

# Proportionalism or Liberalism—Two Ideas of Social Justice

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*ABSTRACT* *Proportionalism* refers to the general idea that, in a well ordered society, people sharing different socio-demographic background variables such as sex, race or class should have a proportional representation in either advantageous or disadvantageous groups. If this is not the case, discrimination is indicated. The central proposition of proportionalism is that direct discrimination can be justified as a counter-measure against indirect or structural discrimination. Liberalism opposes direct individual discrimination, whether positive or negative, but then has to justify aspects of measured differences at the group level. To examine and penetrate whether taken positions represent special interests or perceptions of justice, certain reverse cases are discussed. Should we take actions that promote white basketball players or reduce male over-representation in prisons? The central argument in this article is that the liberal position is less dependent on the equality assumption, the cornerstone of proportionalism. Once the difference between groups is overlapping and not categorical, a case can be made for the liberal approach. The natural equilibrium might be equality, but this is not necessarily the case. Even when an average difference between two groups exists, a skilled individual should not be dismissed because of her group average, nor should a less capable individual gain credit based on the average of his group. To a high degree, proportionalism is a transfer of credit based on group characteristics to some individuals, and often touted from positions of under-representation. The justice of this is discussed. Proportionalism is often considered a just goal, but unfortunately, it is burdened with methodological problems that even its proponents find dubious. Further, the basic intentions of proportionalism may be questioned. We conclude that the liberal view evokes a more trenchant solution.

How are conflicts of interest effectively managed between people of different groups? Which principles function best to resolve these distressing conflicts that have been and continue to be so common? This set of problems provides a variety of specific answers, but in seeking a more refined solution, it seems reasonable to categorize these different answers into two prime and two marginal alternatives.

## Two prime alternatives

A common fundamental idea underlies several differing viewpoints that agitate and oppose racism, sexism, class inequalities and the likes. We use the word 'proportionalism' to encompass this approach since it provides a descriptive label which invokes little evaluative judgment. Proportionalism as a fundamental idea has two components: the proportional goal and the intervention method.

As a standard, proportional situations are viewed both as a matter of course and as desirable goals. If individuals sharing a common socio-demographic characteristic such as sex constitute a smaller number of desired positions than their share of the total population this is described as under-representation. Priority and attention has historically shifted, both in time and place, regarding group under-representation. In Sweden, during the 1960s, a greater representation for youth in political forums was the number one issue, in the 1970s, under-representation of the working class brought forth corrective suggestions, and in recent years, female inequalities have been focused on. Immigrants are becoming the next project of proportionalism.

In this assessment, proportionalism implicates a descriptive estimate that, under natural conditions, free of any distorting influences, a similar proportion of individuals from different social groups would meet different qualifications or characteristics. In modern society little importance is attributed to official and direct discrimination, but distortive results are being linked to concepts such as structural racism, gender identity, social heritage and cultural indoctrination. Therefore, in an effort to regain a fair level one simply cannot work just in opposition to direct discrimination. Instead efforts are required with labels such as positive discrimination, affirmative action, race norming and quotas. Such efforts mean renouncing neutrality based on sex, race and social background. This, in an effort to reach, or at least come close to, the desired proportions of equality where neither group is over-represented or under-represented. The second component of proportionalism is that the goal of an equitable balance is best put into effect or achieved through a number of specific interventions.

Since traditions hold great strength, cultural changes require time to take effect. The proportionalist's normal solution is to directly attack the result. Once equitable proportions are reached, then culture will in turn gradually adjust. If at least 40 per cent of all corporate board members are required to be women, then a larger number of women would be educated and strive to gain experience in order to fill these desirable positions. During this transitional period, perhaps a portion of these female board members would be a little less qualified, but over time that will successively adjust itself. With this line of reasoning, changes would occur much faster with this kind of intervention than if women, one by one, fully- or over-qualified, would have to take themselves through obstacles like the 'glass ceiling' and 'the female trap'.

Demands for proportionalism normally starts at a discourse level with different theories of structural discrimination. There is a significant supply of structuralism, gender theory, queer theory, racist mentality, hidden patriarchal structures, etc.

Iris Marion Young (1989) can be seen as a proponent for a rainbow of all group demands, whereas Arthur Schlesinger, Jr. (1992) is critical against a society of groups rather than individuals.

In addition to this discourse level, there is a policy level with arguments for and against specific programmes and the practical effects of these programmes. For current evaluations, see Thomas Sowell (2004) for a critical international review and Faye Crosby (2004) for a positive assessment of affirmative action.

In this article the main focus is on a third level. We primarily see proportionalism as a political core principle consisting of the proportional view of justice and the intervention of outcome. Our approach is to universalize and elaborate on this core principle. We think that a good way to analyse a position is by testing its conclusion rather than analyse a most diverse reasoning and implementation.

The term proportionalism marks a distinction from the most common term at the policy level, affirmative action. The policy level is seldom consistent, but highly influenced by opportunistic politics. Which group needs special consideration? How much will be acceptable to voters disadvantaged by the policies? Naturally, the specific history of countries like South Africa, Yugoslavia and United States has great influence.

We think that principles also are of great importance and that an evaluation of full implementation has considerable relevance for actual ad hoc choices. When discussing the boundaries of e.g. freedom of speech, it might be better to make a principled discussion from which to draw deductive instructions than to start with actual controversies and construct an inductive rule out of those judgments.

The other prime alternative in promoting social justice is what suitably can be called the liberal standpoint. The correct categorical policy is not to have any group policies. There is no 'positive' discrimination, but all discrimination is, in itself, negative. This principle holds regardless as to whether it concerns bankers, athletes, or Members of Parliament. To restrict qualified individuals based on their group membership and hire unqualified individuals for having the 'correct' group identity should be considered a dismal solution. As a pacifist abhors war as a means for peace, the liberal opposes positive discrimination as a means to end discrimination.

The liberal principle and the proportional principle are the focus of this article, as opposed to any specific policy of affirmative action or any specific theory of hidden discriminatory structure.

### **Two marginal alternatives**

Besides proportionalism and liberalism there are two more extreme alternatives to be mentioned. The first advocates a traditionally stratified society. Certain obligations or privileges are tied with a specific social standing or social group. These groups are fixed so that an individual is born into them based on race, sex or class. Proponents consider this system to provide harmony in the society; each individual knows her place, and the possibility to break social barriers is generally viewed as negative and to be opposed. Stability becomes the central

honour code, with the premise, goal and method being completely different from that of the two earlier discussed models. The Indian caste system, South African apartheid and feudal systems are well-known examples.

The second marginal alternative may be considered the antithesis to a traditionally stratified model, the revolutionary re-stratified society. The common slogan 'the last shall become the first' is found in a variety of forms. However, to motivate the working class' right to take a leading role is equally as challenging as to motivate the rights of aristocracy. To overturn social structure has numerous substantial drawbacks, such as an increase in human suffering via revolutionary violence that is required both during and after power struggles. Based on past experience, a new ruling group often resorts to using more violence than the deposed leadership since they lack the support of tradition. As a twist of life's irony, traditions and stability often make ideological comebacks once the revolution becomes well established, as in North Korea or Cuba.

The two stratified alternatives currently receive little favour in western society, and as such, it seems reasonable to revert attention back to the central issue of this article, namely, proportionalism. It can be seen as the main challenger to the liberal system. Discussions are often embellished by using concrete examples, not standard examples that easily get caught in the tracks of a well-worn path, but examples that set such principles to a test. Principles are often in harmony with a specific group's special interest. Thus, taking into account examples that oppose those special interests generally provides an interesting contrast. Is it the principle or the special interest that is primary? The first example discusses an application of proportionalism using under-representation of whites in American professional basketball.

### **White basketball players**

According to the principles of proportionalism, 12 per cent of all professional basketball players in the USA should be African Americans. However, the advocates of proportionalist principles should not be criticized for proposing a precise 'ounce of justice' principle. In discussions regarding the balance between the sexes, a tolerance interval is often set between 40 and 60 per cent within which no considerations are necessary. If a similar tolerance rule is applied toward basketball players, then the black proportion should lie within the 9 to 15 per cent interval. Black athletes make up nearly 80 per cent of all players in the NBA (i.e. North American Basketball Association), which means that they are extremely over-represented (Entine, 2000). This provides the origin for two central questions: what are the reasons for this relationship and what should be done about it?

Let us first note that this is not a trivial matter. Of all young millionaires, a substantial proportion comes from athletics. Athletes are often viewed as role models for the young and as such, this criterion in itself gains attention for proponents of proportionalism. Athletics is a highly sought-after profession with direct benefits of status and reward. A normal NBA player earns over three million US dollars per year. A listing of the highest paid individuals in Sweden showed that 26 of the top

50 money-earners were athletes (Ericson, 2001). This trend becomes even more striking when focused on individuals below the age of 30.

Within an established structure, a number of traditional variables exist to further provide support. Nepotism is always a factor, as are cultural factors that influence children to select their careers based on their parent's chosen profession. Ethnic unity may also play a role. These factors apply to black basketball players as well as other over-represented groups. Concerning female under-representation, a woman achieving success will often shyly suggest: 'it is possible to succeed, but a woman needs to be twice as good as a man'. Can the same be true for white male basketball stars?

It seems difficult to see a purposeful, widespread and systematic discrimination as a convincing explanation, and as such, our discussion is better served by returning our attention to considerations of a 'skewed social structure'. Cultural behaviours may be the cause for African American over-representation in basketball. Those that have talent invest in developing that specific talent, while whites might wish to venture in nurturing other sports and skills. This all sounds fully reasonable and perhaps provides a total explanation. What then should be done? Attempt to foster an interest among black children for ice hockey and build more basketball courts in predominantly white areas?

The correct solution according to proportionalism regarding inequality in terms of basketball should be the same as in other domains. If one sets the proportion of black basketball players at a maximum of 15 per cent (and a minimum of 9 per cent) one achieves what is sought by the proportionalist method. Many whites would then see the potential possibility of playing basketball, while many blacks might see the stiffened competition as extreme, and focus their efforts in another sport, preferably one in which blacks are under-represented and their possibilities enhanced with the new proportional policy. A decrease in the quality of basketball play by imposing quotas would certainly upset many sport enthusiasts, but that plays a minor role. An understanding of social justice comes first. Before tackling the issue whether this is promoting social justice or not, a second example will be discussed to broaden perspectives.

### **Women and jail representation**

In discussing issues surrounding proportionalism, we often consider the problems associated with attaining attractive, desirable and rewarding positions, but give little or no consideration to the converse, problems associated with penalties. Just as high salaries are an attractive prize, a prison sentence is equally undesirable. Looking at inmate populations, certain bias and distortion become striking—an over-representation of men, immigrants, blacks, poor and the uneducated. Above all, men, not women.

The liberal view is that the criminals should be judged according to the crime committed, without consideration for social factors. Anatole France once formulated an often cited criticism: 'The law in its majestic equality forbids the rich as well as the poor from sleeping under bridges, to beg on streets and to steal bread'.

A different and more radical approach would be to tackle this bias using the proportionalist method for social justice.

A similar rule befalls different social groups in different ways. The first hypothesis is that a prison's social constituency reflects that the law is socially directed toward certain categories. This bias sets the same requirements on radical measures as other socially skewed representations. The reasoning is simple. Society will discourage certain types of actions, and citizens should be law abiding. However, this is easier for some than for others. If people of a certain group break the law more often than others, they do so because the social environment provides them with a weaker support system or their group is targeted by the legal system. A more just principle would be to set similar quotas for different groups. A certain per cent of each group having committed the most flagrant crimes against the rules of society would then be imprisoned. This would not be the same punishment for the same crime, but doesn't it seem reasonable to impose harsher penalties for theft against the rich than the poor?

A consequence of such a view is that a man may receive a two year prison sentence for shooting another man to death for urinating on his car, whereas a woman would receive the same sentence for having thrown a stone at a dog that urinated on her car. At first glance these sentences do not seem fully reasonable with similar consequences being handed out for murder as for animal abuse, but the logic appears clear. As an aside, if the man was young and poor while the woman was older and well-off, additional arguments can be posed to socially adjust both their penalties. Whether this is just is however doubtful.

The liberal observer would look at the proportionalists' model and ask the question: is this really social justice? Is this not sooner a derailed statistical idea?

### **Liberal aims and means**

All systems appear less favourable when taken to the limit of utmost consequence, instead of dealing with showcase examples. Let us then not just push the logic of proportionalism, but also the liberal model.

In comparison with proportionalism, the liberal model suggests that it is, in itself, better and more just, but perhaps simply slower in taking effect. Liberals often believe in the natural state of equality and the goals of equality and, thus, the method of choice is what counts. Liberals will judge on an individual basis and not according to social categories and, therefore, they oppose positive discrimination. An objection against this is that changes may become hindered. Giving up a powerful method surrenders part of the goal. For many, and possibly even most supporters of proportionalism, a criticism against positive discrimination can be found. One believes that this is a measure with many associated disadvantages, but the method is motivated by being a necessary means for reaching a desirable goal, similar to taking medicine despite being aware of its potential side-effects. The critics may be right. The liberals should consider whether the goal itself is not desirable enough as to justify the use of some dubious methods.

In a more philosophical manner, this can be formulated by asking: if one opposes biased representation as a second order preference can it motivate the choice of discrimination as a first order preference (Barry, 1995)? This is similar to one taking a stand against violence yet being in favour of self-defence. Regarding minor group differences, the liberal stands steadfast relative to his methodological principles, but in considering more extreme differences, the liberal runs into difficulty. If the result between two groups is extreme, this can be seen as evidence that the liberal principle of equal possibilities does not exist. The liberal argues that legally similar possibilities are important, but then they are confronted by the argument that it seems as if other differences in possibilities have greater significance. If an official discrimination is used to counter unofficial discrimination it is possible that the net result is less discrimination, which is essentially what the liberal also wishes.

How should one behave relative to unofficial discrimination? One way is to consider how enterprise accommodates consumer preference. If consumers prefer female gynaecologists and male lawyers, would it then be acceptable to recruit personnel based on such bias? According to my judgment, a patient's right in selecting a gynaecologist is important—more important than a gynaecologist's right to have a fair share of patients. Male gynaecologist might expect to treat 50 per cent of patients, but according to the liberal model they have no such right. An equal market share between male and female gynaecologists becomes just one of many possible outcomes of consumer choice. A development towards such a situation might take place through a slow process where consumers are eventually convinced that their preferences are really based on groundless prejudice. In general, regarding unofficial discrimination, major changes towards a less gender-biased view of different professions are taking place. However, these changes have hardly been driven by the principle of proportionalism, but more often by a positive circle gained through education as well as confidence in the competence of new practitioners. Some of us see a dynamic social change, whereas others maintain that society sits locked in a patriarchal vice.

Another form of unofficial discrimination is in favouring those in the group to which the recruiter himself belongs. A criticism against successful minorities such as Jews and Chinese is that they strive to attain neutrality among others, although they themselves systematically favour people of their own group. This type of problem is in line with those espousing personal freedom. If the owner of a small restaurant systematically discriminates by hiring only relatives, this is not viewed as a large problem. Comparatively, if a large portion of the labour market is closed to a group, then it becomes a big problem. However, to break this apart with legal action seems debatable, since lawyers will come out being the foremost winners. A greater pressure for limiting discrimination comes as a consequence of both consumers and business-owners wishing to get more for their money. Why then limit the possibilities and pay extra for a background variable if this variable does not imply a real superiority but just a stereotype picture? It sounds like an irresistible business idea to form a basketball team where one

pays lower salaries to contract discriminated white stars that are just as competent as the established black players. If a group is unjustly under-valued there exists a correction mechanism. The right people in the right place is not simply a justice principle, but also an efficiency principle.

Groucho Marx wished to belong to a really fine club, but remarked: 'I just wouldn't want to belong to a club that would accept me as a member'. Most employees and consumers have less paradoxical assessments and seek to avoid solutions that go against their long-term interests. A multinational corporation that only promotes employees from its home country will face difficulties in hiring accomplished foreigners. For many products it seems an enticing argument to point out that the product is not an import. Sometimes the argument even extends past product quality to making the employment argument essential; 'Buy American, the job you save might be your own'. Customer choice is not only influenced by what people think about the product itself, but also according to a company's hiring preferences, or how environmental issues are handled, etc.

Certainly, many liberals believe in the need for a stronger emphasis regarding discrimination within the private sector. However, result-oriented measures are more meaningful than symbolic gestures. It seems plausible that the dynamic associated with a market economy may act as an essential driving force of change. Despite its ambitions to hasten development, a judicial offensive with positive discrimination might be counterproductive.

### **The goal revisited**

Another question to reflect upon, especially for those that are doubtful of combining well-intentioned goals with questionable methods, is whether the proportional goal, in itself, is really a righteous goal. With an altered diagnosis follows another medication, and so perhaps the dilemma solves itself.

After many generations in a completely liberal society it is likely that the children of farmers choose to become farmers themselves in a higher proportion than the national average. Is it reasonable to see an absence of social legacy as a desire onto itself? From a liberal perspective, freedom should be more important than equality; individual choice should be based on preference. These preferences are created not only by divine providence or randomness, but through experience. Here, freedom does not mean a neutral indifference to upbringing, but that the farmer's children are spared being chained to the earth against their will.

Defenders of the equality goal may then object that these differences in preference among people are only minor factors. For an occupation with moderately high status, this can be the important factor and then social inheritance may be acceptable. Occupations associated with power, status and money stimulate a general interest. The deciding factor becomes not the individuals' preferences, but the selection between all interested parties. If the result is disproportionate between different groups, their conditions can be interpreted as being dissimilar; which is to say, they do not share the same real possibilities. This may not

necessarily relate to direct discrimination, but be the result of actual differences in competence, which in and of themselves may be the result of previously discussed differences that can be seen as unjust.

It would be strange if children being raised and treated differently turned out to be most similar. Upbringing in different environments naturally brings forth further differences than those set by the genotype. Society is completely permeated with social legacy—children of academics are over-represented at universities, whereas children of actors often become actors and so forth. An equal opportunity in proportional sense demands therefore that the families' social influences be neutralized, i.e. some type of collective upbringing. Eliminating parental influence is a common phenomenon in different futuristic visions, but it seems far off that humans in a democratic society should abandon their special relation to their children and live up to such a fantasy-filled vision. Only minor sects or a totalitarian society can be imagined in severing those ties. Somewhere in that vision of justice the individual, whose interests should be safeguarded, gets lost. One's unique personality merely becomes an adaptation to a social average. The goal appears all the more debatable. The state should function to reasonably facilitate the individual's freedom of choice, and not be a guardian by dictating the individual's true goals and his environmentally corrected capacity.

The classic liberal position argues that nobility should not be given priority or advantage due to birth right. The bearing principle must be to not make selections based on social background variables. To be a nobleman does not make one a more suitable or appropriate judge. If a person has the substantial qualifications necessary for being a judge he then should become one, whether or not these capacities were gained while under a noble house. This in itself is not reason for disqualification. The central issue is a fair assessment, i.e. to be appointed according to relevant capabilities regarding the work, not according to social background variables. Noblemen were forced to relinquish their status and power without recourse to affirmative action on behalf of commoner estates and without the aid of legislation limiting noble preference for other noblemen. To extend extra credit for a proletariat background is a return to class system society principles, even if following an equality revision. The liberal line must be negligible, not in support or opposition of people based on their background. The individually equitable judgment, not the socially similar result, is of paramount importance. The liberal should thus concentrate primarily on the liberal method, and not be overly concerned with the outcome. Once he becomes tolerant of the goal in question he may even venture to question the hypotheses surrounding equality at birth.

### **Similarities, dissimilarities and categorical differences**

There is a direct problem with the saying that: 'all men are created equal'. For a Christian, it perhaps serves as a reasonable formulation to illustrate metaphysically that we are all God's children. But this humanistic comparison is a Christian metaphor that becomes absurd with more concrete interpretation. In all of life's stages we meet people that are good in certain respects and bad in others. No one

is neutral or indifferent to his fellow beings and values them alike. Obviously, great differences exist in competence, knowledge, disposition and talent. The diligent and wise have better possibilities than the lazy and foolish. This is in itself clear and hard to oppose, although such statements often causes discomfort illustrating that they are definitely not uncontroversial.

Not only are we born with individual genetic differences, but also with differences related to group-associated characteristics and traits. According to evolutionary theory and much empirical evidence, among humans the male of the species exhibits a propensity for violence which leads to men being imprisoned more often for violent crime. Or perhaps the root cause is that men carry out sex discrimination against themselves?

A discussion regarding sexual differences between men and women, by example, can be started from observations that women, on average, are capable of lifting less weight than men. This may seem an irrelevant and inappropriate remark, similar to saying women bear children, but it holds relevance. For example, the capacity to lift heavy objects is an important consideration when transporting pianos. Despite the fact that men have a greater lifting capacity than women, one cannot draw the conclusion that men are better suited at transporting pianos. A female Olympic weight-lifter is superior to 99 per cent of all men at lifting heavy weights. The correct understanding of reality is appropriately described by two distribution curves having great overlap, but also featuring large difference in their averages.

If a certain lifting capacity were specified as a minimum requirement then either men and women surpassing that bound would be seen as qualified piano-movers. A considerable genetic difference between two groups does not mean a problem for the liberal method. It also does not impose certain categorical conclusions but rather an individual judgment. Such a power rule is justified for piano-movers, even if it weeds out a higher proportion of women than men.

That genetic reasons may be the root cause of black over-representation in basketball perhaps seems unlikely. However, the liberal model would not be upset even if considerable genetic differences existed, since white ballplayers have a motivated right to be judged according to their personal abilities, not based on their lower collective average.

In practice it is difficult to discern the existence of genetic differences, personal preferences and potential external cultural conditions behind a statistical difference between different groups. The distributions, as such, are not the primary concern for the liberal approach, since the fourth factor, direct discrimination, sets precedence. The problem arises when a capable individual, one with ability and will, is stopped because of a social background that is deemed wrong.

An inherited difference bursts the fundamental idea of proportionalism. The proportional method loses its foundation when the assumption of equality is weakened by the argument that natural equality is tentative or nonexistent. Without consideration for the state of natural equality the foundation for the proportional goal simply crumbles. The liberal model comparatively withstands all differences between sex and race that have some scientific support.

A long-standing principle often honoured by many is that one shouldn't make generalizations. But the idea to generalize passes through each person's head. Is it reasonable to see the world as a series of events where one should avoid seeing patterns? According to our opinion, it is not wrong but constructive to think in categories and the inherent differences between categories—and the mistake is first made when these categories become categorical. Anti-generalization sentiments come from the belief that by basing the thinking process on generalizations, one essentially begins thinking in the wrong way, i.e. the step from categories to the categorical becomes unavoidable. The statement that on average men are stronger than women has the tendency to generally mislead judgment in believing that all men are stronger than women. Many proportionalists fear the seductive potential inherent in such an automatic step to this conclusion.

Certain research indicates that people do not take the step from category to categorical thinking. Roger Brown (1986) brings up an American study of people's understanding of national character. Many generalizations received widespread support: Germans were considered 'scientific-minded', and not deemed as 'pleasure-loving'. The study went on to ask for more specific assessments, finding that only 43 per cent of Germans were classified as scientific-minded, but no less than 73 per cent were considered pleasure-loving. Can one not request a minimum stringency even for prejudice? These seemingly opposing ideas are explained from the fact that the averages for the different nationalities were judged to be 82 per cent pleasure-loving and 33 per cent scientific-minded. Germans were considered to differ with about 10 percentage point on these two variables. This study of course says nothing grounded about Germans, but it says a lot for how people think in categories. It does not provide credence that people think categorically, but suggests attribution of frequency differences between categories that cannot necessarily be dismissed as completely indistinct and obviously wrong. The national stereotype is not that all of x-people are y, but that a higher proportion of the x-people are y compared to people in general. It seems that people attacking generalizations are attacking straw men mirroring their own mistakes, not the actual ideas of the criticized.

### **Proportionalism's engine**

What drives proportionalism? Certain insight may be gained by looking at who stands to benefit the most if the proportional way of thinking about fairness should take effect. Positive discrimination is described as an aid to help the weakest members in society; however, the real target group is another. The potential winners are the reasonably energetic people who have succeeded well when compared to their own group, but have not made it to the real top. Using a somewhat coarse expression, it is the half clever that gain a step forward in their careers with a little positive discrimination as backing. Symptomatically, an equal representation in parliament has become a central issue in many countries (in France this policy has been termed Chabadabada, after the title song in the

movie 'A Man and a Woman'). For a number of career women a higher share of women in parliament will increase their own chances substantially.

Faced with the success of proportional gender representation, self-appointed lawyers are now queuing to represent other under-represented groups, and judging from the American experience, the economic potential inherent in advocating proportional goals may further drive proportionalism ideals.

If one tries to see proportionalism from an ideological perspective, the relationship connection with a corporatist system of society is striking. This idea is well founded in conservatism as well as in social democracy, but the idea is somewhat weighted by its central role in Italian fascism, and therefore politically incorrect and downplayed in tone. For politicians seeking a new mission, a new welfare reform project, proportionalism holds a strong attraction. And as for lawyers, the employment potential is tempting.

A less burdened idea can be found among the Greek democracies. Many of them had congregations that were elected via lottery and as such representative of the electorate. This appears a logical consequence of proportionalism what concerns representation in parliament. No social factor is distinguishing the elected from the electorate, as much as that of the former being professional politicians for much of their lives. It is often wise to select between two consequent alternatives. Either the current representation of opinion or to bet on social representation by lottery amongst the electorate. For other appointments it is clear that personal competence should be of vital importance. Comparatively, for an organization that should reflect the will of the people, a lottery system may be a conceivable possibility. However, few professional politicians are tempted by this alternative. One does not need to think long to find an explanation.

### **The effects of proportionalism**

Proportionalism does not share its solution or ideal with revolutionary trading places, but nevertheless proponents of proportionalism have a tendency to look benevolently upon racist, nationalistic and class struggle slogans when coming from weaker groups. The historical myths linked to weaker groups and their dominance ambitions in terms of struggle is not viewed as a threat, but as a therapeutic exercise providing strength and courage. The expected result should eventually be that they are content with their proportional role, and an aggressive stance will simply aid to neutralize the claim and prejudice extended by the stronger group. However, an aggressive antithesis has not often functioned as a dampening antidote, but instead served to escalate conflict. With every act of terrorism other extremists will find new recruits among the victim's relatives. In the same manner, positive discrimination of one group will lead to other groups placing demands on discrimination in their favour. An injustice is not corrected to justice, but compensated with new injustices.

An additional drawback with proportionalism is that it affects the previous mistake of extending a groups average direct to the judgment of an individual. Such foregone conclusions now become less wrong. If whites gain the

proportional number of places in a basketball league, generalizations will be extended. Earlier there were reasons to think that a higher proportion of blacks were good basketball players, but no strong reason to believe that white players in the league were worse than the blacks. Now there are good reasons. Proportion-alism has made it so that the prejudice it sees itself opposing now becomes mani-fested in reality.

What cannot be guaranteed in an open society is for all changes to provide group-type neutral results. An increased education budget may favour group A over B and a better infrastructure may support the group B of the population more than A. That the proportion favoured becomes unequal between different alternatives cannot be avoided however, since such a demand would paralyse politi-cal power. If politics is to be liberal it cannot uphold a criteria that it should attain constant group-wise distribution effects; neither status quo, equality or certain levels between groups can be viewed as having normative weight. Political con-flict is sharpened when bad solutions are defended in that they at least favour the desired group. Crime and abuse also risk being viewed from a group perspec-tive. Reactions become dependent on group membership for criminals and respectively their victims; a reaction that goes fully against liberal individualism, but finds support with proportionalism as long as the bias favours the ‘under-privileged’ group.

Eventually negative effects achieve dissatisfaction and can lead to criticism against proportionalism. These objections can however drown in campaigns for other under-privileged groups that request assistance with discrimination. With a little imagination, every citizen can find a group distinction with associations to some under-privileged fraction. Is there one for homosexual authorized account-ants in big business? Through necessity proportionalism leads to an increased fixation of background variables that earlier were aimed to be toned down. Con-flicts between different groups naturally increase the larger the importance is given to group membership. Society does not strive toward openness, but toward increased categorical thinking. If more people think and act for their rights in group terms, many more will change to that behaviour even if they generally con-sider that behaviour to be an immoral and destructive endeavour.

The Civil Rights Act of 1964 is the central document of civil liberties with its condemnation of discrimination. It formulates well the liberal thesis by forbidding the use of race, colour and creed as criteria for discrimination, but the law also forbids the use of these criteria for a more favourable treatment (‘granting prefer-ential treatment’). Many who were generally opposed to discrimination act as spokespersons for positive discrimination, and from Martin Luther King’s vision of colour-blindness they have transcended to a one-sided benevolence.

All appeals for quotas and positive discrimination have a certain potential for dangerous consequences. The best strategy for a minority group is hardly to be aggressive in demanding privileges, but to give clear consideration to a liberal line. How long can positive discrimination be upheld before turning to negative discrimination? Where lies the breaking point when groups no longer are viewed as under-privileged but over-privileged?

If the liberal dismisses the premise of a fundamental equality and the goal with proportional result, his method line becomes very stringent and easily defended. He is against direct discrimination, but does not sit in judgment over the citizens preferences or relative success in aspiration. The final result may be a high proportion of black basketball players and a low proportion of female interns. The proportionalistic vision to correct reality seems like a giant Sisyphean task where the negative effects are extensive and the advantages small or nonexistent.

This critical conclusion is not the prevailing judgment. Several hybrids of proportionalism are on the political agenda. Demanding volunteer action under the threat of quotas is one variant. In Sweden there is a threat of imposing sex quotas if the proportion of female board members in listed companies does not reach 25 per cent. Making it less transparent seems to be the present line in United States. US Supreme Court made two rulings in June 2003 regarding positive discrimination by the University of Michigan (*Gratz vs Bollinger* and *Grutter vs Bollinger*). One of its affirmative action policies was accepted and the other was considered unconstitutional. The line of the court seems to be liberalism as the overruling principle, but proportionalism as a constructive measure preferably in a less transparent and less controversial appearance. The current ruling unfortunately lies framed in a fundamental irresolution, principal critique combined with the judgment that proportionalism is a practical tool.

## Conclusion

There are insufficient reasons to consider proportionalism as a sometimes exaggerated, but nonetheless well-meaning policy that has something to offer when handling differences between groups. To apply quotas and strive to attain a certain group mix can be viewed as a milder form of discrimination than the stricter separation of the revolutionary or traditional models. The deciding difference is still between those three and the liberal model. In striving to oppose discrimination, it seems absolutely necessary to put a stop to different forms of positive discrimination. Democracy has many questions that are treated according to self-contradictory compromises, but certain principles exist that consequently should be upheld. To repudiate proportionalism is, in our opinion, one of those.

## Notes

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