

Normative political theory, democratic politics and minority rights

Nenad Stojanović*

Department of Political Science, Universität Luzern, Lucerne, Switzerland

In *Equal Recognition*, Alan Patten argues that in a proper relationship between normative political theory and democratic politics, we must make a clear distinction between two questions related to cultural rights: (a) authority (who should decide?) and (b) the substance of deliberation. The question he wants to explore, however, is not the authority question but the substantive question. The aim of this article is to show that an account of equal recognition cannot bracket out the democratic element. It argues, first, that *Equal Recognition* does not live up to its initial promise, as it contains a number of reflections and recommendations (on language rights, on secession, on the rights of migrants' cultures) that either explicitly or implicitly include the democratic element. Second, it points at other important areas of political decision-making – such as electoral system design, districting, referendums, quotas – in which it is quite clear that in order to extend equal recognition to minority cultures, we are obliged to take decisions related to the design of democratic institutions.

Keywords: democracy; proceduralism; language rights; institutions; direct democracy; electoral systems

Introduction

Alan Patten's *Equal Recognition* (2014, henceforth *ER*) is a rich, complex and path-breaking work on moral questions and political challenges that arise from cultural diversity. It provides many stimulating issues for discussion, but in this review, I shall focus primarily on the role that democracy plays in Patten's account of recognition of minority cultures.

Patten argues that in a 'proper relationship between normative political theory and democratic politics' (*ER*, p. 23), we must make a clear distinction between two questions related to cultural rights: (a) authority (who should decide?) and (b) the substance of deliberation. While he thinks that 'the *democratic process* should have the ultimate authority to make decisions about cultural rights', the question he wants to explore, however, 'is not the authority question [...] but the substantive question' (*ER*, p. 23, *emphases added*). In particular, he asks: 'what substantive principles and normative criteria should

*Email: nenad.stojanovic@unilu.ch

guide the decisions of *whoever it is* that is legitimacy tasked with making decisions about cultural rights?' (*ER*, p. 23, emphasis added, see also p. 199 and p. 216, fn. 38). His approach is about what is 'required', not what is 'permissible'.¹

The aim of this paper is to show that a reasonable account of equal recognition cannot bracket out the *democratic element* (as I propose to call it). In my view, *ER* does not live up to its initial promise, as it contains a number of reflections and recommendations that either explicitly or implicitly include the democratic element. I also think that there are many other areas of political decision-making, not discussed in *ER*, in which it is quite clear that in order to extend equal recognition to minority cultures, we are obliged to make decisions related to the design of democratic institutions.

The paper proceeds as follows. First, I introduce the democratic element by making a couple of initial remarks on the relationship between procedural and outcome-oriented accounts of democracy and justice, and their link with Patten's approach. Second, I analyse parts of *ER* in which the democratic element has been addressed. I shall show why, in many cases, the question of authority (who should decide?) cannot be disentangled from the question of the substance of deliberation. Finally, I highlight significant decisions that constitutional designers need to make in relation to equal recognition and accommodation of minorities. In this final section of the paper, I shall show that it is far from evident that a discussion on democracy can or should be confined only to the 'who' (authority) question. There is also the 'how' (procedure) question: how, according to what substantive principles and normative criteria, should we organise the democratic process in order to follow the principles of equal recognition of different cultural identities? Answering this question, I think, actually follows the promises of Patten's book and applies them to the sphere of democratic and institutional design.

Procedure vs. outcome in theories of democracy and justice

There is an old but still ongoing debate in democratic theory between proceduralist and outcome-based (also called instrumentalist) accounts of democracy. Proceduralists argue that democracy should be defined exclusively in terms of democratic process, such as universal suffrage, freedom of speech and association, regular and competitive elections, decision-making procedures (typically, but not necessarily, based on some kind of majority rule).² An eloquent defence of this approach is given by Brian Barry:

'[D]emocracy' is to be understood in procedural terms. That is to say, I reject the notion that one should build into 'democracy' any constraints on the content of the outcomes produced, such as substantive equality, respect for human rights, concern for the general welfare, personal liberty or the rule of law. The only exceptions (and these are significant) are those required by democracy itself as a procedure. (Barry, 1979, p. 156)

Thinkers interested in outcomes argue, however, that our account of democracy must include at least some considerations about the substantive results of democratic procedures (e.g. social justice, peace, promotion of the common good). Cohen (1994, p. 594), for example, claims that ‘democracy is a substantive, not simply a procedural, ideal’. Arneson (2004, p. 42), addressing the issue of justification of democracy, thinks that democracy ‘should be regarded as a tool or instrument that is to be valued not for its own sake, but entirely for what results from having it’. In between, we find authors who keep the proceduralist ideal but enrich it with considerations regarding the desired outcomes (e.g. Beitz, 1989, ch. 5).

Whatever view one takes, it is beyond doubt that the proceduralist element is indispensable for any plausible definition of democracy, whereas the desired outcomes are optional. This point is fairly easy to see. We might admire a country in which social justice and peace reign. But we cannot call it democracy if it is ruled by a president appointed for life and a single-party not elected via free and competitive elections.³

This debate echoes the distinction between procedural and substantive justice, well-known in the theories of justice.⁴ I see Patten’s account of equal recognition within the context of the debates on justice, more precisely on liberal justice. It is within this context that he explicitly states that his approach is proceduralist. The cultural rights that he wants to defend ‘are not rights to cultural preservation nor indeed to any particular cultural outcome. (...) If a framework of equal recognition, together with other conditions of liberal justice, is in place, then the outcome is just whatever it is’ (*ER*, p. 29). Moreover, ‘outcomes play neither a direct role (justice does not require any particular outcome to be realised) nor an indirect one (the conditions that make up a justice-conferring framework are not based on the goal of realising any particular outcome)’ (*ER*, p. 29).⁵ The kind of proceduralism he defends is called ‘full’ liberal proceduralism. It is mandated by ‘neutrality of treatment’ (*ER*, ch. 4) and, contrary to ‘basic’ liberal proceduralism (*ER*, p. 150), it incorporates a concern for equal recognition (*ER*, ch. 5).

Patten’s main interest, thus, is in justice. However, given the proceduralist nature of his position, I believe that his account of equal recognition must tackle the democratic element. This intuition is further supported by the fact that Patten grounds his theory of equal recognition on a concept of personal autonomy and *self-determination* (‘persons should have a fair opportunity to be self-determining’; *ER*, p. 107). Not surprisingly, therefore, in various parts of *ER*, Patten does address the issue of democracy, or even includes it in his argumentation, as I will show in the next section.

The ‘who’ question

In this section, my aim is to show that contrary to its initial premise (Chapter 1), *ER* is very much concerned with the ‘who’ question. This remark concerns

especially the discussion on language rights (Chapter 6), secession (Chapter 7) and cultural rights of immigrants (Chapter 8).

To introduce my argument, I shall start with a comment on how Patten has approached the debate on linguistic territoriality vs. personality principles, and the distinction between cultural rights for autochthonous minorities vs. migrant-origin groups.

Contrary to the alternative views (nation builders and language preservers), Patten favours the personality principle over the territoriality principle with regard to language rights (*ER*, p. 230). At the end of Chapter 6 on language rights, he states that incorporating his approach into a ‘hybrid approach to language rights’ leads to a ‘distinctive policy recommendation’ (*ER*, p. 231). However, after endorsing the personality principle, he concludes that adopting the territoriality principle ‘*may* still be the best overall approach, under *some* empirical conditions, but under *other* conditions the local majority language will have to limit its dominion to leave *some* room for minority languages’ (*ER*, p. 231; emphases added).

If *ER* should yield substance and guide democratic decisions (*ER*, p. 23), then this conclusion strikes me as an extremely vague policy recommendation. More needs to be said on empirical conditions under which the territorial principle should be favoured over the personality principle (see Patten, 2003).

To illuminate this point, consider the following scheme:

Starting point 1 → *procedure* → Outcome 1

(Outcome 1 becomes Starting point 2)

Starting point 2 → *procedure* → Outcome 2

(Outcome 2 becomes Starting Point 3, and so on.)

For Patten, *any* outcome is permissible, *provided* that the framework of *ER* and other conditions of liberal justice are in place (*ER*, p. 29). Let us assume that these conditions exist at the Starting Point 1.

Suppose also that at the Starting Point 1 the language groups A and B, albeit living in the same country, are more or less neatly separated. The group A occupies the northern part of the country and the group B the southern part. After an appropriate democratic *procedure* has been applied, the country adopts the territoriality principle, i.e. by creating two unilingual sub-state units. This becomes the Outcome 1. As far as I can tell, nothing in Patten’s account would indicate that the precepts of *ER* have been violated.

But according to an earlier essay, this context of neatly separated groups is not, from an *empirical* point of view, the ‘standard case’. He thinks that the standard cases are ‘the cases where different language communities are

territorially intermixed and there is no way of drawing or redrawing cantonal boundaries to eliminate local linguistic heterogeneity' (Patten, 2003, p. 302). It is in *these* cases that he favours the *personality* over territoriality principle.

Are such cases really 'standard'? They might have been so in the past, until the Industrial Revolution and the emergence of modern nationhood, but they are much less so today. To use a famed image suggested by Ernest Gellner, the modern world resembles much more to a painting by Modigliani than by Kokoshka.⁶ But let us, for the sake of argument, grant this empirical claim. We still face a problem.

As Outcome 1 gives birth to a new Starting Point 2, imagine that over a reasonable lapse of time a significant number of members of the language minority A gradually crosses the language border and settle in the south, that is, in the territory of the language group B. According to the territoriality principle, they can expect no major linguistic accommodation: their children will have to go to B-only schools; they will receive official documents only in language B, their judicial complaints written in language A will be declared invalid because the tribunals operate only in language B, etc.

What kind of policy does the *ER* approach recommend in such a situation? Should speakers of language B 'limit its dominion' to leave 'some room' (see quote from *ER*, p. 231, mentioned above) for speakers of language A. If so, how much room?

To address this question, we should recall the distinction between 'required and permissible'. For Patten, it is *permissible*, but not required, that speakers B maintain their dominion in the south of the country, *if* they attach a significant importance 'to promoting the success of their *own* culture-related projects' (*ER*, p. 291).

Two problems arise here. First, if we read this passage it looks like a defence of territorial, not personality, principle. So it contradicts the claim that *ER*, in principle, favours the latter. It also contradicts the argument advanced by Patten (2003, pp. 320–321) that the anglophone minority in Quebec should continue to enjoy language rights according to the personality principle. So, if I interpret his position correctly, it would not be permissible to use the territoriality principle in Quebec in order to maintain the dominion of French speakers and to restrict language rights to anglophones, even if this attempt would result from a deep attachment of francophones to their own culture.

Second, in Chapter 8 of *ER* Patten illustrates his attachment-based argument by making an explicit reference to democracy, i.e. to the question of *who* should decide:

In a democratic context, however, the authority to make cultural and immigration policies for Belgium does not rest in the hands of some benevolent Canadian outsider. Instead, it rests in the hands of Belgian citizens. They are deciding whether to privilege their own national culture and languages or whether to adopt impartial, general criteria for allocating rights. (*ER*, p. 290)

This remark is puzzling in light of the fact that, as already mentioned, earlier in *ER* Patten had stressed the distinction between authority and substance of deliberation. To recall: the relevant question that one should ask is not about democratic authority (who should decide?), but about substance (what decisions should be taken?).

In order to highlight the source of contradictions illustrated above, I should clarify that the attachment-based argument is offered in Chapter 8 of *ER*, in relation to the debate about cultural rights of national vs. migrant minorities. I do not see why this argument should not also be valid for the discussion over territoriality vs. personality principle discussed in Chapter 7. It is far from clear, to me at least, why we should think that a local majority *is* morally permitted to use the territorial principle in order to refuse a set of language rights to a linguistic minority stemming from immigration (e.g. the Arabs in Quebec), whereas it *is not* morally permitted to apply the same principle to a linguistic minority which has a status of minority nation in a given territory (e.g. the anglophones in Quebec).

Finally, notice that in the debate about secession (*ER*, § 7.4) the democracy question is also central and can hardly be disentangled from the substantive question on the morally acceptable reasons that may justify secession. In that part of *ER*, the question of *who* should decide (only citizens of the secessionist unit or all citizens of the country?) is not simply procedural, it is also substantial. Patten claims in fact that '[t]o have practical relevance, a theory of secession should, in addition to identifying various abstract normative principles, say something about *who has the authority* to adjudicate disputes about secession and *what rules and procedures* they should follow' (*ER*, p. 264; emphases added).

Let me sum up the first part of my comment: Contrary to the premises announced in Chapter 1 of *ER* ('Our question is not the authority question [...] but the substantive question'; *ER*, p. 23), the democratic question of who should decide is an important element of Patten's thesis. Moreover, a focus on democracy has led me to highlight certain inconsistencies of *ER* if applied to the debate over the territorial vs. personality principle, the distinction between national and immigrant minorities and (briefly) the discussion on secession.

In a more schematic way, the situation can be summarised as follows:

- (1) The question that *ER* wants to explore (Chapter 2) is the substantive question (to see whether there are any 'basic reasons of principle' for thinking that cultural minorities are owed accommodation and recognition), not the authority question (who should have the authority to make decisions about the recognition and accommodation of minorities).
- (2) Two elements of the substantive question are the presumptive attachment of individuals to their own culture (Chapters 2 and 3) and the basic liberal value of fair self-determination (Chapter 4).
- (3) People express their cultural attachment and self-determination via the exercise of democratic authority (see Chapters 6, 7 and 8).

- (4) Thus, in order to answer the substantive question of *what* should be decided, we must rely on the authority question of *who* has the right to make the decision.
- (5) But this (4) implies that the original proposition (1), which excludes the ‘who’ questions from the *ER* account, is severely limited.

By saying that the original proposition is severely limited, I do not claim that the whole analytical and normative framework developed by Patten is invalid. Rather, we should see this critique as an invitation to include the democratic element in the theory of *ER*.

The ‘how’ question: *ER* and the design of democratic institutions

Having identified the role that the democratic element plays in *ER*, contrary to its initial premises, the next step is to consider how it could figure in a fuller account of equal recognition. If my suggestion is correct, then this account should actively incorporate the democratic element in its analytical and normative framework.

In particular, I will try to show that in many instances, to equally recognise different cultural groups actually entails making choices about the democratic procedure, both in terms of *who* should decide and in terms of *how* decisions should be made.

Consider the following questions.

- Should decisions about a change in the language regime be made directly by citizens, in a referendum, or by their representatives in parliament?
- What electoral system should we choose in order to elect the representatives? In particular, whatever system we choose, how should we draw electoral districts?
- Should we reserve seats for minorities in the parliament?
- Should decisions (either by the people or by parliament) be taken by (simple) majority or we need super-majority rules or even minority veto?

Clearly, these questions concern the design of democratic institutions and, therefore, one might say that a normative account of equal recognition should not address them. But this answer seems unconvincing to me. I think that *ER* does and should have something to say on each of these concrete questions related to institutional design.

Direct democracy

Should we change a language regime via a popular referendum or through our representatives in parliament? Considering *ER*’s (pp. 202–204) emphasis on self-determination, especially in relation to language, as well as the discussion

of the plebiscitary theory in relation to secession (ch. 7), I believe that it is straightforward to say that *ER* would recommend using a popular referendum.

To see this point, consider Stilz's claim that (2009, pp. 279–281) the civic-liberal approach demands that decisions about the appropriate language regime 'should be determined by citizens' aggregate preferences as expressed through voting'. She supports this position with three arguments in favour of voting:

- It maximises the number of people whose preferences with regard to language can be expressed in the laws under which they live.
- It acknowledges that an individual's interest in speaking a language is shaped by personal choice. ('[W]e should not assume that all persons with a historical attachment to a language will support the public promotion of that language'; Stilz, 2009, p. 280, fn. 50).
- It allows us to ascertain that there exists a critical mass of people who are willing to pay the costs necessary to support the use of a given language in education and government.

On the other hand, however, the theory of equal recognition might be uncomfortable with the fact that referendums are typically decided by *majority* vote. This gives speakers of a language majority power to outvote the minorities.⁷ So *ER* might indicate a path for more elaborate version of direct-democratic procedure, in order to give more weight to minority cultures.

A nice illustration of what *ER* might recommend in such cases comes from Switzerland. I refer to the 2006 'Law on Languages' adopted in the multilingual canton of Grisons (see Stojanović, 2010). In the Grisons, there are three official languages – German, Romansh and Italian. German is spoken by about three-quarters of the population, so the main aim of the law is to provide safeguards for the two minority languages. Although the main safeguard is based on the territoriality principle, the law does not codify it as a desired outcome that should last forever – as the typical formulation of the territoriality principle seems to imply –, that is, even *against* the will of citizens. In fact, it explicitly admits the possibility that if numbers change, a given municipality can modify via *referendum* its language regime from minority-monolingual (Romansh) to bilingual (Romansh and German) to majority-monolingual (German). But the key provisions concern the procedure of *how* this change can happen. It is at the level of procedure, I think, that an account based on equal recognition can deploy its normative appeal.

- (1) The language shift from minority-monolingual (Romansh) to bilingual (German/Romansh) is possible only if the number of the autochthonous community drops under 40% of the population in a given municipality. The further shift from bilingual (German/Romansh) to monolingual (German only) is possible only if the share of Romansh speakers drops under 20%.

- (2) Considering the personal plurilingualism, and the fact that individuals speak different languages in different contexts and with different capacities, the law considers all persons as ‘Romansh’ who indicated Romansh in their answer to any of the census questions related to language.⁸
- (3) The shift is not automatic: there *must* be a popular vote (compulsory referendum).
- (4) In the referendum triggered by the 40% threshold, the absolute majority (50% + 1) of voters decide. In that triggered by the 20% threshold the qualified super-majority of 66% is necessary.

To sum up, the specific procedural-democratic aspects of the ‘Law on Languages’ in the Grisons embody a version of equal recognition (but it remains to be seen if Patten would agree with this claim) which does not *guarantee* the perennial survival of a given language (this would clearly go against Patten’s approach which does not fix the outcomes) but neither does it ignore the preferences of people. Rather, it contains provisions meant to yield additional protection for the endangered minority language.

Electoral system and electoral districts

Should we choose a majoritarian over a proportional representation (PR) electoral system? This question is not trivial in multicultural societies: a majoritarian system can be very inimical to minorities (especially if they are not territorially concentrated). Notice that this is not simply a question of authority (who should decide?). It is also a substantive question. What substantive principles and normative criteria should guide the decision regarding the appropriate electoral system? Given the multicultural setting, I assume that *ER* should provide guidelines on this particular issue.

But the choice of electoral system is not only about PR vs. majority rule. It is also about the design of electoral districts. Here, too, *ER* should provide guidelines. Let me elaborate this point in more detail.

Should citizens elect their parliament in a country-wide electoral district (as in Israel)? Or should we split the country into as many electoral districts as there are seats in parliament (as in the United States, France, or United Kingdom)? Does the theory of equal recognition have anything to say about this? I think that it should. For example, in a country made up of two ‘racial’ groups (Group A: 70%, Group B: 30%), with a very limited degree of territorial concentration (e.g., white and black people in the US), an allegedly random (or impartial, colour-blind) design of electoral districts might produce a situation in which the racial minority is in the minority position in *every* electoral district.⁹ An approach inspired by *ER* might claim, however, that this is against the principles of liberal justice because it undermines the norms of autonomy and self-determination insofar it does not allow the racial minority

to select *its* representatives. As I will show in the next paragraphs, a different design of electoral districts might provide a solution to this problem.

As a matter of fact, at some point in *ER*, without an explicit reference to the electoral design problem, Patten argues that we should ‘opt for a scheme of federalism or devolution in which the boundaries of one (or more) of the sub-state units are drawn so as to leave a minority with a sub-state national identity as a local majority’ (*ER*, p. 160).¹⁰ In other words, a *random* drawing of internal boundaries (and, thus, electoral districts), based on facially impartial or neutral criteria would constitute a presumptive *violation* of equal recognition, to the same or at least analogous extent as a *non-random* electoral districts design undertaken by the majority group with a *deliberate* goal to insure its majority position in every federal unit.¹¹

Following this logic, therefore, I believe that *ER* implies that we should *not* choose a random (that is, facially impartial) electoral district design *if and only if* the society is race-conscious (we could say that this aspect constitutes ‘actual preferences and beliefs about value’ of citizens; see *ER*, p. 179), *and* if in that society voters prefer to vote for candidates from their own racial group. Instead, a strategy based on *ER* would entail some form of race-conscious redistricting (i.e. creation of minority–majority districts) in order to concentrate minority voters in a number of districts by allowing them, thus, to form local majorities. Taken to the extreme, *all* black voters should be concentrated in black-only districts, and the same would be done for the whites. The overall outcome would be a racially balanced parliament composed of 70% of whites and 30% of blacks, fully in line with the precepts of ‘mirror’ (or descriptive) representation. Yet the problem is that this sort of recognition presupposes *not only* general beliefs about value (i.e. a race-conscious society), but also about voters’ *preferences*. The latter are *supposed* to be predominately racist. Now – and this is, I think, an important point to be raised – racial districting would do harm to all those voters whose preferences are *not* determined by race. Indeed, it runs the risk of reinforcing the racist attitudes and, thus, it undermines the possibility that a race-conscious society transforms itself into a post-racial society. Such a development is of course very problematic from the point of view of classical liberalism. For instance, Nancy Fraser (2000, p. 112) argues that it tends to ‘reify identity’ and to put ‘moral pressure on individual members [so that] ironically, then, the identity model [of recognition] serves as a vehicle for misrepresentation’. If I am correct, then this questions the compatibility of the *ER* model with the liberal ‘basic proceduralism’, at least in the political/electoral sphere.

This remark takes me to the last point. What does *ER* tell us about quotas and reserved seats for minority groups? These instruments are typically used in places in which it is not possible to redraw the electoral districts, because the groups live intermingled within the same territory (Stojanović, 2013). Again, I do not think that this is simply a question of democratic process. It is a further *substantive* question as quotas are a form of *recognition* of various cultural

groups. Is *ER* for or against the concept of mirror representation (or descriptive representation), which provides the normative justification for quotas and reserved seats?

Conclusion

In this article, I have tried to show that a full account of equal recognition needs to incorporate more explicitly the democratic element, instead of dismissing it (*ER*, p. 23) as a simple question of authority (who should decide?) and, thus, a non-substantive issue. Actually, I have shown that contrary to this initial premise of *ER*, the democratic element does play an important substantive role (especially in Chapters 6, 7 and 8) in the argument. Addressing it more explicitly could also help us to understand better its concrete policy recommendations. This becomes more evident if we focus not simply on the ‘who’ question but also on the ‘how’ question.

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Notes

1. This echoes Carens (2000, p. 6 ff.) who also stresses the difference between what liberalism morally requires and what is morally permissible under liberalism. Also, to avoid confusion, notice that Patten’s use of the term ‘substantive’ does not refer to the substance of outcomes but only to the substantive principles that should guide our reasoning at the level of the procedure.
2. Within the realm of democratic proceduralists, we can distinguish between minimal proceduralists, for whom democracy is nothing more than competitive election of leaders (Schumpeter, 1942, pp. 250–283) or a simple ‘conjunction of universal suffrage and majority rule’ (Van Parijs, 1993), and more comprehensive accounts (e.g. Dahl, 1979).
3. This said, it is not easy to find countries that are ‘just’ but undemocratic. Carens (2000, p. 45), for example, remarks that ‘[he] cannot think of a single actual case where the absence of democracy is not unjust’.
4. We should be careful, however, when drawing parallels between these two strands of literature. Notice that Rawls (1993), in his reply to Habermas, ‘holds that the division between the justice of procedures and the justice of outcomes cannot be

maintained, and that theories of justice that claim to be procedural and not substantive are in fact reliant on substantive values to define fair procedures' (Meshelski, 2016).

5. This second remark is in contrast with other influent accounts of multiculturalism. Consider, for example, the 'territorial imperative' argument in Van Parijs (2011) or of the 'context of choice' argument in Kymlicka (1995).
6. Look now instead at the ethnographic and political map of an area of the modern world. It resembles not Kokoshka, but, say, Modigliani. There is very little shading; neat flat surfaces are clearly separated from each other, it is generally plain where one begins and another ends, and there is little if any ambiguity or overlap (Gellner, 1983, pp. 139, 140).

This said, I am aware that this picture does not apply to all (Western) societies. In places like South Tyrol, Estonia or Catalonia the linguistic groups are still quite intermixed.

7. This problem can be fixed, or at least alleviated, via special procedures that ensure a more than proportional say to minorities, or by applying supermajority rules.
8. So, for example, if a person answered that German is her primary language, that she speaks exclusively German at work, but that she uses Romansh to address her grandparents, then she will be considered as Romansh (and Romansh only!) for the purposes of the 40 and 20% rules mentioned above.
9. In the U.S. context this situation is known as 'racial vote dilution'.
10. But note that Laitin and Reich (2003, p. 100) do not think that the principles of liberal justice can or should guide our decisions on boundaries: 'Liberal democrats need not decide, as a matter of justice, what the precise boundaries of internal sub-units are before democratic politics get off the ground'.
11. On this point, see Beitz (1989, pp. 147–148): Because the spatial distribution of interests is not usually random – it may be a function, for example, of factors such as income class, ethnicity, or race – facially 'impartial' districting criteria will not normally be interest blind in the sense required for genuine impartiality.

Notes on contributor

Nenad Stojanović is a senior research fellow and a lecturer at the University of Lucerne, Switzerland. He worked on this Special Issue while he was a visiting research scholar at Princeton University. He currently works on a project on electoral discriminations funded by the Swiss National Science Foundation.

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