INTRODUCTION

In January 1997 I stood on street corners in Pittsburgh soliciting signatures for a referendum petition. The temperature hovered around 15 degrees Fahrenheit in the sun. I persisted in this self-punishment because I knew that scores of other people were spread over the city also collecting signatures. The petition called for a question to be put on the May ballot asking voters to approve the creation of a Police Civilian Review Board. State law allowed us a mere six weeks to collect the required 11,000 signatures of currently registered Pittsburgh voters. Petitioners were heartened to find that many we asked were already apprised of the issue; many signed our petition, including more than a few uniformed police officers. By the closing date we had 16,000 names.

The referendum campaign came after more than four years of citizen agitation about issues of police conduct towards citizens. For African Americans in Pittsburgh these issues were always simmering, but had come to the boil with the publicized shooting in the back of a youth in a police chase. The Coalition to Counter Hate Groups joined with the newly formed Citizens for Police Accountability to develop a proposal for a Review Board. At the same time the Pittsburgh chapter of the American Civil Liberties Union began documenting cases of alleged police abuse or harassment. Gay and lesbian organizations linked with the agitation and publicized some incidents of police encounters with gay men that they claimed were abusive. The local and national press covered the story of the death of an African American in a Pittsburgh suburb while in police custody after being pulled over for an alleged traffic violation.

With the issue of police accountability so centrally in the public eye, the campaign for a Civilian Review Board had gained momentum. Citizens for Police Accountability organized several meetings attended by Pittsburghers. Soon the proposed ordinance was under discussion by the Pittsburgh City Council. The Council sponsored a series of public hearings in several neighbourhoods attended by hundreds of people representing organizations as diverse as the Fraternal Order of Police, the National Association for the Advancement of Colored People, and the Pittsburgh Mediation Center. The chief of police argued against the proposed Review Board on the grounds that the Police Department had a competent internal complaints and
review system. The mayor publicly stated his opposition to the creation of a Review Board.

Citizens for Police Accountability packed the City Council chambers for every meeting during which the Council deliberated on the proposed legislation. They talked to councillors and their aides between meetings, providing them with information about civilian review processes in other cities. The Fraternal Order of Police also lobbied the councillors. In the fall of 1996 the Council voted down the proposal for a Review Board. Only then did supporters decide to take the issue to direct vote of the citizens of Pittsburgh.

We who had worked so hard to collect 16,000 signatures had little time to celebrate what we thought was our success in putting the issue on the ballot. The Fraternal Order of Police hired a consulting firm, which claimed that 9,000 of those names were invalid. Again within a short time window a small army of mostly volunteer supporters sat with petitions and voter lists, painstakingly documenting each wrongful challenge. The supporters succeeded in validating the required number of signatures.

The Fraternal Order of Police then tried to keep the issue from the ballot by means of court action. Only a few weeks before the 22 May election the court found against the objection, and supporters began a speedy campaign. On election day Pittsburgh voters approved by a margin of two to one the creation of a Police Civilian Review Board. Supporters were jubilant; the people spoke loud and clear.

The referendum vote did not itself create the Board, however; it only required the City Council to do so according to certain broad guidelines. Members of Citizens for Police Accountability wanted to go on vacation, but instead they began lobbying members of the Council about the legal language of the ordinance. Those who had opposed the creation of the Board now also turned their attention to discussion of specific language. The resulting document contained compromises, but supporters of the original idea considered the law that finally passed through the Council acceptable.

The Review Board began its work in July 1998. Citizens for Police Accountability still monitors the process, and tries to convince Pittsburghers that the Board will only work to hold police accountable if citizens hold the Board accountable. There have been complaints that the staff are not energetic enough in pursuing complaints, and that city offices have stalled in supplying information requested by investigators. Popular interest in the Board and its work has dropped off as people retreat into the pressing issues of their private lives or move on to work on other political issues. Citizens with serious complaints about police, however, now have a public forum in which to air them, whose hearings are sometimes widely publicized.

1. Challenges for Democracy

I begin with this story of ordinary democracy in action because it refers to most of the elements of the democratic process that this book considers. Private musings about a perceived problem break into a more public discussion in civil society, leading to citizens organizing to promote wider discussion of the problem and of ways for government to address it. This problem itself arises partly from structural social group differences, and the prejudices, privileges, and misunderstandings that accompany them. In this case residential racial segregation is a major component of such structural difference. The story illustrates, however, a way that public discussion and decision-making sometimes successfully crosses those differences. When the issue first emerged, many white middle-class people saw no urgency in it; having the opportunity to read about and listen to the experience of others changed the minds of many of them. Civic associations played a crucial role in promoting political discussion and government policy.

The series of events also involves a struggle among parties with different points of view and perceived interests, and this struggle takes place in several discursive terrains: in the press, in hearings and public meetings, City Council meetings, and courts. The story illustrates that more-marginalized citizens with fewer resources and official status can sometimes make up for such inequality with organization and time. Weaker parties can sometimes achieve their political goals when the democratic process is open and fair, and when there is sustained public discussion in which they have a chance to persuade fellow citizens of the justice or wisdom of their cause. This example also shows, however, that instituting a policy through democratically decided government may take a long time and require determination and continued mobilization by advocates. That process may be bureaucratic and rather boring at times. Even when principles are at stake, arriving at a decision in a democratic process requires a give and take that often leads to compromise. In this instance, even though one side in the debate may have 'won', few question the legitimacy of the outcome because the process was relatively public, inclusive, and procedurally regular.

The story also shows that active participation and political representation do not exclude one another, and sometimes even work together
to produce policy outcomes. Without active citizens agitating for reform, the status quo would certainly have continued, and it was important that they had tools of direct democracy available to them. The process required mediation by representatives at many stages, however, both formally elected and as spokespeople for civic associations. The policy outcome, moreover, is the creation of a representative body. The authority of any policy-making body, however, has limited jurisdiction, and this fact may limit the real impact of a hard-won reform. In this case, the activities of the Civilian Review Board must be limited to what happens within the boundaries of the city of Pittsburgh, even though some of the most publicized and egregious cases of alleged police abuse have occurred in surrounding suburbs.

Finally, this story exhibits how democratic processes sometimes accomplish something, however small or slow to come. We have arrived at a paradoxical historical moment when nearly everyone favours democracy, but apparently few believe that democratic governance can do anything. Democratic process seems to paralyse policymaking. Ideas of public discussion and holding officials accountable have little institutional effect; they seem only to generate mass gossip. Today the notion that, with good institutions and goodwill, citizens can engage with one another about the problems they have in living together, and work out policies to address those problems, most often meets with a response of detached cynicism. "Yeah, right."

It is easy to throw sand on my story. A Civilian Review Board just adds another layer of bureaucracy that can be captured by those it is supposed to monitor, some might say, while the citizens it is supposed to serve become disconnected. It does little, moreover, to address the causes of the conflicts and abuses it is supposed to prevent or punish. These lie in structural inequalities which require attention in many disparate fields of social life—housing, employment, education, property relations.

The chapters that follow include reflections on each of these aspects of democratic practice under conditions of structural inequality: the differences and conflicts that generate problems for which authoritative decision-making seeks solutions; the meaning and role of public discussion in decision-making; the nature of political representation both through formal institutions and in civil society; as well as structural, communicative, and jurisdictional impediments to political equality and fair outcomes.

2. Deep Democracy

Using democratic process to promote legal, administrative, and social changes toward greater justice is hard work. I begin from a conviction, however, that democratic process is usually a necessary and proper vehicle for doing so. I shall assume a minimalist understanding of democracy as given: that democratic politics entails a rule of law, promotion of civil and political liberties, free and fair election of lawmakers. The assurance of these institutions is rare enough in the world today, and even those societies that have institutionalized them are far from the most part only thinly democratic. Even the supposedly most democratic societies in the world most of the time are largely 'plebiscite' democracies: candidates take vague stands on a few issues; citizens endorse one or another, and then have little relation to the policy process until the next election. A democratic spirit and practice inspires many voluntary organizations, and movements composed of such groups sometimes influence government actions and the actions of other powerful institutions. Some of the reflections in this book theorize this democratic impulse in some quarters of civil society. Where decisions are far-reaching or involve basic interests of the most powerful, however, the powerful usually try to make the decisions themselves, and often succeed, with little pretence of democracy. I write this shortly after nineteen of the world's leading liberal democracies have waged a ghastly war without any of them formally consulting with either their citizens or their elected representatives about whether to do so.

Existing democracies really are democratic in some respects, with regard to some issues and institutions. Indeed, most societies have some democratic practices. Democracy is not an all-or-nothing affair, but a matter of degree; societies can vary in both the extent and the intensity of their commitment to democratic practice. Some or many institutions may be democratically organized, and in any such nominally democratic institution the depth of its democratic practice can vary. The operating conviction of this book, that democratic practice is a means promoting justice, calls for widening and deepening democracy beyond the superficial trappings that many societies endorse and take some steps to enact.

This book highlights one norm often invoked by those seeking to widen and deepen democratic practices: inclusion. The normative legitimacy of a democratic decision depends on the degree to which

1. On the idea of degrees of democracy, see Frank Cunningham, Democratic Theory and Socialism (Cambridge: Cambridge University Press, 1987), ch. 3.
those affected by it have been included in the decision-making processes and have had the opportunity to influence the outcomes. Calls for inclusion arise from experiences of exclusion—from basic political rights, from opportunities to participate, from the hegemonic terms of debate. Some of the most powerful and successful social movements of this century have mobilized around demands for oppressed and marginalized people to be included as full and equal citizens in their politics. Demands for voting rights have focused some of these movements; especially today, however, when most adults in most societies have nominal voting rights, voting equality is only a minimal condition of political equality. Inclusion and Democracy explores additional and deeper conditions of political inclusion and exclusion, such as those involving modes of communication, attending to social difference, representation, civic organizing, and the borders of political jurisdictions.

The book has three parts, each guided by a question central to the democratic process: (1) What are the norms and conditions of inclusive democratic communication under circumstances of structural inequality and cultural difference? (2) How should inclusive democratic communication and decision-making be theorized for societies with millions of people? (3) What is the proper scope of the democratic polity, and how are exclusions enacted by restricting that scope?

Chapters 1, 2, and 3 address the first question by refining theories of deliberative democracy, while also criticizing certain interpretations of this model. I argue that the model of deliberative democracy implies a strong meaning of inclusion and political equality which, when implemented, increases the likelihood that democratic decision-making processes will promote justice. On a deliberative understanding of democratic practice, democracy is not only a means through which citizens can promote their interests and hold the power of rulers in check. It is also a means of collective problem-solving which depends for its legitimacy and wisdom on the expression and criticism of the diverse opinions of all the members of the society. Inclusive democratic practice is likely to promote the most just results because people aim to persuade one another of the justice and wisdom of their claims, and are open to having their own opinions and understandings of their interests change in the process.

Some formulations of ideals of deliberative democracy, however, tend to restrict their conception of political communication to argument, and to have too biased or narrow an understanding of what being reasonable means. To the extent that norms of deliberation implicitly value certain styles of expression as dispassionate, orderly, or articulate, they can have exclusionary implications. Such a focus on a narrow deliberative style, moreover, ignores the important role other forms of communication play in furthering inclusive democratic outcomes. Chapter 2 identifies three such forms or aspects of communication with unique important functions in furthering democratic deliberation. What I call greeting or public address acknowledges the presence and point of view of diverse social segments in the political public. The category I call rhetoric refers to the way claims and reasons are stated, and accompanies all argument. I include in this category the affective dimensions of communication, its figurative aspects, and the diverse media of communication—placards and street theatre instead of tabloids or reports. Rhetoric has the important function of situating those seeking to persuade others in relation to their audience. Narrative, finally, has many important functions in political deliberation; narratives can supply steps in arguments, but they can also serve to explain meanings and experiences when groups do not share premisses sufficiently to proceed with an argument.

Another questionable assumption made by some democratic theorists is that a properly functioning democratic discussion should be oriented to a common good or common interest. They assume that politics must be either a competition among private and conflicting interests, or that political participants must put aside their particular interests and affiliations to form a deliberative public. In Chapter 3 I argue that this is a false dichotomy, and that a third possibility is more plausible. Democratic discussion and decision-making is better theorized as a process in which differentiated social groups should attend to the particular situations of others and be willing to work out just solutions to their conflicts and collective problems from across their situated positions. It is a mistake to consider the public assertion of experiences of people located in structurally or culturally differentiated social groups as nothing but the assertion of self-regarding interest. I suggest that this misconstrual derives in part from misunderstanding such group-based public expressions solely and entirely as assertions of a group 'identity'. I review arguments that question such a notion of group identity, and argue that most group-based movements and claims in contemporary democratic polities derive from relationally constituted structural differentiations. When so understood, it becomes clear that socially situated interests, proposals, claims, and expressions of experience are often an important resource for democratic discussion and decision-making. Such situated knowledges can both pluralize and relativize hegemonic discourses, and offer otherwise unspoken knowledge to contribute to wise decisions.
Chapters 4 and 5 address the second question of the book, how to understand inclusive communicative democracy in the context of mass societies. Many theorists and activists interested in deepening democratic practices have wrongly assumed that representative institutions are incompatible with deep democracy. Authentic democracy, on this view, is direct and face to face. If this is true, however, then large-scale mass societies are condemned to thin democracy. This dilemma stems partly from wrongly opposing participation and representation. On the contrary, citizens can only legitimately authorize representatives and hold them accountable if there are many avenues and institutions through which they engage with both each other and their representatives. Systems of representation are most inclusive, furthermore, when they encourage the particular perspectives of relatively marginalized or disadvantaged social groups to receive specific expression.

Mechanisms for such specific representation of marginalized social groups can involve state institutions, such as voting schemes, electoral rules, and rules about the appointment of commissions and the conduct of hearings. With a number of other contemporary democratic theorists, however, I also look to the vast range of activity often brought under the label ‘civil society’ for important forms of participation, of expression from a socially situated perspective, and of holding power accountable that a strong communicative democracy needs. Chapter 5 theorizes both private and public functions of civic associations, and expands critical theoretical ideas of the public sphere as important to deep democracy. Contrary to many today who find in civil society the primary basis for social change to promote justice, however, I argue that those who wish to undermine injustice cannot turn their backs on state institutions as tools for that end.

The last two chapters focus on a question seldom made thematic by political theorists. What should the scope of the polity be? Most democratic theory assumes the polity as given. Democratic inclusion means that all members of the given polity should have effectively equal influence over debate and decision-making within that polity. The problem with restricting the issue of inclusion in this way, however, is that by virtue of its definition or scope the polity itself may wrongly exclude individuals or groups.

Chapter 6 explores one form of such wrongful exclusion in processes of racial and class segregation. Even when segregated groups are nominally included in a polity, processes of segregation prevent participation for some and preserve privilege for others. Segregation is often accomplished or reinforced, however, especially in the United States but also elsewhere, by the existence of separate municipal jurisdictions in metropolitan regions whose economic and social relations produce dense interdependencies among people across the region. Issues of the proper scope of the polity arise in just such situations, when the scope of social and economic interactions does not match the scope of political jurisdiction. I argue that the scope of a polity ought to correspond to the scope of relations across which obligations of justice extend. In many parts of the world with dense metropolitan regions this principle implies that the scope of polities should be regional. Regional governance is deeply democratic, however, only if combined with neighborhood and community-based participatory institutions many of which are differentiated by group affinities on a model I call differentiated solidarity.

Chapter 7 extends the question of the scope of the polity to a global level. It applies the model of differentiated solidarity to world-wide interaction and interdependence among peoples. The existing nation-state system enacts and legitimizes profound exclusions, and many of these are unjust. Contemporary conditions of global interdependence imply that the actions of some people in one nation-state presume or affect the actions of distant others in other states. If the scope of democratic political institutions should correspond to the scope of obligations of justice, then this argument implies that there ought to be more global institutional capacity to govern relations and interaction among the world’s peoples.

Many people rightly distrust projects of cosmopolitan governance, however, because they fear cultural homogenization or a failure to respect and recognize the specificity of peoples. Normative ideals of global justice and democracy should be articulated with commitment to cultural autonomy and the self-determination of peoples. As long as self-determination is understood as hegemony, however, wrongful exclusion and domination are likely results. I argue for a model of global democratic discussion and regulation that accommodates differentiated solidarity by giving a more relational interpretation to the meaning of self-determination. We should envision global democracy as the interaction of self-determining peoples and locales on terms of equality in which they understand obligations to listen to outsiders who claim to be affected by their decisions or actions and to resolve conflicts with them through settled procedures in a global framework of regulatory principles democratically decided on together by all the self-determining entities.

Ideally, then, inclusive democracy refuses exclusive sovereign borders, though it recognizes the importance of group affinities and structured differences in politics. Beyond membership and voting rights,
inclusive democracy enables participation and voice for all those affected by problems and their proposed solutions. Democratic process cannot be centred in particular places, but rather concerns the communicative relation of broad social sectors in the public spheres of civil society and representative bodies whose diversity responds to the structural differentiations of the society.

3. The Approach of Critical Theory

The general theoretical approach of this book is that of critical theory, by which I mean socially and historically situated normative analysis and argument. *Inclusion and Democracy* articulates and defends principles which I argue best express ideals of a democratic politics in which citizens try to solve shared problems justly. A critical theory does not derive such principles and ideals from philosophical premisses about morality, human nature, or the good life. Instead, the method of critical theory, as I understand it, reflects on existing social relations and processes to identify what we experience as valuable in them, but as present only intermittently, partially, or potentially. Thus to identify ideals of inclusive democracy I reflect on the experience of actually existing democracy, looking for possibilities glimmering in it but which we nevertheless feel lacking—experiences such as reasonable yet passionate persuasion, accountable representation, participatory civic activity linked to authoritative state action, or transnational institutions for discussing and addressing global problems. Normative critical theory constructs accounts of these democratic ideals that render articulate and more systematic those feelings of dissatisfaction and lack which we normally experience in actual democratic politics.²

Ideals are neither descriptions nor blueprints; they correspond neither to a present nor to a future reality, precisely because they express ideals. They allow thinkers and actors to take a distance from reality in order to criticize it and imagine possibilities for something better. *Inclusion and Democracy* thus articulates normative ideals and moral arguments intended both to reveal moral deficiencies in contemporary democratic societies and at the same time to envision transformative possibilities in those societies. These twin purposes require the collaboration of moral theory and social theory.

Thus the book analyses many normative concepts important for democracy, such as political equality, publicity, representation, and self-determination. Every chapter poses questions whose answers rely on the methods and principles of contemporary moral and political argument. Each chapter also sets such moral argument, however, in the context of a theoretical description and interpretation of the structure and processes of contemporary societies that claim to follow democratic values. Thus my social-theoretic tasks include defining and analysing several key social and communicative concepts, and setting out logical relations among them. I explicate the meaning of structural social relations and implications of the way individuals are positioned in them. I define some positive political functions of rhetoric and narrative in socially differentiated political communication. I reflect on the meaning and consequences of race and class segregation, as well as try to respond normatively to the apparently contradictory implications of claims for the self-determination of peoples and increasing global economic interdependence.

4. Thematizing Inclusion

Democratic theory has not sufficiently thematized a problem that people frequently identify with democratic processes that formally satisfy basic normative conditions of the rule of law, free competitive elections, and liberties of speech, association, and the like. Many criticize actually existing democracies for being dominated by groups or elites that have unequal influence over decisions, while others are excluded or marginalized from any significant influence over the policy-making process and its outcomes. Strong and normatively legitimate democracy, on this intuition, includes all equally in the process that leads to decisions all those who will be affected by them. Theorists and political actors might call this theme of inclusion into question, however, from several points of view.

Some might object to a discourse of inclusion because they suspect that it presupposes an already given set of procedures, institutions, and terms of public discourse into which those excluded or marginalized are incorporated without change. In this image of inclusion, the particular interests, experiences, and ways of looking at things that the formerly excluded bring to politics make little difference to its processes or outcomes. On this image, bringing about political

equality consists in extending already constituted institutions and practices to people not currently benefiting from them enough, and thereby expecting them to conform to hegemonic norms.

I agree that this is indeed an attitude implicit in the discourse and behaviour of some well-meaning people who both consider themselves included and advocate greater inclusion of particular groups or individuals in a political process. The arguments of this book continue some of those of earlier work, however, to the effect that inclusive political processes should not be thought of as enrolling its participants in a single public with a single discourse of the common good. Thus Chapter 2 argues that political inclusion specifically requires openness to a plurality of modes of communication, and Chapter 3 argues that inclusive political discussion should recognize and attend to social differences in order to achieve the wisest and most just political judgements for action. On this view, one of the purposes of advocating inclusion is to allow transformation of the style and terms of public debate and thereby open the possibility for significant change in outcomes. Chapter 6 perhaps most directly addresses the sorts of worries behind this objection, by arguing that some interpretations of the ideal of racial integration are overly assimilationist and obscure the most important harms of residential segregation. The image of inclusive politics this book aims to conjure, then, is that of a heterogeneous public engaged in transforming institutions to make them more effective in solving shared problems justly.

Others might object that an ideal of inclusion is itself both under- and over-inclusive. On the one hand, a concept of inclusion presupposes some bordered unit into which those excluded can be included. As a concept it thus depends on some continued exclusion. On the other hand, accusations of exclusion and calls for inclusion are often vague, and seem to cover every form of injustice and remedy.

In his critique of the discourse of inclusion Robert Goodin makes both these points, though he concentrates on the first. The ideal of inclusion presupposes bounded states whose function is as much to exclude some people as to include others. Calls for inclusion rarely question this nation-state form, and merely aim to rectify political and social inequalities among people already dwelling under the jurisdiction of a nation-state. Goodin argues that those concerned with relations of privilege and disadvantage should question this nation-state system and conceive instead a system of multiple, overlapping sovereignties each of which is open to others and which does not subject individuals to the vulnerabilities of having only one jurisdiction within which to appeal to redress injustice.

As I indicated earlier, the third major question this book takes up concerns the scope of the polity. I agree that societies and political institutions enact some of their most grievous exclusions by the way they define political jurisdictions themselves—who has a right to influence their operations and who does not. Chapter 6 examines how local politics often perpetuates segregation and other harms by allowing discrete autonomous municipalities within regions of significant interdependence. Chapter 7 argues along with Goodin and others that the nation-state is an inappropriately exclusive political form, and that inclusive politics in our world normatively requires a more open system of global regulation and local and regional interaction.

There is also some point to the objection that much of the way contemporary social critics call for inclusion seems to cover too much. Especially in Europe a myriad of problems seem to come under the general umbrella of ‘social exclusion’, and this language of exclusion sometimes seems to be a euphemism for the presence of misfits, particularly immigrants experienced as racially or culturally different and unemployed youth. The promotion of inclusion in some of this discourse, or ‘social cohesion’, as it is sometimes called, refers to a diverse set of policies, social services, and civic education aimed to support such populations and ease their interaction with better-off citizens. Policies and policy proposals in this context, however, sometimes appear to aim at making social and economic deviants fit into dominant norms and institutions, as well as to give them opportunities for political participation, educational development, and welfare benefits. Suspicion of such attitudes that require adjustment returns us to the first objection.

The concepts of exclusion and inclusion lose meaning if they are used to label all problems of social conflict and injustice. Where the problems are racism, cultural intolerance, economic exploitation, or a refusal to help needy people, they should be so named. My subject in this book is political exclusion and marginalization in particular, and I aim to theorize principles and ideals of political inclusion based on common critical reactions to such political exclusion. I focus on political processes that claim to be democratic but which some people reasonably claim are dominated by only some of those whose interests are affected by them. If inclusion in decision-making is a core of the democratic ideal, then, to the extent that such political exclusions exist, democratic societies do not live up to their promise. Cultural

2 Young, Justice and the Politics of Difference.
intolerance, racism, sexism, economic exploitation and deprivation, and other social and economic inequalities help to account for these political exclusions. For the most part this book assumes such causal relations between social and economic inequality, on the one hand, and political in equality, on the other, without theorizing those other inequalities in any detail.

5. Situated Conversation

I do not present the chapters of this book as constituting a single, self-enclosed, logically integrated theory. While there are many arguments in the book, moreover, and more than one extends over several chapters, I do not think of the book as putting forward one major argument where each chapter contains one step towards the conclusion. Instead I think of these chapters as contributing to a set of overlapping conversations with people of diverse interests and backgrounds whose writing has stimulated me to think or with whom I have spoken over time. In these discussions I aim to advance both my own thinking, and the thinking of those with whom I have engaged and other readers, about issues crucial to democratic practice. In some places my intention is to bring certain interlocutors into conversation with one another. In others I wish to turn the attention of interlocutors and listeners towards some issues I think they have not attended to sufficiently.

Critical theory, as I understand it, abjures the stance of theoretical universality that academic writing sometimes adopts. Normative theorists sometimes speak from a position abstracted from social context, and assert general principles that they claim have the same meaning in all contexts. Such abstraction is sometimes useful, and I rely on some of this work in my discussion. Nor would I deny that some general principles can meaningfully be asserted across social contexts. The approach of critical theory, however, suggests that there are dangers in abstract and generalized normative theorizing, involving, for example, importing into supposedly general theories assumptions derived from the particular socio-historical context in which one thinks, or from the structured social positions conditioning one's own life in that context. Once having adopted a stance of abstraction and generality, furthermore, normative theorizing often has some difficulty in showing its relevance to engaged political action.

For the most part the book stays closer to particular contemporary social contexts and the problems for democratic theory and practice they generate. Since I am writing from the context of the United States, this situatedness means that the scholarly interlocutors, social conditions, and political debates that most influence these pages are from the United States. I very much hope, however, that the questions I raise, and the reflections, analyses, and arguments I offer to address these questions, may fruitfully contribute to the thinking of those concerned to further democratic practice anywhere in the world. Thus I have tried in many places in these pages to refer to issues, writers, and social conditions in other places with which I have some familiarity, where I have had conversations with colleagues and have had some opportunity to follow current affairs—particularly Canada, New Zealand, Australia, Germany, South Africa, and Northern Ireland. No doubt my work falls short of a complete engagement with issues of inclusion and democracy in any context, but I hope that it provides enough stimulus to begin a conversation in many.
CHAPTER 6

Residential Segregation and Regional Democracy

Earlier chapters used metaphors of social location to describe aspects of relations among people, and to ground a claim that structural locations give rise to different social perspectives. Spatial metaphors of structure, position, location, field, and perspective aim to evoke the multidimensionality and differentiated privileges of these relationships. Social relationships defined by location that have consequences for democracy and justice are not only metaphorical, however. Space itself matters. Few theories of democracy, however, have thematized the normative implications of spatialized social relations. Both this chapter and the next take up this task. This chapter focuses on the local and regional spaces of metropolitan areas, whereas the next chapter considers more global social and spatial relations.

Processes that produce and reproduce residential segregation are obvious forms of social, economic, and political exclusion. Defining segregation as a process of exclusion, this chapter reviews the harms it causes or exacerbates. Residential segregation enacts or enlarges many material privileges of economic opportunity, quality of life, power to influence actions and events, and convenience. At the same time it obscures the fact of such privileges from many of their beneficiaries. Most salient for issues of democracy, segregation impedes communication among the segregated groups.

My discussion of segregation focuses first on residential racial segregation in the United States. The harms of segregation are not confined to racial segregation, however, nor are they experienced only in the United States. Thus I discuss issues of class-based segregation as well as race-based segregation. I refer, moreover, to processes of both race and class segregation outside the United States, particularly in Europe.

Having detailed both economic and political harms of segregation, I explore normative ideals that should guide practices and policies to respond to these harms. Most critical reactions to existing residential patterns are guided by certain ideals of integration that promote the mixing of segregated groups, and specifically the entrance of racial minorities or lower-income people into the more privileged sites and enclaves. While equal opportunity and freedom of movement are, in my view, basic values, and highlight the need to remove remaining discriminatory barriers in contemporary urbanized democracies, I argue in this chapter against this model of integration as the best ideal to guide inclusively democratic practice. Group-differentiated residential and associational clustering is not necessarily bad in itself, inasmuch as it may arise from legitimate desires to form and maintain affinity grouping. Spatial group differentiation, however, should be voluntary, fluid, without clear borders, and with many overlapping, unmarked, and hybrid places. To the extent that a model of integration as mixing and dispersal ignores the primary issues of the spatial distribution of benefits, I argue that this ideal focuses on the wrong set of issues.

I offer an alternative ideal of social and political inclusion that I call differentiated solidarity. This ideal shares with an ideal of integration a commitment to combat exclusion and foster individual freedom. But, unlike at least some formulations of an ideal of integration, differentiated solidarity also affirms the freedom of association that may entail residential clustering and civic differentiation. At the same time, the ideal of differentiated solidarity notices and affirms that locally and culturally differentiated groups dwell together in a wider region whose structural and environmental conditions affect them all, and where actions and interactions often have distributive consequences that tend to benefit some over others. Thus the ideal of differentiated solidarity affirms that groups nevertheless dwell together, whether they like it or not, within a set of problems and relationships of structural interdependence that bring with them obligations of justice.

Chapter 1 introduced the question of what is the morally appropriate scope of an inclusively democratic polity, but postponed further discussion of that issue. This chapter thematizes this question of the proper scope of the polity at local and regional levels of interaction, and the next chapter addresses the question of scope in the context of global interaction. The scope of the polity, I argue, ought to include all those who dwell together within structural relations generated by processes of interaction, exchange, and movement that create unavoidable conditions of action for all of them. The harms of residential
segregation are enacted in many places, most notably in the United States, by the construction or maintenance of small political jurisdictions within metropolitan areas of dense interaction. Against such metropolitan fragmentation, I argue for political jurisdictions that include broad metropolitan regions and discourage the form of jurisdictional separation that currently allows many small municipalities to ignore obligations of justice towards differentiated others in neighboring towns. Under contemporary conditions of urbanized interdependence, capital investment and market exchange, communications, and environmental experience, the region is the necessary substratum of political community.

Proponents of deeper and more participatory democracy are often suspicious of institutional changes that would subordinate local community or town process to wider regional political institutions. Any gains in efficiency and equity obtained through regionalization, they suggest, come at the expense of democracy. While these fears are often well founded, I argue that regional governance institutions can, and should, be designed so as to preserve or create neighbourhood and town voice and participation. The norms of differentiated solidarity can be applied by means of institutions of regional federalism that grant a prima-facie value to local autonomy but require intergovernmental negotiation, mediation, joint planning, and regulation.

1. Residential Racial Segregation

While there are many sites of racial and class segregation, here I focus on residential segregation for two reasons. First, especially where segregation is not legally mandated and enforced, *de facto* residential segregation is a major cause of other segregations, such as of children in schools or in employment. Secondly, because of its spatial and jurisdictional aspects, residential segregation has far-reaching consequences for democratic practice.

Segregation in the United States

In *American Apartheid* Douglas Massey and Nancy Denton document the great extent of racial residential segregation in American cities through most of the twentieth century. Despite the passage of the Fair Housing Act in 1968, and even though, according to polls, many more whites now than thirty years ago say that Blacks should be able to live where they wish, degrees of residential racial concentration have declined very little. Chicago remains the nation's most segregated city. According to the standard measure of degree of segregation, 91 per cent of Blacks in Chicago would have to move in order to achieve a racial mix in the city in proportion to the total numbers of Blacks and whites. In Cleveland, Newark, St Louis, Philadelphia, Los Angeles, and New York, at least 80 per cent of Blacks would have to move to achieve a desegregated residential pattern; and all but two of the eighteen largest northern American cities have indexes in excess of 70 per cent. Levels of Black–white segregation in suburban areas are somewhat lower, but still high. Latinos also tend to be spatially concentrated, especially in some parts of the country, but, according to Massey and Denton, less so than Blacks. Some might assume that this segregation is a legacy of enforced segregation in the South. The patterns of racial concentration that Massey and Denton find, however, are generally more pronounced today in northern cities which did not have explicit policies of racial exclusion than in the southern cities that did.

Massey and Denton refute two common-sense explanations for the persistence of racially concentrated neighbourhoods. One might think that the patterns of residence can be sufficiently explained by the fact that Blacks have lower than average income; Massey and Denton show, however, that many higher-income Blacks also live in racially concentrated communities. As I will discuss later, class structure intersects with residential racial segregation, but it seems clear that income cannot entirely account for patterns of racial concentration.

1 Douglas Massey and Nancy Denton, *American Apartheid* (Cambridge, Mass.: Harvard University Press, 1993), 61–7. I have heard some people object to the phrasing of the measure of segregation that Massey and Denton use: 60% of Blacks would have to move in New York to achieve a desegregated living pattern there. This phrasing, which can sound so neutral and merely statistical to some ears, to others carries objectionable white integrationist assumptions. Why construct an index of segregation that pictures the Blacks as moving while the whites stay where they are? Really to achieve lower racial concentration, don’t both groups have to move? The definition of the index also suggests that the desirable goal is a proportionate mixing of whites and people of colour through all residential areas. Later in this chapter I will question this picture of desirable residential living patterns. It is important, I believe, to have ways of measuring degrees of racial concentration. In some cities or regions it would make little sense to phrase such a measure in terms of whites having to move, because whites are the majority of people in the United States, and they are widely dispersed. As a measure, describing racial concentration by saying that 90% of Blacks would have to move to achieve proportionate racial mix is acceptable, even appropriate. It is important, however, to raise questions about the images, however benign, of whose lives must change and what goals are desirable underlie statements of the problem, and to be aware of such assumptions.

Others might say that these patterns of residence can be explained by African American preference to live primarily near other African Americans. If this were the explanation, then there might be nothing wrong with the patterns. I will argue shortly that affinity grouping in social life and neighbourhood is not wrong and may be a positive good for some. Massey and Denton cite survey data, however, showing that most Blacks prefer a mixed neighbourhood. The vast majority say they do not want to live in an all-Black neighbourhood, and most say they would prefer roughly half-Black. The high concentrations of many Black neighbourhoods, then, cannot be explained by the preferences of African Americans. 3

In fact there is a large body of evidence that residential segregation in the United States has been produced and is maintained by legal and illegal discrimination by landlords, home owners, real estate agents, banks, and other individuals and institutions. Until 1968 in the United States it was not illegal for a property owner to discriminate in the sale or rental of housing, and in many other countries it is not illegal today. Whether technically legal or not, a great many property owners believe they are entirely within their rights to decide who will or will not live in their property, according to whatever criteria they choose. Real estate agents often lie, falsely or selectively advertise, and 'steer' white clients to some neighbourhoods and people of colour to others. 4 People of colour are denied mortgage loans far more frequently than whites of comparable income. Banks, developers, and insurance companies often avoid investing in neighbourhoods with significant concentrations of people of colour, thus contributing to their decline. 5

Thus in the United States residential racial segregation is the product largely of the discriminatory actions of private market actors, who self-consciously discriminate by race, or who manipulate a racist market for the sake of making profits. Government policy is by no means exempt from causal responsibility for racial residential patterns in the United States, however. As detailed by Massey and Denton, from the early twentieth century to the present there have been a series of both federal, state, and local policies and programmes that have contributed directly to producing and reproducing segregation. These include zoning practices, public housing policies from the 1930s to the present, post-Second World War mortgage subsidy programmes, urban renewal, and urban redevelopment grants. 6

Residential Racial Segregation in European Cities

While many would like to claim that de facto racial segregation is a specifically American problem, my reading of the literature leads me to think that this is not so. Among majority white liberal democracies the United States is perhaps extreme in the size and homogeneity of its Black neighbourhoods, but other countries show patterns of racial residential concentrations. While not nearly in such a pronounced way as in the United States, for example, New Zealand cities such as Auckland and Wellington tend to crowd poor and working-class Maori and Pacific Islanders into a few neighbourhoods.7 No doubt many other examples could be obtained from around the world. I focus here on racial residential concentrations in European cities, primarily in order to show that racistist social structures of privilege and disadvantage do not seem to be restricted to North America, and apparently can appear in advanced social welfare democracies as well as in underdemocratic or less developed societies. 8

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3 Massey and Denton, American Apartheid, 88–96. These data do reveal a clustering preference among African Americans, which I will discuss later. Most Blacks also say they do not wish to live in a mostly white neighbourhood. Combined with a marked preference for whites by neighbourhoods at least 75% white, the clustering preferences of Blacks and whites together do help explain the actual residential patterns. The point is that African Americans' preferences do not correspond to the nearly all-Black neighbourhoods to which many are confined.


6 Massey and Denton, American Apartheid, pp. 51–57.

7 According to a government report, in Wellington 50% of the Pacific Island population and 28% of the Maori population would need to change the area in which they live to achieve the same residential distribution as Pakeha, or New Zealanders of European descent. Research on Maori and Pacific Islanders' access to accommodation discovered that 83.9% of Auckland land agents acted to the detriment of Maori and Pacific Island applicants. See J. MacDonald, Racism and Rental Accommodation (Auckland: Social Research and Development Trust, 1986). See also Edward M. K. Douglas, Fading Expectations: The Crisis in Maori Housing, Report for the Board of Maori Affairs, (Wellington, June 1986); Elizabeth Mleay, 'Housing Policy', in Jonathan Boston and Paul Dalziel (eds.), The Decent Society? Essays in Response to the Nation's Economic and Social Policies (Auckland: Oxford University Press, 1992).

8 Some students of comparative residential segregation find significant segregation in some European cities, but argue that European cities are not now and are not likely to become the 'hypersegregated' racial enclaves that characterize some neighbourhoods and communities in the United States. See e.g. Barbara Schmitter Teitel, 'Housing Policy and the Underclass: The United Kingdom, Germany, and the Netherlands', Journal of Urban Affairs, 16/3 (1994), 203–20. I am not quarrelling here with this assessment; it may be that the United States has a higher degree of segregation and a more intractable problem of undermining it. The point of these examples is only to suggest that the harms of segregation and the problems it generates for democracy go beyond the United States.
Several British cities show concentrations of South Asians and Afro-Caribbeans in neighbourhoods of less desirable public housing and rental property. Several German cities with relatively large migrant populations from Africa, Asia, and the Middle East, such as Hamburg, Frankfurt, and Berlin, show tendencies of residential concentration of these people. Amsterdam and Brussels have some of the highest segregation indexes of Europe, and there are noticeable concentrations of non-European migrants in the outer suburbs of cities such as Paris and Stockholm. Scholars debate about whether the European societies that show such residential concentrations are becoming racialized ghettos which Europeans leave and avoid and in which economic disadvantage and social problems will increase.

Since most of those who are concentrated in racially or ethnically marked neighbourhoods are immigrants with cultural affinities, it is reasonable to assume that these residential patterns result at least partly from a preference members of these groups have for living near those with whom they feel affinity. In the terms that Peter Marcuse uses, these neighbourhoods may simply be ethnic enclaves rather than ghettos resulting from exclusion by the white majority. If residential concentrations simply reflect a preference for living near certain kinds of people, then their existence should not present a problem. But how do we tell the difference between residential segregation and residential clustering in these multicultural cities? This is not the place to analyse which are and which are not segregated, but I propose the following criteria for observing the difference; these criteria are probably not exhaustive. If studies show that migrants or others marked as racially or ethnically different experience housing discrimination in majority neighbourhoods, then this means that many members of these groups are confined in their housing options to racially concentrated neighbourhoods. If residents of the city ‘know’ where racial and ethnic minorities are said to be living, and if these neighbourhoods carry associations of danger or boundedness to city residents, then those living in them are likely to suffer stigma that affects other opportunities. If members of the majority cultural group are moving out of neighbourhoods associated with racialized groups, there is probably a segregating process. In addition, if both public and private resource and property owners fail to invest in the racially concentrated neighbourhoods, and the latter decline in quality, we probably have a segregation process. If the neighbourhoods in which racialized groups cluster have notable disadvantages compared to others, such as having poor transportation access, poor-quality housing for the price, location near unpleasant industrial facilities, and so on, then the cluster is partly a matter of privilege. To the extent that discriminatory attitudes and behaviour force or induce members of racial or ethnic minorities to live in certain neighbourhoods when they might otherwise seek housing elsewhere, they live in segregated conditions. Even more importantly,
if their housing conditions, neighbourhood location, and general quality of residential life are inferior, then their segregation contributes to conditions of structural inequality. The literature I have cited above gives strong indication that many of the racially and ethnically concentrated neighbourhoods in European cities meet several of these criteria.

Such circumstances can have varying causes. The processes of housing discrimination against people of colour in Britain, for example, according to Susan Smith, have operated more through public policy and the decisions of policy administrators, though private markets play a complementary role. After the Second World War, the most desirable rental housing in metropolitan areas tended to be the public council housing. Government bureaucracy plays a larger role than markets in the allocation of units of council housing. For many years public housing rules stated that a person had to reside in Britain for five years before becoming eligible for council housing. Even after this rule was lifted, other rules tended to restrict the opportunities of immigrants or people of colour, such as marriage rules, family size, income, or creditworthiness. In some districts during some periods of the last forty years, moreover, administrators allocating public housing units acted on their ideas about which sort of people belonged in which sort of units, and sometimes would claim that the existing resident did not want to live near Blacks when they allocated units to Blacks in other, often inferior, units.

The restriction of choice in public rental housing forced South Asians and Afro-Caribbeans into the private rental housing market in the inner cities. This housing was generally the oldest, poorest quality, and located in the neighbourhoods with fewest amenities. The privatization of a significant proportion of public housing in Britain beginning under the Thatcher government may have changed these segregation dynamics somewhat, but racially marked residential patterns were well established by then.

2. The Wrongs of Segregation

The term ‘segregation’ usually carries a negative normative connotation. But just what is wrong with it? Some people seem to attribute the wrong of racial segregation to group clustering itself. Such a view would suggest that group differentiation itself is problematic, because it creates potential for disrespect, conflict, and lack of communication.

I believe it is a mistake, however, to focus on the patterned fact of group clustering as the moral problem with segregation; focusing on patterned group differentiation reflects from the more important problems, which concern processes of exclusion from privileges and benefits. These processes of exclusion do indeed have grave consequences for the possibility of democratic peace and co-operation, but this is due more to the structural inequalities they generate than the group identities they magnify.

Here I discuss specifically four wrongs of residential racial segregation. First, segregation violates a principle of equal opportunity and thus wrongly limits freedom of housing choice. Secondly, and most importantly, processes of segregation produce and reinforce serious structures of privilege and disadvantage. The very processes that produce segregation, thirdly, also obscure the fact of their privilege from those who have it. As a result, finally, the social and spatial differentiation segregation produces seriously impedes political communication among segregated groups, thus making it difficult to address the wrongs of segregation through democratic political action.

Wrongly limits choice. Processes of segregation are wrong because they inhibit the freedom of people to live where they wish, or at least to have the opportunity to compete for housing in the communities of their choice. Some restriction on housing choice occurs, of course, because housing in some neighbourhoods costs more than in others. Insufficient income limits housing choice. Other restrictions, however, involve racial discrimination. To the extent that neighbours, landlords, real estate brokers, banks, and governments discriminate in their treatment of persons marked as belonging to racially or ethnically oth- ered groups, they violate a principle of equal opportunity and wrongly restrict housing choice. Either intentionally or unconsciously, they exclude people of colour from communities which the latter might otherwise find desirable, and leave them little alternative but to reside in less desirable neighbourhoods often already populated predominantly by members of racially marked groups.

Reproduces structures of privilege and disadvantage. People who live in neighbourhoods or communities with a high concentration of people of colour often have a worse quality of life than do those who live in all-white or nearly all-white neighbourhoods. People in segregated neighbourhoods often must pay more for poorer-quality housing than those in white neighbourhoods.

16 Smith, The Politics of ‘Race’ and Residence, chs. 3 and 4.

many predominantly Black neighbourhoods; because the racially marked groups have lower average incomes, their concentration in space magnifies the market effects of lower incomes. Business establishments are less able to sustain themselves, especially if there is an economic downturn, and property owners are sometimes less able to maintain their property. Businesses thus exit and new ones are reluctant to enter, because the neighbourhood is perceived as deteriorating and property values are falling. Remaining commercial and residential property owners have little incentive to invest in the improvement or even maintenance of their property, and the spiral continues. As a result, people living in these neighbourhoods often have fewer stores, restaurants, offices, private services, movie theatres, and the like than those who live in even modest white neighbourhoods.

As a consequence of many factors of market, transportation, prejudice, and preference, in the United States both large and small employers are locating further and further from minority-identified neighbourhoods and towns. Those who live in these neighbourhoods find themselves isolated from access to information about jobs and the social networks that both disseminate this information and refer acquaintances to employers. Even if they manage to learn of openings and are considered for them, moreover, segregated residents find that poor access to transportation can be a major impediment to taking or keeping jobs. Thus segregation helps reproduce the looser relation to labour markets of many members of segregated groups. Those who live in segregated neighbourhoods, finally, often have access to fewer and lower-quality public and private services than those in integrated or white neighbourhoods. Transportation systems often serve them poorly, and their streets are the last to be ploughed by snow. Their residential clustering often gives them less clout in city hall than others in the city, and for this reason they may be relatively under-served in fire and police protection. Their schools are often of poor quality, both physically and academically, and they often have poor access to medical services.

Processes of segregation, then, exacerbate class differences of income, education, and skill to produce racially structured differences.


18 Massey and Denton, American Apartheid, esp. ch. 5.

19 See William Julius Wilson, When Work Disappears (New York: Knopf, 1997); Galster and Hill, 'Place, Power and Polarization'. Discussions of the consequences of racial and class segregation in Europe also point to such consequences for employment opportunity; see e.g., Waquant, "Race", Class and Space in Chicago and Paris.

20 Massey and Denton, American Apartheid, 153–60.

in privilege and opportunity. These structures in turn reinforce racial discrimination by creating less desirable places associated with the subordinate groups. These places themselves are racially marked by the dominant society as unworthy, and those who live there are held responsible for the physical neglect of their environment. The aversive racial marking of segregated neighbourhoods thus boomerangs onto their inhabitants, rationalizing further discrimination against them because of where they live.

Many who live or have lived in neighbourhoods inhabited predominantly by African Americans or Latinos in the United States, or by South Asians or those of Caribbean descent in England, for example, are made uncomfortable by a discourse that focuses exclusively on the disadvantages such segregation usually brings. They often experience life in these neighbourhoods as personally supportive, lively, and neighbourly, with culturally distinct institutions and strong civic networks. I agree that discussions of racial residential concentration are too often one-sided. Later I shall argue that affinity group clustering, as distinct from segregation, is not wrong in itself; I will also argue that certain interpretations and attempts to implement an ideal of integration fail to recognize the positive contribution such clustering makes to some people's lives.

Most scholars of residential racial segregation also focus on such facts of relative disadvantage and absolute deprivation. They often fail to highlight the correlative privilege of those in predominantly white neighbourhoods and communities that attends these same facts. Even though housing demand in white neighbourhoods might be higher if the market were truly open to all bidders, segregation helps keep housing prices high by constructing in them a desirable amenity over and above location and quality of structures: the whiteness of their neighbourhoods. High property values in these neighbourhoods encourage investment in the neighbourhood, thus maintaining or raising the property values. Their neighbourhoods more often have better shopping and entertainment, transportation access, public and private services, gardens and green spaces. It is fair to say, moreover, that at least to a certain extent, the predominantly white neighbourhoods and communities often have such amenities because the segregated neighbourhoods do not. If city or regional economies often can support only a certain number of grocery stores, theatres, coffee-houses, and so on, then the choice of their location has critical distributive effects. Presumably a city government has limited funds for garbage pick-up or fire protection. Thus if some neighbourhoods have the privilege of excellent service, it is likely at the expense of other neighbourhoods where service is poor.
Obscures the privilege it creates. Segregation, I have argued, reserves certain privileges for some whites, and excludes many people of colour from those privileges and benefits. The very same process that produces these relations of privilege, moreover, obscures that privilege from those who have it. In order to see themselves as privileged, the white people who live in more pleasant neighbourhoods must be able to compare their environment with others. But this comparison is rarely forced upon them because those excluded from access to the resources and benefits they themselves have are spatially separated and out of sight. Another place defines their lives. Whites often avoid experiencing those other places, but usually we do not even need to think about such avoidance, because our daily lives and social spaces are so constructed that we have no reason to go where the others live.

As a consequence, those who have privileged lives compared to the disadvantages in the quality of life produced by segregation can think of their lives as normal, average. Life does not feel privileged for the white family with two working adults paying a hefty mortgage and dealing with the hassles of child care, freeways, and too many demands at work. Being able to stop off at a gourmet grocery on the way home, to count on police protection and snow removal, and to walk or drive a short distance to see a first-run movie seem like the most minimal rewards for an arduous week of work. Segregation thus makes privilege doubly invisible to the privileged: by conveniently keeping the situation of the relatively disadvantaged out of sight, it thereby renders the situation of the privileged average.

Making privilege invisible to the privileged has the effect of inoculating against what sense of injustice they might have. Those who lead relatively privileged lives in a segregated society see no injustice in their situation. Indeed, they often become indignant at the suggestion that they benefit from injustice, because they experience their lives as so average, normal, and full enough of troubles. Many of these people who think of themselves as average, good, and decent could be made uncomfortable by frequent everyday human encounters with those excluded from these benefits, within their daily living environment. Their sense of justice might be pricked; some of them might even think that something should be done to change the situation. But the everyday separation of the lives of the more and less privileged that is part of the process of residential racial segregation makes it unnecessary for the privileged to think about social injustice except in the most abstract terms.

Impedes political communication. In Chapter 1 I traced the circle that often goes from structural social inequality to political inequality, so that a formally democratic process often operates to reinforce structural inequality. Formally democratic processes do seem often to reinforce rather than undermine the harms of segregation, partly because the processes exclude and marginalize members of segregated groups from political influence.21 To the extent that privileged groups often dominate the public policy process, these policies often fail to notice and address the harms of segregation; as we have seen above, often public policies sometimes even magnify the harms of segregation.

In earlier chapters I have argued that inclusive communicative democracy is one of the only ways to break this circle by which formally democratic politics reinforces structural social inequality. The theory of communicative democracy says that policy change to undermine structural inequality is more likely to occur if subordinated groups are politically mobilized and included as equals in a process of discussing issues and problems that lead to decisions. If some people suffer injustices, the first step in redressing them is being able to make claims upon others in a shared public forum that together they should take action to address these problems. If those with such claims can participate equally with members of dominant groups in political discussion and decision-making, they may be able to change the way others see the social relations in which they stand together, the problems they generate, and the priorities they should have for action.

The very processes of segregation that produce structural privileges for many white people, however, also impede the establishment of such inclusive political fora. The conditions of segregation impede the emergence of both civic and state-sponsored sites where differentiated groups come together to debate whether there are injustices and, if so, what should be done about them. The economic and social privilege that many whites have relative to many African Americans and Latinos in the United States tends to translate into a political privilege where a white perspective dominates political bodies like city councils or state legislatures. Blacks have a strong if not dominant voice in some municipalities in the United States, of course, precisely because of processes of segregation which have isolated them in inner cities and inner, often economically depressed suburbs. Where African Americans or other segregated groups are able to dominate local politics, in the United States they usually preside over vast problems and

a narrow tax base with which to address them. More privileged neighbours live in other towns to which they have little political relationship; the political separation of municipalities in such cases means that there are few sites and fora for political communication between groups. I will return to the problem of jurisdictional separation shortly.

Suppose inclusive fora of democratic communication do bring together groups structurally differentiated by processes of segregation. The effects of segregation impede communication within them in other ways. Because structures of segregation have given groups rather different everyday experiences, because they may also be culturally distinct and segregation impedes significant awareness of these cultural differences, because they often have different assumptions about what is important, they are very likely to misunderstand and misrepresent one another. Segregation, that is, exacerbates prejudicial attitudes that group members may have towards others, thus making it difficult to engage in productive debate and discussion. Especially the more privileged are likely to make assumptions about social realities and experience that do not hold for the others. Since the privileged allow themselves to construct their lives as average, when they learn of the difference between their lives and those less privileged, this encounter is likely to feed stereotypes and deprecating judgements as much as it may produce sympathetic understanding. Under such circumstances there is even greater need for discourses of greeting and recognition of others, and for listening to narratives of experience and perspective.

3. Residential Class Segregation

Discriminatory acts and policies are major causes of residential racial segregation. Many of the privileges and disadvantages associated with racial segregation, however, are also intimately tied to structures of class privilege and disadvantage, including processes of residential class segregation. For the purposes of this discussion, I mean by residential class segregation practices and processes that tend to homogenize the income and wealth level, occupational status, and lifestyle consumer tastes of communities. Residential class segregation is by no means an inevitable consequence of class differences themselves. Indeed, historically many societies have enacted and reinforced hierarchies of privilege, wealth, and leisure through the proximity and interaction of members of upper and lower classes. It was not until industrial urbanism was well developed in the nineteenth century that well-to-do people separated themselves from others and that practices of city planning encouraged segregation of the poor. Many of the urban centres of the twentieth century still had many spaces where well-to-do homes were mixed with more modest apartment houses, and people of various strata often mingled in city streets and parks.

In the United States the two decades after the Second World War saw a decrease in residential class segregation, as the middle class expanded and people of all income levels sought suburban housing. In the following two decades, however, there was a marked increase in residential segregation, and all the signs point to more spatial differentiation of the well-to-do, the working class, and the poor. Residential class segregation is certainly not unique to the United States, moreover, but is common all over the world, and appears also to be increasing in many parts of the world.

Most broadly, class segregation refers to an entire way of life in which relatively well-off people can conduct nearly all of their everyday activities insulated from encounters with those less well-off, their faces, their dwellings, their working conditions, and so on. Segregation is thorough when well-off people are spatially enclosed and protected from encounter with those less well-off not only in their residential neighbourhoods, but in their working day, their shopping trips and nights out, their vacations, and in travelling from their residences to any of these places. Not only do many desire this sort of privilege and insulated life, but many can fulfill their desire.

Class segregation must be produced and maintained by active and policed exclusion. Whether by erecting walls or carving out separate municipal jurisdictions, class segregation most often works by constructing and policing strict boundaries. To be sure, market forces contribute mightily to patterns of class residential concentration. Many

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people cannot buy or rent homes or apartments because these command too high a price that others are eager to pay. Unregulated real estate markets can also work in unpredictable ways, however, producing mixed use and mixing income and occupation in close proximity. The demand for housing associated with neighbourhood privilege reaches far down the income pyramid, and often enough there are investors willing and able to cater to this market if they are allowed to. Zoning laws that restrict the form of building and use of property in better-off neighbourhoods ensure they are not allowed to.

Where neighbourhoods and towns have an income mix, those less well-off benefit from the 'neighbourhood effects' of dwelling together with those with more resources. Neighbourhoods and towns with a mix of affluent and less affluent people can support better parks, public buildings, and streets than can towns populated with mostly lower-income people. If they have public schools, they are likely to have better facilities. Their dollars attract more shops, restaurants, and entertainment venues. Even when the homes and grounds of the wealthy are gated and inaccessible, lower-income people who live near them benefit from their green spaces. It is certainly arguable that affluent people sacrifice little or nothing by sharing city spaces with less affluent people in this way, and that they gain benefits of interacting with differently situated people.

Walled and gated citadels are the extreme opposed to such potential sharing of environments. They exist precisely to prevent openness towards neighbours. Many gated communities enclose gardens, shops, and services for the use only of those who live within the walls. Some walled enclaves encourage community among their residents; thus they are not entirely private spaces. But their purpose is to insulate residents from the surrounding city, its people, and its problems.

The form of active exclusion characteristic of affluent suburbs is different. Building regulations and lot size usually ensure that the communities are reserved for affluent residents. Road access to the communities is limited, and rarely do roads connect with public transportation service. Thus unwelcome lower-class visitors rarely wander in; if and when they do, police or neighbourhood watch groups are liable to challenge their right to be there.


25 See Hegley, Privilege, Power and Place, esp. ch. 3.

Does class segregation magnify privilege at the same time that it obscures privilege, as I have argued happens with racial segregation? Just by virtue of their wealth the affluent have significant privilege in land, dwellings, and amenities. Segregation magnifies this privilege by offering residents a collective space of comfort, finery, and enclosed security. Class segregation insulates the well-off from the normal annoyances and problems of urban life—noise, dirt, and litter, industrial and warehouse sites, pollution, crowded streets and public transport, disorderly and diverse mixed architecture and activities, crime and the threat of crime.

Living in such segregated communities also obscures class privilege; the well-off can avoid situations in which they experience the circumstances of those less well-off. Capitalist democratic societies have less incentive to obscure class privilege than to obscure race privilege, however, because the dominant values do not question class privilege as they do race domination. Consequently, like all conspicuous consumption, one of the reasons to create walled communities and homogeneously affluent towns is to create a setting of privilege that residents are aware of each time they enter.

Class segregation endangers democracy in at least three ways. First, it discourages public spaces and public encounters. Like residential racial segregation, secondly, class segregation impedes communication between groups. Most importantly, by segregating themselves in enclosed enclaves or separate political communities, those more well-off can abandon a sense that wealthier citizens share problems with their less well-off neighbours and should co-operate with them to produce public goods.

Chapter 5 discussed publicity as a necessary aspect of democratic participation and as a basis for communication among citizens for the sake of exposing the actions of political and economic élites, holding them accountable, and positively influencing their actions. A public sphere may be enacted partly through print and electronic media, and to that extent does not require open physical spaces. To the extent that physical public space shrinks, however, or to the extent that many citizens withdraw from embodied public space, open communicative democracy is in danger.

A public space, recall, is one to which anyone has access, a space of openness and exposure. The physical open spaces of public streets, squares, plazas, and parks are what I have mind with the term embodied public space. These are large spaces where many people can be present together, seeing, being seen, exposed to one another. In them one may encounter anyone who lives in the city or region as well as
outsiders passing through. They importantly contribute to democratic inclusion because they bring differently positioned strangers into one another's presence; they make concrete the fact that people of differing tastes, interests, needs, and life circumstances dwell together in a city or region. Used by various constituencies for festivals or rallies, they announce to a wide public the interests and enjoyments of the constituencies, which others may share or be persuaded to support. Thus they are also crucial to democracy as unique sites of political expression and demonstration, where public opinion can show its strength.

Both walled enclaves and tucked-away suburbs devalue and discourage embodied public space. They may have indoor and outdoor gathering-spaces for residents and their invited guests. Since they are not accessible to anyone and they are not situated so that localized neighbourhoods open onto them, however, these spaces are not public.

Class segregation minimizes encounters between members of well-off and less well-off groups. When they do interact, it is most often on terms specified by the well-off and for their benefit, such as the interactions between enclave dwellers and the people who clean or repair their homes. While city, state, or national policy making discussions may imagine the groups as together politically in a formal and abstract way, such abstract togetherness has little basis in experience for any of them. Segregation reduces the living communication differently situated economic groups have, however, and thus the opportunity to understand the problems and perspectives of the others. Because these problems and perspectives are perceived to affect them, however, the segregated groups may talk among themselves about the others, often formulating one-dimensional and deprecating stereotypes. If members of the segregated groups then should find themselves in fora where they discuss public issues, false impressions and assumptions are liable to fuel further misunderstanding and frustrate communication.

Class segregation, finally, enables those who are wealthier and with more economic power to ignore the problems and interests of those less privileged and simply attend to furthering their own well-being and perceived interests. Enclosed in comfortable enclaves, they can be indifferent to the needs and interests of others and withdraw from the problems of interdependent urban life. Social and political indifference is especially easy when privileged classes live in separate political jurisdictions, when borders allow residents of affluent suburbs to keep resources for themselves and insulate themselves from the needs and problems of the less advantaged. In the United States most metropolitan areas have scores of distinct municipalities, some of which are wealthy and most of which are not. Jurisdictional boundaries allow people to express local political concern for only the situations and policies of their town, and to ignore people in nearby towns and cities. Some scholars argue that this self-regarding privilege results in reduced civic and political involvement among residents of affluent communities, as compared with people of the same income level who live in more diverse settings. Relatively satisfied with their schools and services, and without others to challenge their privilege and produce conflict, many suburban dwellers have little motivation to volunteer to improve the well-being of their communities or to get involved in political debates.

Some readers may be impatient with this criticism of class segregation as an impediment to democracy, because they think that class difference itself is the major impediment to political equality. As I noted in Chapter 1, I sympathize with the view that structural class inequality creates a political inequality that in turn enables the privileged class to reinforce its privilege using formally democratic processes. On this view, structural class inequality itself should be reduced or eliminated.

Many people in the imperfect democracies we live in, however, do not agree with this analysis, or the value of economic equality it assumes. If they express a commitment to democratic values, however, then they must believe that all members of a polity ought in principle to have the opportunities to participate with others in political decision-making, to make claims of justice upon them, and attempt to persuade them of the rightness of these claims. The problem with class segregation, as distinct from class structure itself, is that it conflicts with this commitment to democratic participation. Even those who find nothing wrong with unequal accumulation of wealth and economic power should find the consequences of the residential and political segregation of classes problematic for democratic values. Undermining that segregation, then, can open more possibilities for those who believe that economic inequality itself ultimately conflicts with democracy to

27 Gerald Frug discusses the importance of such diversified encounter in public space. See City Making: Building Communities without Building Walls (Princeton: Princeton University Press, 1999), ch. 6. See also Teresa Caldeira's discussion of the importance of public space, 'Fortified Enclaves: The New Urban Segregation'.

4. Critique of an Ideal of Integration

Residential racial segregation, along with class segregation, produces the harms I have reviewed. What norms and ideals ought to guide policies and actions aiming to reverse these harms? Many critics of racial segregation are guided by a notion of integration in which spatial group differentiation itself is the problem and residential mixing is the solution. In an ideally integrated city, no neighbourhood would be dominated by a minority group, nor would any neighbourhood be inhabited exclusively by a majority group. Instead, each neighbourhood would contain people of different groups in rough proportion to their incidence in the general population. In this section I question such an ideal as an appropriate guide for action to eliminate the harms of residential racial segregation. This ideal tends wrongly to focus on patterns of group clustering while ignoring more central issues of privilege and disadvantage. I have four objections to this way of conceiving the goals of desegregation and inclusion.

First, attempts to bring about integration tend to leave the dominant group relatively undisturbed while requiring significant changes from members of the excluded groups. Pro-integration housing policies, for example, usually involve the movement of members of the segregated groups to white neighbourhoods, rather than the reverse. More generally, practical efforts at integration too often mean that the socially dominant groups set the terms of integration to which the formerly segregated groups must conform. Members of the excluded groups are expected to "fit" into the society and expectations of the dominant groups.

Secondly, an ideal of integration rejects the validity of people's desire to live and associate with others for whom they feel particular affinity. People often want to cluster in affinity groups defined by ethnicity, religion, language, sexual orientation, or lifestyle, and modern urban processes usually enable them to do so. People often settle in a new city near family or friends, or near those with whose particular tastes, language, religious practices, and so on they believe they will be most comfortable. They seek to enter friendly networks for locating housing or jobs, and these are often particularized by affinity groupings.

Such residential and civic clustering is not in itself wrong. Especially when members of a cultural group experience discrimination, depre-
I have argued above that the primary wrong of segregation is not that groups are distinguished, however, but that through its processes certain groups establish or retain material privilege. Actions or policies that aim to mix members of segregated groups in spaces and institutions of dominant groups usually operate very slowly, a few individuals at a time, and leave untouched the material disadvantages created by exclusionary spatial processes.

In the United States calls for policies of housing integration often sound to African Americans or Latinos like a condemnation of the neighbourhoods they have often loved and tried to improve, where they have experienced strong churches and civic institutions, and good times socializing. For some of these people the policies promoting integration amount to removing individuals from their sources of solidarity and isolating them, further disempowering them. While nearly everyone who lives in segregated neighbourhoods wants better housing, transportation access, public parks, and so on, many resist the implication that they must give up their culturally specific institutions and social networks to mix with strangers who are likely to be distant if not disrespectful.²⁹

Some public housing policies in the United States can illustrate the sometimes perverse implications of taking clustering itself as the problem and mixing as the solution. The US Housing and Urban Development agency at one time had guidelines for low-income housing that encouraged reserving some spaces for whites in order to promote integration in projects. These often resulted in empty units reserved for white applicants who did not appear, at the same time that waiting lists for African Americans and Latinos were years long. Court action eventually brought such integration-promoting methods into question, and the practice has been more or less abandoned.³⁰

²⁹ See Alex J. Johnson, 'Bid Whist, Tonk and United States vs. Fordice: Why Integrationism Fails African Americans Again', California Law Review, 81/6 (Dec. 1993), 1401–70. Johnson argues here for the virtues of separate African American educational institutions, but his points apply to valuing distinctly African American neighbourhoods and institutions within them. The ideal of integration, Johnson argues, can only be achieved by respecting the unique culture of groups through the maintenance and operation of separate institutions that allow African Americans to join together in collective associations that have educational and social dimensions. Integration is a long-term process that requires affirming group-differentiated separation on the way. In analysing the Fordice decision, Johnson argues that attempting to change racial patterns by coercion is wrong, at least partly because it limits African American choices to cluster.


In Europe the issue of integration is discussed today most often in terms of the situation of members of groups who have migrated to European countries from Asia, Africa, the Middle East, and the Caribbean. Although many of these people were born in these countries, often dominant society treats them all as foreigners. They are often relatively segregated in European cities, partly as a result of voluntary clustering and partly because of processes of exclusion. Many maintain a distinct language, religious practices, social networks, and other cultural affinities. Often they have meagre opportunities for employment and economic improvement. Many European cities and states aim to promote integration of members of these groups.

In his influential book Multicultural Citizenship Will Kymlicka argues that integration is the proper normative ideal for the relationship between immigrants and the nations into which they immigrate. Whereas national minorities have rights to self-organization and cultural separation because they have historically occupied a territory, immigrants have joined another society voluntarily in order to better their lives. While they need protections from discrimination, and special resources to enable them to learn the dominant language and develop skills necessary to compete on the labour market, the goal of their movement and these policies ought to be their integration into the dominant national culture.³¹ Kymlicka here fails to distinguish the goals of economic opportunity and political inclusion from incorporation into a dominant national culture. Most migrants do in fact wish to be integrated into labour markets and political institutions of the societies they have joined; many, however, resist the suggestion that they should acquire the dominant national culture and privatise their native culture as a condition of these economic and political opportunities. This distinction has generated some conflict in some European cities.

Yasmin Nohaglu Soysal distinguishes two kinds of policies that European states follow towards the inclusion of immigrants and their children. Some policies provide opportunities for language-learning, training, etc., at the same time that they discourage groups from forming group-specific organizations. Others allow or even encourage the self-organization of migrant groups to provide services and represent the interests and perspectives of these groups in politics and policy.³² The former sort, I suggest, tend to be guided by an ideal of integration, while the latter align more with the ideal of differentiated solidarity I
people are to use cultural resources to support personal identity and civic sociability.36

5. An Alternative Ideal: Differentiated Solidarity

Assuming that the criticisms I have made of a common form of an ideal of integration are valid, then we need to formulate a different ideal of social and political inclusion. I propose to call this alternative ideal differentiated solidarity. Like the ideal of integration, norms of differentiated solidarity oppose actions and structures that exclude and segregate groups or categories of persons. Differentiated solidarity assumes respect and mutual obligation.

Unlike an ideal of integration, however, differentiated solidarity allows for a certain degree of separation among people who seek each other out because of social or cultural affinities they have with one another that they do not share with others. Differentiated solidarity does not presume mutual identification and affinity as an explicit or implicit condition for attitudes of respect and inclusion.37 Affinity group differentiation can be affirmed if it is structured in a context of co-operation that discourages group-based selfishness, prejudice, or hatred. Differentiated solidarity, then, aims to balance values of generalized inclusion and respect with more particularist and local self-affirmation and expression.38 I will elaborate its principles of both

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36 Yael Tamir discusses the need for public culture in this sense; see Tamir, Liberal Nationalism (Princeton: Princeton University Press, 1993).

37 The ideals and principles I offer under the concept of differentiated solidarity are similar to the ideals expressed by Roy Brooks under the label of ‘limited separation in alliance with racial integration’; Brooks, Integration or Separation: A Strategy for Political Equality (Cambridge, Mass.: Harvard University Press, 1996), esp. pt. III. Limited separation, Brooks says, is ‘cultural and economic integration within African American society’ (p. 184). ‘Limited separation is voluntary racial isolation that serves to support and nurture individuals within the group without unnecessarily transmitting the interest of other individuals or groups. Racial isolation that results from a conscious choice or strategy of self-support by African-Americans and that does not unnecessarily subordinate whites individually or collectively is what I mean by limited separation’ (p. 190). I find this definition somewhat too strong in stating its approval of ‘isolation’. Racial ‘isolation’ is neither desirable nor possible: ‘limited separation’ is a more descriptive term.

38 The articulation of an idea of differentiated solidarity draws on some ideas of previous work. Partly inspired by the struggles of Maori in New Zealand and the policy changes in that society towards greater cultural and political autonomy for Maori in the context of dwelling together with others in a wider New Zealand polity, I developed an earlier form of this idea in an essay, ‘Together in Difference: Transforming the Logic of Group Political Conflict’, in Will Kymlicka (ed.), The Rights of Minority Cultures (Oxford: Oxford University Press, 1995). Despite important institutional changes in New Zealand in the last twenty years problems of segregation and exclusion remain serious. Other aspects of these
solidarity and differentiation, and then indicate how this ideal can guide desegregating actions and policies.\(^{39}\)

**Solidarity.** With this term I intend to invoke a sense of commitment and justice owed to people, but precisely not on the basis of a fellow feeling or mutual identification. Most uses of this term ‘solidarity’ presume such unifying fellow feeling, as do synonyms such as ‘community’. Ideals of inclusion in our complex, plural, and populous societies, however, must rely on a concept of mutual respect and caring that presumes distance: that norms of solidarity hold among strangers and those who in many ways remain strange to one another.\(^{40}\) If not fellow feeling, what is the moral basis for such attentiveness across social distance?

It is that people live together. They are together in a locale or region, whether they like it or not. Because they are together, they are all affected by and relate to the geographical and atmospheric environment, and the structural consequences of the fact that they all move in and around this region in distinct and relatively unco-ordinated paths and local interactions. They are all potentially affected by an earth-


\(^{39}\) The ideals of differentiated solidarity I articulate here also owe something to recent formulations of norms of political community and inclusion that Jurgen Habermas has made. Habermas rejects notions of political community that reject an assumed pre-political ‘nation’ or other group affinity as the basis for mutual respect and commitment to co-operation working political institutions require. He offers instead a concept of ‘constitutional patriotism’ to unify members of a political community, which can allow for cultural distinctions within it. See ‘Citizenship and National Identity: Some Reflections on the Future of Europe’, *Praxis International*, 12/1 (Apr. 1992), 1–19; and ‘The European Nation-State: On the Past and Future of Sovereignty and Citizenship’, in *The Inclusion of the Other: Studies in Political Theory* (Cambridge, Mass.: MIT Press, 1998). The concept of differentiated solidarity shares with Habermas’s notion of constitutional patriotism the desire to dissociate the bases of political solidarity from mutual identification. Habermas’s ideal assumes, however, an already existing jurisdiction covered by a single set of procedures and laws. His concept does not so usefully explain normative groups for creating or changing jurisdictions covered by constitutional procedures. As I will discuss further at the end of this chapter and in Ch. 7, jurisdictional boundaries are often drawn in ways that intentionally or unintentionally exclude some people affected by actions and policies from having to be considered. Normative theory and political practice wishing to correct this mismatch cannot rely on a concept of solidarity based on the prior assumption of shared jurisdiction or constitution.


quake, reduction in electrical service, or complex rush hour traffic jams, the latter two of which they often help cause. Distant strangers often need to care about and co-operate with one another enough to respond to local circumstances and problems that potentially affect most of them, which often originate from the confluence of their individualized actions.

Strangers in modern societies also live together in a stronger sense. Their daily activities assume dense networks of institutional relations which causally relate them in the sense that the actions of some here pursuing these ends potentially affect many others whom they do not know and may not have thought about. Economic activities and their institutions must deeply connect the dwellers of a region. Institutions and relations of mass communication, relations of law, contract, and service delivery, whether public or private, also bring strangers together in communicative and causal relations that link their actions and the conditions of their action.

Few theorists of justice ask what is the scope of persons or other creatures over whom obligations of justice ought to extend. They usually assume the polity to which principles of justice ought to apply as already given, and that principles of justice apply to all who take themselves to be in the same polity. As I pointed out in Chapter 1 and will again discuss at the end of this chapter and in Chapter 7, however, many polities are arbitrarily defined or defined on purpose to exclude some persons. Thus it is appropriate to ask whether the boundaries of a given polity correspond to the definition the polity ought to have in order properly to respond to moral requirements of justice. How, then, do we learn what the scope of obligations of justice is, if not by looking at the scope of existing polities?

Onora O'Neill offers a useful answer to this question. She argues that people (and perhaps some other creatures) who dwell together in the ways I have discussed stand in relations where principles of justice ought to apply. An agent stands in relations of justice with all those others whose actions that agent assumes in the background of his or her own action. In going about our own business we assume that many others will or will not do things whose institutional and causal consequences can affect our lives and actions, and we likewise implicitly assume our actions as institutionally and causally connected to the lives and actions of others. On O'Neill's account, people have obligations of justice to others in so far as and on account of this fact that they assume the specific agency of others as premises for their own action.\(^{41}\)

I tune in to the traffic report at 8:30 a.m., and learn that several of my usual commuting routes are slower than normal; I decide to wait an hour before leaving for work. This simple act presupposes many other actors: those who prepare the traffic report, the radio station operators, all those other unknown commuters leaving for work. I grab a cup of coffee at the service station where I fuel my car. With these simple actions I presuppose the actions of possibly millions of others who are instrumental in making hot-brewed coffee and gasoline cheaply available to me. Obligations of justice arise among persons set in such institutional relations and causal chains of effect and influence. Because of these institutional and causal relationships, my actions here flow together with many others' to have far-reaching effects on distant others.

O'Neill argues that this conceptualization implies that the scope of obligations of justice is global. I agree with her, and in the next chapter I will explore that argument and discuss its normative implications for political institutions and democratic practice. The point for now, however, is to specify the claim that strangers with diverse loyalties, local affinities, and goals dwell together in complex causal relationships in metropolitan regions. Because they dwell together in this way, they have obligations of justice to one another. Obviously this does not mean that each of the thousands or millions of people who dwell together in a city or region has specified and individualized obligations to pay attention to the situation of every other individual in relation to all the others, and personally to rectify the situation of each person he or she finds suffering injustice. It means instead that every person dwelling in this institutional and causal nexus is obliged to do what he or she can to constitute and support institutions of collective actions organized to bring about relations of justice among persons, that is to say, political organizations. The ideal of differentiated solidarity specifically recognizes such obligations of collective action to undermine injustice and promote justice among the strangers who dwell together in a region.

Differentiation. The social and political ideal of differentiated solidarity holds that segregation is wrong, but that social group distinction is not wrong. The ideal affirms a freedom to cluster, both in urban space and in religious, cultural, and other affinity group associations. This freedom should be balanced with a commitment to non-discrimination; spatial and social clustering, that is, cannot be based on acts of exclusion, but rather on affinity attraction.

The freedom to cluster should also be paired with an openness to unassimilated otherness. Persons differentiated into social and cultural affinity groups recognize their togetherness with other affinity groupings and affirm their being together with them in relations of justice. Openness to unassimilated others involves affirming relationship with them at the same time as one affirms a respectful distance. Such a stance of recognition or acknowledgment of the others can be described neither as tolerance nor as communal identification. To be tolerant usually implies a willingness to let them alone but not to affirm a relationship with them. Tolerance is too weak a norm for promoting inclusion. As I have already discussed and will again in the next chapter, however, inclusive political institutions do not require that all the members of the polity mutually identify. Differentiated solidarity requires only that these who mutually identify over here in this respect affirm their openness to and engagement with those with different situations and affinities. As I discussed in Chapter 2, recognition in this sense is more a condition for political discussion and decision-making than one of its goals. It affirms the need for group-based organization and voice at the same time that it expresses openness to listening to others and engaging with them in shared public spaces.

The normative ideal of differentiated solidarity also challenges boundaries, both conceptual boundaries that differentiate groups and spatial boundaries that contain and exclude. If there are different groups, they do not have clear borders but shade into one another and overlap. To be open to unassimilated otherness means not only acknowledging clear differences, but also affirming that persons have multiple memberships, and that some persons, either by choice or by accident, do not fit any characterization.

As manifest spatially, differentiated solidarity normatively privileges spatial shadings and hybrids along with clustering. Urban spaces instantiating differentiated solidarity might look something like this. The region has some neighbourhoods and communities generally recognized as group-differentiated—as characteristically Jewish, or African American, or gay, or Maori, or straight white European neighbourhoods. None of them is homogeneous, however; while some may have a dominant differentiated character, statistically speaking the neighbourhoods are hybrid. This urban space also has many neighbourhoods and districts with little group clustering. A traveller in this urban region of spatial separations without exclusions finds no clear borders between neighbourhoods; they flow into one another without the abrupt border between fancy façades and boarded windows that now appear in many American cities. In this ideal of city life

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everyone has their homeplace, the place of their immediate residence and local community participation. No one feels that another part of the city or region is close to him or her, however, because of the behaviour and attitude of its residents. People relate to other districts, moreover, as their places of work, or for shopping, entertainment, and visiting friends. Urban space instantiating differentiated solidarity, finally, contains many outdoor and indoor public spaces where any of those who dwell together in the region might be found at concerts, festivals, rallies, and public discussions.

**Application.** These two ideals, integration and differentiated solidarity, share some values and diverge on others. As much as the ideal of integration, differentiated solidarity affirms principles of non-discrimination. Policy guided by an ideal of differentiated solidarity would prohibit all group-based discrimination. It would also forbid acts and policies aimed at class exclusion in offering economic, social, and political opportunities, such as municipal zoning or requiring certain lot sizes or against multi-unit dwellings.

Perhaps even more than an ideal of integration, moreover, differentiated solidarity promotes the liberty of housing consumers. Social policies aimed at desegregation and at promoting norms of differentiated solidarity should open opportunities for individuals and allow them liberty to pursue their own chosen goals for their personal lives, especially their place of residence. People should not be forced to move, for example, to achieve desegregation objectives, any more than they should be removed for the sake of segregation. Allocation of housing should rely primarily on price-regulated or subsidized markets; where housing is assigned it should be as much as possible according to the preferences of residents rather than according to some integrated patterned outcome decided by allocators.

While the preferences of housing consumers should be respected as much as possible, the same is not true for the institutions and owners whose actions contribute to housing opportunities or the conditions of neighbourhoods. Most existing patterns and processes of residential racial segregation cannot be reversed in ways that will increase options for individual choice, without monitoring and regulating the activities of landlords, financial institutions, developers, and other private agents whose actions most affect the social meaning of urban space.

Kenneth Jackson's description of the meeting of the racially concentrated poor and dilapidated East Side of Detroit with the suburb of Grosse Pointe, whose wide lawns and clipped hedges are visible from some front stoops of the East Side. Ford points out that law and social policy seem not to be worried about the social and jurisdictional boundaries that allow such stark separation of conditions of privilege and disadvantage, at the same time that the law is very worried about boundaries of majority Black electoral districts.

Policy-makers cannot rely on even honest commitments to group blindness and non-discrimination, because these often accompany actions that reinforce segregated privilege and disadvantage. Processes of segregation are reproduced in liberal society not primarily by design but more by the confluence of many apparently innocuous or self-deceiving acts. It is thus necessary to intervene actively in those processes. It is legitimate to limit the liberty of property owners and housing-related institutions for the sake of promoting the freedom of individuals to live in decent housing in decent neighbourhoods where some choose group-specific clusters.

With respect to resource allocation and political process, policy guided by ideals of differentiated solidarity diverge from those guided by integration. The latter usually aim to open predominantly white neighbourhoods to others. Often they provide opportunities for members of racialized groups to move from poorer-quality, racially concentrated neighbourhoods to places with better housing and quality of life. Some policies encourage whites to settle or stay in racially mixed neighbourhoods. Policies such as these concentrate on the situation and action of individual home-owners or renters. Many of them are useful in combating discrimination or promoting choice. Because they are relatively small in comparison to the problem, however, and focus on the movement of individuals, they make hardly a ripple in the processes that reproduce the privileges of segregation.

Policy guided by an image of the city as group-differentiated in some spaces, but in a context where citizens understand that they are together across that difference and have a sense of justice towards one another, focuses more on the movements of resources than that of people. Disadvantaged neighbourhoods of high racial concentration need massive public and private investment in housing renovation and development, commercial spaces and businesses, public spaces like community centres, parks, and playgrounds, and job-creating enterprises. Programmes mandated by the US Community Reinvestment Act or even 'enterprise zones' act on these sort of principles, but their scale is so small and their activities usually so relatively isolated that they often have little effect on neighbourhood quality.

Policy that aims to move resources to people addresses directly the inequalities of material privilege and disadvantage processes of segregation produce. Such policies do not force some to face the choice of leaving the familiarity of home or be excluded from benefits and opportunities open to others. Moving resources in ways that have noticeable and lasting effect in the improvement of the quality of life in neighbourhoods, moreover, is likely to affect the movement of
people; some outsiders may be attracted to living in the neighbourhoods. Policies aiming to invest resources in racially concentrated, relatively under-served neighbourhoods need not, and should not, replace open housing and non-discrimination policies, of course.

5. Local Participation and Regional Governance

More than thirty years ago Robert Dahl highlighted a dilemma for democracy in a world of increasing population density, ease of communication, and economic interdependence. On the one hand, values of participation, communicative interaction, and citizen influence over public decisions lead democrats to favour small political units. Given the density of interdependence across regions and countries, however, decentralized units have little power to influence far-reaching relations and actions that fundamentally affect their local conditions. The wider the scope of political jurisdiction, the more possible it is to regulate such far-reaching conditions. Dahl summarizes the dilemma thus:

At the extremes, citizens may participate in a vast range of complex and crucial decisions by the single act of casting a ballot; or else they have almost unlimited opportunities to participate in decisions over matters of no importance. At one extreme, then, the people vote but do not rule; at the other they rule—but they have nothing to rule over.43

The small unit of democratic governance has unique virtues and functions. The smaller the number of people in a political unit, the more influence potentially each member has over decision in it. In a small unit members have more opportunities to know and directly interact with other members in associations and communication networks, to create dense, rich, and many-sided relations. In small units of governance citizens have easier access to meetings, hearings, and the offices that implement decisions. Thus they are able most easily to monitor the implementation and hold public officials accountable. Local governance units can best encourage and enable the active participation of citizens in raising issues, shaping the political agenda, making decisions, and implementing them.

Small political jurisdiction, however, in today's world often functions to separate people administratively whose actions nevertheless profoundly affect one another, and who dwell together in environ-

stand as overrides to local government, with primarily jurisdictional power over many issues, leaving local governments with residual powers. Frug argues that a better way to institutionalize political relations of co-ordination and concern across a broad region would rely on an altered concept of local autonomy. Following some feminist theorists of autonomy, I shall refer to this revised concept as relational autonomy.

Under a relational concept, autonomy means that agents can choose their ends and have capacities and support to pursue those ends. The social constitutions of agents and their acting in relations of interdependence means that the ability to separate and be independent of others is rare if it appears at all. Thus, on this interpretation, an adequate concept of autonomy should promote the capacity of persons to pursue their own ends in the context of relationships in which others may do the same. While this concept of autonomy entails a presumption of non-interference, it does not imply a social scheme in which atomized agents simply mind their own business and leave each other alone. Instead, it entails recognizing that agents are related in many ways they have not chosen, by virtue of kinship, history, proximity, or the unintended consequences of action. In these relationships agents are able to thwart one another or support one another. Relational autonomy consists partly, then, in the structuring of relationships so that they support the maximal pursuit of all individual ends.

Frug adapts this concept of relational autonomy to urban politics. He calls for institutions of regional government with which locales have a relational autonomy. First, local autonomy means a presumption of agency and non-interference. Local units should be small enough to allow for meaningful citizen participation in discussion and decisions, and local governments should have non-trivial decisions to make about how the environment, public life, and opportunities of its citizens are shaped. In his revision of local governance concepts, then, Frug proposes to retain local municipal jurisdictions and even to create neighbourhood councils in larger jurisdictions. Secondly, in so far


47 Frug, 'Decentering Decentralization', University of Chicago Law Review, 60/2 (Spring 1993), 253-338; Frug's model is most well developed in his book City Making.

as the activities and decisions of a locale may adversely affect others, or generate conflict, or implicate their interdependent relationships, other locales have a legitimate right to make claims on autonomous locales, negotiate the terms of their relationships, and mutually adjust their effects. Thus Frug proposes to institutionalize mechanisms that require locales to take one another’s interests and needs into account and which create regional bodies for negotiation of jurisdiction and decision-making about region-wide concerns. The relationship between local governments and metropolitan or regional governance institutions is based largely on intergovernmental negotiation, then, rather than a legal hierarchy in which the regional government subordinates the local.\textsuperscript{50}

It would take another book to work out in detail the institutional design of local and regional government based on a concept of differentiated solidarity and relational autonomy. Such a project would need to consider many alternatives about many matters of local government, take positions on them and defend them, and compare its normative conclusions with existing institutions of regional government in various parts of the world. My purpose here in introducing arguments about local control and regional scope is to fill out a concept of differentiated solidarity as a response to the harms of racial and class segregation. With that limited purpose in mind, I will sketch some elements of this model of local governance as I understand them.

First, what is a region, in this model? I have in mind primarily the metropolitan centres in which nearly all the world’s population is projected to dwell within the next few decades. These are centres of high-density economic processes and movement across them, where the density of interaction fades at the edges. A region is also a geographical centre, defined by specific climatic conditions, vegetation, topography, and waterways. A region is the radius of local labour and consumer markets; it spans the radius of broadcast for a strong radio signal. Many people dwell not only in their neighbourhoods and local communities, but also in the whole region. They travel across the region frequently to work, play, shop, and visit family and friends.

As I understand it, these are some of the elements of this model of the autonomy of local governments in institutionalized relation to others in a region. We begin with locally autonomous units of participation and decision-making. Jordi Borja and Manuel Castells characterize such decentered units as follows:

\textsuperscript{50} Compare Borja and Castells, \textit{Local and Global}, ch. 8.

Decentralization should be based on units or territorial zones (districts) which possess historical geographical and/or socio-cultural characteristics, i.e., of a kind making the existence or construction of a collective identity possible. They should also have as clear a physical image as possible (it is better if major arteries define districts, uniting rather than separating them), and it is desirable that they be or can become multi-purpose in social and functional terms. Districts need to be big enough by inhabitants and are to make the exercise or management of functions and services possible.\textsuperscript{51}

Where people desire to cluster according to affinities of religion, culture, or way of life, this model of local government would design institutions of political participation and decision-making to correspond to such groupings, but would also discourage exclusion and encourage many diverse and hybrid locales. Much of the association life that implementation of ideas of associative democracy might draw on occurs within these local districts. The model calls for participatory decision-making institutions at this local level which are deeper than those that now exist in many cities and towns.

The model constitutes these local governments as autonomous in the sense that their citizens through their political institutions have the right to decide the form and policies of social services including schools, within the limits of equal respect and non-discrimination for all served by them. A concept of relational autonomy says, however, that such local autonomy cannot be only inward-looking and self-regarding. This model of regional governance requires that local governments take the interests of others in the region into account, especially where outsiders make a claim on them that they are affected by the actions and policies of that locale. A set of regional governance institutions enforces this requirement. These include procedures for negotiations and co-operation between local governments. As I envision it, if one locale claims that activities or policies of another do or may adversely affect their locale and its residents, the local governments must enter a process of deliberation about their conflicts of interests in which third parties have a mediating role. Regional governance also entails a regional legislature to set the framework for these mandated negotiating procedures, as well as serving several other regulatory functions, such as those to do with tax policy and revenue-sharing, transportation and construction planning, and environmental protection. Regional government creates intergovernmental institutions of local government co-operation to render service provision high quality and efficient across a region.

\textsuperscript{51} Ibid. 190.
local governments worry more about revenues and the costs of their programmes and services. Some local governments respond by looking for ways to co-operate on a regional level. Increasing transnational investment activity also motivates local governments to organize regionally to compete with other regions for economic development opportunities. Similar pressures have prompted metropolitan regions all over the world to take steps to create or restructure regional government.54

I have presented a sketch of a model of regional government whose purpose is to enhance the sense of justice across a region, as well as institutional capacity to implement equity-promoting decisions, while sacrificing little of the values of local participation. Many existing regional governments do not have these intentions. Wider regional governance institutions do not necessarily preserve or enhance participation, reduce exclusion and segregation, and cultivate an ethic of regard for the legitimate interests of others across the region. Given the realities of power, metropolitan governments are even more likely to reduce democratic participation and accountability and increase the power of more privileged and affluent districts at the expense of the less privileged. Everything depends on the institutional design and the political pressures of organized citizens to use regional institutions for undermining exclusion and promoting more equality in neighbourhood quality and access to services. Experiments in redistribution by means of regional government like those in Minneapolis–St Paul or Johannesburg convince me that regional institutions of differentiated solidarity are possible.

54 See Borja and Castells, Local and Global; Storper, The Regional World.

52 See Frug, City Making, ch. 8; in 'The United States vs. Starrett City Associates 1998', and 'Geography and Sovereignty: Jurisdictional Formation and Racial Segregation', Richard Ford also emphasizes access to city services.