sort, one laden with mutual respect, compromises really would reflect the valuable character of one's political relations. A compromise really would possess intrinsic value. But it is not clear why compromise would be any more valuable, any better at instantiating mutual respect, than other reasonably fair modes of decision-making. Presumably a democratic process manned by citizens who respect one another instantiates mutual respect when majorities make decisions or when conflicting parties bargain over the best course of action. If I get a fair shot at winning an election or gaining an outcome I desire via bargaining, then I am being treated as an equal even if I do not compromise with anyone.¹² For example, my partners might respect me enough to tell me when I am wrong. They might compete to

establish policies they believe will better serve the commonweal. Indeed, in an environment defined by mutual respect, I might feel condescended to if someone felt the need to compromise with me. When my weekend soccer game is running long, my friends sometimes let me score so that the game will end. But in that case they aren't really treating me as an equal. I cannot go home and boast to my family about my exploits.

Treating compromise as a singular way to acknowledge one's democratic partners requires one to accept an idiosyncratic conception of democratic practice. Weinstock, for example, suggests that compromises reflect the import of having one's own preferences reflected in law and policy.¹³ To illustrate his point, he asks us to consider a winner-take-all society, a society in which political losers are completely shut out of influencing policy. In such a place, it is true, compromise might offer a special way of acknowledging our fellow citizens. But this conclusion is not generalizable. It only holds if we assume background institutions that are strictly majoritarian and characterized by a single election. Of course, many political systems do not completely exclude the losers of a single poll—e.g., any multi-level democracy (federal and local) or any polity with non-majoritarian features. And all plausibly democratic regimes hold repeated elections. Electoral losers can seek to influence policy by gaining more voters or building new coalitions. In these regimes, if I am an election winner, I can express my respect for the intelligence of my partners in self-government by competing against them. If my fellow citizens get more votes at the next election, I can leave office and respect their claim to rule, which is itself a costly signal of recognition.¹⁴ As long as we all respect one another, our sense of partnership will take many forms. Of course, specific compromises might be valuable in the idealistic conditions outlined by Dworkin, but those compromises have no more intrinsic value than the comparable output of any fair decision-making procedure.

Wisely considering alternative paths to reach his argumentative goals, Weinstock treats the possibility that compromise might actually have greater intrinsic weight under non-ideal or imperfect circumstances, conditions in which the political process and political institutions are not already imbued with equal respect.¹⁵ Citizens, on this view, can forge compromises as a way of acknowledging

the moral equality of fellow citizens who have been the subject of historical injustices or who have been unjustifiably locked out of the democratic process. But this is not self-evidently the best strategy for defending the intrinsic value on compromise. Weinstock's gambit implies that we might only reap the intrinsic value of compromise when we compromise with certain sections of the populace, individuals who are not adequately acknowledged by a society's political institutions. If, on the other hand, we compromise with those who have benefitted from historical injustices and political inequalities—perhaps the main political players in a society—the compromise has no intrinsic value at all. Indeed, compromising with the privileged likely reflects not equal respect, but deference or collusion (depending on whether you are a member of the elite). This strategy cannot be the basis of an account of the special value of the compromise. Moreover, in cases where one of the parties in a negotiation has been systematically disadvantaged by the political system, it seems odd to hold that a compromise is an attractive way of respecting their political equality. Why not just meet their demands? To return to the South African case, the appropriate way to signal the political equality of those who had been harmed by Apartheid was not to compromise with them, but to attempt, in whatever ways feasible, to make them whole.

Once we shift our point of reference from partnership democracies to the flawed representative regimes observed in the real world, arguments concerning the intrinsic value of compromise become tangled in the intricacies of the principal-agent problem. In representative regimes, politicians, professional activists, and bureaucrats typically make compromises. In many cases, these compromises will not track the preferences of constituents (otherwise there would often be no need to compromise—one could just reach a mutually acceptable agreement). Perhaps one's constituents would not reach the compromise in question because they dislike their fellow citizens or because they are indifferent to the issue. Of course, this does not mean a representative should reject the compromise. The deal might still be in the interest of her constituents. It might advance the cause of justice. But if compromises do not reliably track constituents' preferences, we should be skeptical of the claim that they generally possess intrinsic worth. For a compromise to be valuable as such, the parties to the agreement

must understand that they have come to a compromise and have intended to do it. This seems uncontroversial to me. If I do not mean to compromise or somehow fail to realize that I am doing so, then it would be a mistake to interpret my agreement as reflecting either respect or concern. Part of what distinguishes compromise from other forms of decision-making is the way participants self-consciously embrace inferior outcomes. And if we accept that constituents would not reach a particular compromise on their own, then that compromise is devoid of intrinsic value.

It may be that some political compromises are intrinsically valuable. My claim, however, is that we lack grounds to conclude that compromising is a superior or morally special form of decision-making. Under ideal conditions, compromise is no more praiseworthy than any other way of reaching agreements. And under less than ideal conditions, a significant proportion of the compromises that are achieved—compromises reached with those who have benefited from unjust conditions and compromises that would not be reached by the constituents in question—lack intrinsic value. One might think that I have been insufficiently charitable to the advocates of compromise. Perhaps their claim is not that actual compromises consistently reflect citizens' moral equality, but that citizens have a duty to forge compromises that do so. This argument is not especially problematic. Individuals possess a duty to establish conditions consistent with their fellow citizens' moral status. They can fulfill this duty via compromise but also by any number of other avenues, including negotiation or principled obstruction. In other words, the character of compromise is irrelevant to the duty in question.

The distance between constituents and their representatives complicates our ability to assign intrinsic value to political compromises. But that distance does not make decisions reached by representatives unauthoritative. The intrinsic value of compromise depends on the active assent of parties to that compromise. But the ability of political institutions to generate decisions that individuals have an obligation to obey regardless of their content does not depend on whether citizens agree with a particular decision; it depends on whether the system of representative government as a whole is generally better than individuals at determining the best course of action or on whether the system objectively instantiates some morally valuable quality—like our common political equality.

III. THE INSTRUMENTAL VALUE OF COMPROMISES

Real-world conditions make life difficult for defenders of the intrinsic value of compromise. But they also complicate the task of those who focus on the instrumental benefits of compromise. Two related instrumental arguments for compromise are generally advanced. The first depends on the value of getting things done and the second on the way compromise contributes to the stability of democratic government. The next two sections of this chapter discuss each of these arguments in turn.

In their recent book, *The Spirit of Compromise: Why Governing Demands It and Campaigning Undermines It*, Amy Gutmann and Dennis Thompson focus on shortcomings of the status quo. Inspired by the legislative trench warfare that marks American politics, the authors are particularly troubled by politicians' aversion to compromise. They contend that the "chief reason to be concerned [about this problem] is that the greater resistance to compromise, the greater the bias in favor of the status quo." This bias, they argue, is deeply problematic because the world keeps moving. Even if law and policy remain unchanged, the conditions those laws and policies were meant to address shift inevitably, reducing the effectiveness of government action. Regardless of one's position on the ideological spectrum, or one's beliefs about the effectiveness of government policy, they contend, "few would argue for legislative inertia as a general policy."¹⁶ Their claim is not that all shifts from the status quo are commendable, but that, all else equal, we should favor those shifts to stasis. It is not difficult to see why compromise could be a solution to this problem. Compromise implies that parties are willing to give something up to reach an agreement. They still regard the outcome as distasteful—otherwise the agreement would not be a compromise—but they have become receptive to the benefits of agreement for agreement's sake. That willingness plausibly greases the wheels of the democratic process. The logic of the argument can be summarized in the following way: the more politicians are willing to compromise, the more agreements they will reach, the more frequently a society will move from the status quo, the better off citizens will be.

Gutmann and Thompson's approach, I believe, depends on the assumption that political compromise is akin to interpersonal

compromise. It is relatively unproblematic to assume interpersonal compromises will generally advance the interests of those who are party to them. As long as we believe individuals have a decent, if imperfect, sense of what will advance their common interests and are committed to doing so, we would be justified in thinking that the agreement improves their well-being, that reaching some agreement is generally better than reaching no agreement at all. Gutmann and Thompson have to presume that the same logic applies to large-scale, collective compromises. In other words, they have to believe that political compromises consistently advance citizens' interests more effectively than the alternatives.

Of course, citizens rarely forge political compromises. Representatives do that work. What keeps politicians from reaching agreements that are not in the interest of their constituents is the shadow of future elections.¹⁷ Because politicians are accountable to those who they represent, their actions are likely to track the preferences and therefore the interests of their constituents, we hope. Gutmann and Thompson's argument depends on this assumption. Without it, it would be not reasonable to expect political compromises to make a special contribution to the well-being of the populace.

Gutmann and Thompson's argument, and others like it, suffer from the following problem: elite compromises may not advance those interests better than other forms of decision-making. The authors point to the 1986 Tax Reform in the United States as an example of beneficial compromise. No group was perfectly satisfied by the outcome, but most reasonable people now believe, the authors claim, that the agreement was better than no deal at all. I accept this description of the 1986 Tax Reform Act. Still, to ensure that we get a full sense of the topic, it makes sense to consider other instances of legislative compromise. Between 2003 and 2013, for example, members of the US Senate weighed the possibility of the "nuclear option." The nuclear option entailed a Senate majority voiding, via parliamentary maneuver, the requirement that 60 votes be cast to cut off unlimited consideration of Senate actions—such as the approval of legislation or the appointment of executive branch officials. In the future, a simple majority would be required to take such action, making it easier for the Senate to act. For individual senators, however, the nuclear option would diminish their capacity to block legislation. They would lose opportunities

to extract special deals for their constituents and supporters. For more than a decade, despite all of the recent handwringing over partisan enmity, a bipartisan group of senators managed to temper their distaste for compromise and block the nuclear option.

The insider deals that saved the filibuster reveal two flaws that hobble status-quo-based arguments for compromise. First, in the context of representative government, compromises may preserve or even further entrench the status quo. The conditions required for such an outcome are unexceptional. As long as both sides of the negotiation would prefer: (a) an alternative to the status quo; (b) the status quo to the alternative favored by their rivals—then the two sides can compromise by agreeing to the status quo. My party might want to cut funding for school lunches and your party might want to increase it and, flushed by the spirit of compromise, we might agree to keep things just as they are. To be sure, compromises that maintain the status quo are less likely to draw attention than those that cause dramatic shifts in policy or law. But there is no abstract or definitional reason to assume that a willingness to compromise should lead to shifts away from the way things are currently done. Additionally, members of a single party might forge compromises with each other, compromises that ensure their joint opposition to policy changes. Whether compromises actually lead to change is therefore an empirical question. It is not one that proponents of compromise have answered. And given the difficulty of identifying compromises that maintain things as they are, it may prove impossible to answer.

Second, the ignominious history of the filibuster shows that cross-party compromises may exacerbate the principal-agent problems bedeviling representative government. In the political context, the principals, the people, have different interests than their agents—elected officials—and they face serious challenges monitoring those agents. The compromises reached by representatives may benefit representatives at the expense of their constituents. Presumably, what keeps representatives from making decisions that are too far afield from voters is the prospect of a lost election. And politics can establish institutional measures to mitigate the costs of monitoring representatives (e.g., Prime Minister's questions, publishing credible official statistics, supporting independent news sources, and so forth). But compromise may make this monitoring more challenging and more costly. By coming

together across party lines to defend the filibuster, senators made it harder for their constituents to assign responsibility for government inaction. This phenomenon is not peculiar to the argument under discussion. Compromises between parties, certainly between two dominant parties, likely attenuate mechanisms of accountability. In other words, we might expect compromises to be worse, or at least no better at advancing citizens' interests than normal bargaining or voting.

The deep-seated tension between the spirit of compromise and political accountability can be illustrated in another way. For the sake of argument, we might accept that compromise is an effective method for bringing about political change. But there are other plausible strategies for increasing the frequency of such changes. For example, we might alter the institutional structures that define decision-making. Electoral rules can be manipulated, increasing the chance that elected representatives' policy preferences will overlap. Reducing the number of veto players—the number of actors whose agreement is needed to take action—might also increase the likelihood of policy shifts. Though modern scholars such as Keith Krehbiel, Kenneth Shepsle, George Tseblis, and Barry Weingast have traced how the multiplication of veto players can thwart change, the idea can be plausibly attributed to proponents of checks on political power, like the founders of the American republic.¹⁸ The logic of the claim is straightforward. The more parties to an agreement there are, the more difficult it will be to satisfy all the parties. In this context, reducing the number of veto players is especially interesting, because it would simultaneously diminish adherence to the status quo and the import of compromise.

Imagine nine friends. Every night they have to decide where to go for dinner. Each friend has the power to reject a decision. Normally, they bargain among themselves, but sometimes this bargaining fails and they end up staying in. Everybody would prefer to eat out, but sometimes they cannot identify an option each one prefers to staying at home on the couch. To increase the frequency of their dinners, members of the group could commit to compromise more often—e.g., normally, I will only eat Spanish, and now I am willing to accept Italian, in the name of going out somewhere together. Alternatively, we might think a rule change is in order. The entire group should go out if five friends agree to do

so. This approach reduces the number of veto players from nine to five. We expect the compromise-based approach to produce moderate outcomes—e.g., Italian every night. By contrast, with the veto-player approach, we broaden the range of possible results, increasing the likelihood of more extreme shifts as the pivotal voter changes—e.g., German one night, Japanese the next. If this is correct, it seems that calls for inter-party compromise are not merely that; they also carry, if covertly, an additional feature—a strong substantive preference for political moderation.

Like white gym socks worn with expensive leather shoes, a bias toward political moderation does not flatter democratic arguments for political compromise. To see why, consider the problem compromise is meant to resolve. Gutmann and Thompson contend politicians are overly wedded to the legislative status quo. Presumably, representatives are wary of compromising with members of other parties or even members of their own parties because they fear their constituents will punish them at the polls. On this telling, the constituents, or at least an electorally significant number of them, are not moderates—at a minimum they are more likely to support a candidate who makes extremist rather than moderate appeals. If constituents were moderate by nature, their representatives would, presumably, be willing to compromise. A spirit of compromise, in other words, is meant to embolden representatives to break from their constituents. In the context of representative government, establishing substantive goals for officials to pursue in the face of public opposition inevitably conflicts with the idea that representatives should be accountable to the citizens—the actual moral stakeholders in question. But once we argue that politicians should forge compromises that conflict with their constituents' preferences, we are left with the question of whether those compromises will advance citizens' interests better than the alternatives.

It seems to me that there are two ways defenders of compromise could salvage their position. First, one might claim that electorates would, in general, favor compromise but are often trapped in institutional contexts that encourage their representatives to respond solely to extremists or individuals and groups wielding outsized political power. If so, if politicians' incentives are skewed in this way, then it might appear that a spirit of compromise could ameliorate the impassive character of the political process. But what would be

the character of those compromises? Wouldn't they be systematically warped and weakened by the very same incentives and character flaws that have skewed representatives' actions in the first place? Presumably those agreements would not advance the commonweal—but like the American Congress's foolhardy Sequester—they would achieve outcomes that favor extremists, powerful constituents, and, in all likelihood, representatives themselves.¹⁹ Second, one might argue that compromises should be reached because democratic accountability is less valuable than political moderation. But for this strategy to work, one needs to offer an independent theory for why we ought to value political moderation even when moderation conflicts with the views of the people. In other words, that theory, for better or worse, would not be democratic and it would not stand or fall on the character of compromise.

IV. COMPROMISE AND DEMOCRATIC STABILITY

Collective self-government, it is said, is not sustainable without compromise. It is easy to see why an argument of this sort is attractive. And this claim is at the heart of a different strategy for defending compromise. If compromise is necessary to maintain a morally valuable form of government, then compromise is especially praiseworthy. I certainly accept that self-government is morally valuable. But since necessity is a redoubt of otherwise unpersuasive moral arguments, it is worth critically analyzing the claim that democratic stability depends on compromise.

One version of the argument—which I will refer to as the strong thesis—is that a paucity of compromises (or a lack of willingness to find compromises) will cause a democratic regime to fail. In other words, compromise is necessary, if not sufficient, for democratic stability. There are formidable difficulties involved with determining whether the strong claim is true. In practice, it will be difficult to distinguish between a failure to compromise and a lack of sufficiently shared interests to allow a compromise. Suppose that my colleagues and I are considering topics for next year's courses. Perhaps not surprisingly, I want all the classes to focus on my research. My colleagues believe, unreasonably to my mind, in introducing our students to the works of Plato, Aristotle, Hobbes, Hume, and Rousseau. Even if I assign a non-trivial value on reaching an agreement,

our beliefs about the relative merit of undertaking a particular course of action might be so divergent that no compromise is feasible. How can proponents of the strong claim discriminate between uncompromising attitudes and divergent interests? It is hard to say. Along the same lines, the structural factors that political scientists generally associate with the failure of democratic regimes, extreme inequality and poverty, may reduce individuals' desire and ability to forge compromises. When we observe the collapse of democracy, we might also observe political leaders who are unwilling or unable to forge a compromise. But both outcomes might simply be the effects of a more fundamental cause—i.e., inequality and poverty.

Ignoring these empirical difficulties may lead political theorists to credit misleading arguments. Adam Przeworski, for example, has long argued that democratic stability is underwritten by wealth. The wealthier a democracy is, the less likely it is to fail, Przeworski contends. Many recent paeans to compromise have been inspired by the contentious character of politics in the United States (per capita income over \$40,000) (Penn World Tables 8.0). Since 1950, no democracy with a GDP per capita above \$8,100 has failed.²⁰ At a certain point, undermining democracy just isn't worth the trouble. For wealthy countries, the likelihood that a failure to compromise would threaten the regime is not great.

More generally, basic differences separate the theories of political stability that dominate contemporary political science from the theories motivating normative discussions of compromise. Democracies are stable, political scientists now contend, when individuals with the capacity to undermine the regime believe that it is in their interest, and in the interest of other similarly placed individuals, to sustain the regime.²¹ In other words, a democracy is stable when it is self-enforcing. By implication, even if officials are unwilling to compromise, if individuals have an interest in maintaining the regime, it will persist. This approach to democratic stability can account for the remarkable longevity of wealthy democracies since 1950.

By contrast, advocates of the strong thesis believe that democracies will be stable only if individuals highly value agreement. The strong thesis implies that democracies might fail if individuals are unwilling to compromise, even if those individuals value living in a democracy. This view does not seem especially plausible. Consider

the United States. It has become commonplace for journalists and political theorists to bemoan the inability of American politicians to work together. For argument's sake, let's accept the validity of the concern. If we do, the relative stability of the American republic in the aftermath of 9/11 and the "Great Recession" should lead us to doubt the claim that compromise is a bearing wall of democracy. It is normal for political regimes to confront political, economic, and military crises. Any regime that is substantially bound together by individuals' willingness to compromise is probably not stable. And that regime will likely be felled as soon as a change in the political environment separates stakeholders' interests in ways that cannot be papered over by feelings of solidarity.

There is a less ambitious version of the claim about compromise and democratic stability. Compromises are not necessary for democratic stability, but they can help achieve it or sustain it. Perhaps this argument is true, although I am not sure how one could support it with evidence. Still, even the weaker thesis ignores the dark side of compromise. A willingness to compromise may help democracies to *fail*. Autocrats must act collectively too. Compromises may determine who will be the new dictator, how the new junta will make decisions, and which party will get to rule first. Democracy may not be observed in situations where individuals are unwilling to compromise. But one could say the same for autocracies. They will not last if autocrats do not compromise with their partners (in crime).

CONCLUSION

Without compromises, long marriages and strong friendships would be inconceivable. Compromises are constitutive of these committed personal relationships. Based on the arguments I have surveyed in this chapter, I suspect compromises play a less important role in self-government. They can be beneficial and they can reflect valuable forms of respect. But bargains and majority decisions can achieve much the same ends. Of course, bargains and out-and-out competition can be detrimental to citizens' interests and reflect disrespect. But I hope this chapter makes clear that much the same can be said about compromises. In the democratic context, it appears that there is no general reason to value compromise over other modes of decision-making.

NOTES

1. Avishai Margalit, *On Compromise and Rotten Compromises* (Princeton, NJ: Princeton University Press, 2009).

2. Margalit specifies that this only applies to what he refers to as "sanguine" compromises. Other compromises, compromises that do not convey respect, are the outcome of normal bargaining. In this chapter, I do not treat the latter kind of agreements as compromises. *Ibid.*, 41–44.

3. Simon Căbulea May raises a related objection to the analogy between interpersonal and political compromises. He argues that the relationship between friends is not akin to the relationship between citizens. Simon Căbulea May, "Moral Compromise, Civic Friendship, and Political Reconciliation," *Critical Review of International Social and Political Philosophy* 14, no. 5 (December 1, 2011): 581–602, doi:10.1080/13698230.2011.617120.

4. Some authors hold that both sides must accept an inferior outcome for an agreement to be a compromise. All of the characteristic benefits of compromise can be achieved if only one party yields. After giving the issue much thought, I think it is preferable to employ the simpler definition.

5. My conception of compromise as a form of decision-making may or may not apply to decisions reached by those with compromising attitudes. Individuals infected by the spirit of compromise might be more likely than others to reach agreements of all sorts because, relative to their peers or to their non-infected former selves, they have become relatively indifferent to their principles. But in those cases, the agreements they reach will no longer be distasteful; they will not be compromises in the sense I am concerned with. For better or worse, the relative merit of being unprincipled is not something I will address at length in this chapter. I am grateful to Sam Bagg for his very insightful comments on this issue.

6. Margalit, *On Compromise and Rotten Compromises*, 6.

7. Bernard Williams, "Toleration: An Impossible Virtue?," *Toleration: An Elusive Virtue* 18 (1996): 19.

8. James Roland Pennock and John W. Chapman, eds., *NOMOS XXI: Compromise in Ethics, Law and Politics* (New York: New York University Press, 1979); Simon Căbulea May, "Principled Compromise and the Abortion Controversy," *Philosophy & Public Affairs* 33, no. 4 (September 1, 2005): 317–48, doi:10.1111/j.1088-4963.2005.00035.x.

9. Daniel Weinstock, "On the Possibility of Principled Moral Compromise," *Critical Review of International Social and Political Philosophy* 16, no. 4 (September 1, 2013): 537–56, doi:10.1080/13698230.2013.810392.

10. See also Eric Beerbohm, *In Our Name: The Ethics of Democracy* (Princeton, NJ: Princeton University Press, 2012).

11. Ronald Dworkin, *Is Democracy Possible Here?: Principles for a New Political Debate* (Princeton, NJ: Princeton University Press, 2006), 133.
12. May, "Principled Compromise and the Abortion Controversy," 347.
13. Weinstock, "On the Possibility of Principled Moral Compromise," 549.
14. May, "Principled Compromise and the Abortion Controversy," 347.
15. Weinstock, "On the Possibility of Principled Moral Compromise," 548.
16. Amy Gutmann and Dennis Thompson, *The Spirit of Compromise: Why Governing Demands It and Campaigning Undermines It* (Princeton, NJ: Princeton University Press, 2012), 30.

The validity of Gutmann and Thompson's claim is not incontestable. Geoff Brennan and Alan Hamlin argue, for example, that acknowledging the value of the status quo is the constitutive act of a conservative. Geoffrey Brennan and Alan Hamlin, "Analytic Conservatism," *British Journal of Political Science* 34, no. 4 (2004): 675–91.

17. Bernard Manin, Adam Przeworski, and Susan C. Stokes, eds., *Democracy, Accountability, and Representation* (New York: Cambridge University Press, 1999).

18. Keith Krehbiel, *Pivotal Politics: A Theory of U.S. Lawmaking* (Chicago: University of Chicago Press, 1998); Kenneth A. Shepsle and Barry R. Weingast, "The Institutional Foundations of Committee Power," *American Political Science Review* 81, no. 1 (1987): 85–104, doi:10.2307/1960780; George Tsebelis, *Veto Players: How Political Institutions Work* (Princeton, NJ: Princeton University Press, 2002).

19. Georg Vanberg first pointed out this problem to me.

20. Adam Przeworski et al., eds., *Democracy and Development: Political Institutions and Well-Being in the World, 1950–1990* (Cambridge: Cambridge University Press, 2000). Of course, one might think Przeworski's definition of democracy is too minimalist. But if one adopts a richer conception of democracy, one would have to: (a) identify regimes that actually meet that criterion; (b) show which of those regimes have failed. I suspect that the conclusions of that research would not differ significantly from the findings of Przeworski et al.

21. Daron Acemoglu and James A. Robinson, *Economic Origins of Dictatorship and Democracy* (Cambridge, UK: Cambridge University Press, 2006); Charles Boix, *Democracy and Redistribution* (Cambridge, UK: Cambridge University Press, 2003); Adam Przeworski, "Democracy as an Equilibrium," *Public Choice* 123, no. 3–4 (June 1, 2005): 253–73, doi:10.1007/s11127-005-7163-4.

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