

Critical Compromise

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¹ Positionality: This dissertation on compromise was inevitably shaped by my own positionality as a white Canadian woman with a settler identity. The arguments in this paper, though challenging some of the classical liberalist philosophical themes, are predominantly derived from western sources and based on anglophone publications.

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Abstract

Compromise theory extols values of mutuality and voluntariness which characterise its identity as a concession procedure enabling agreement (Spang, 2023; Baume & Novak, 2020; Weinstock, 2013). Accounts of compromise have remained bound by these normative ideals which infers a context of rough equality as central to the notion of compromise. However, in empirical instances, compromises occur in contexts wrought with power disparity. This paper seeks to tackle this normative discrepancy and asks whether such an assumption of rough equality alludes to an inherent dangerousness at the core of compromise. I argue that a normative neglect of power relations in compromise theory enables and masks instances of domination. This domination fuels injustices and ultimately corrupts the concession procedure of compromise. Therefore, I propose a critical compromise which seeks to render a normative conception of compromise sensitive to power imbalance.

Compromise has a glorious, contorted, powerful identity as an enabler of conflict resolution. It is fundamentally practical as it allows competing parties to find agreement despite irreconcilable positions (Spang, 2023; Baume & Novak, 2020; Weinstock, 2013). Compromise is a last-resort approach seeking to tackle contexts of conflict characterised by personal and political immobility. Compromise has been discussed from the perspective of morality (Wendt, 2018), fairness (Jones & O'Flynn, 2012), and procedural value and reciprocity (Rouméas, 2021). This engagement, however, has remained based on a normative understanding of compromise. As the case for compromise is built in different scenarios, from personal to political spheres, scholarly engagement has focused on altering the normative formulation of compromise to preserve its identity as a distinctly mutual approach to conflict resolution. I question the accuracy and desirability of this idealised normative approach.

Normative accounts of compromise tend to assume a state of rough equality. By rough equality, I mean a relative balance of power in which there is no salient power disparity between parties. It is this rough equality that the normative conception of compromise relies on to enable procedural reciprocity and fairness. However, this rough equality, in empirical contexts, rarely exists. Therefore, the normative identity of compromise has remained relatively unresponsive to its empirical contexts. These contexts are the political and historical arenas of power disparity and injustice that inevitably plague instances of conflict and conflict resolution. In this paper, I embark on a critical approach to compromise, exploring the potential contradiction between its normative and empirical identities. Acknowledging this discrepancy I seek to answer the question, *Is compromise dangerous?* I argue that the normative rendering of compromise is dangerous as its ignorance to empirical realities enables and masks instances of injustice. Without recognising the power imbalances present, compromise can inadvertently amplify the conflicts it seeks to resolve and enable the masking of an unjust peace. Therefore, I argue that a critical approach to compromise must remain sensitive to power hierarchies. This critical approach recognises inherent power imbalance within compromise, positions compromise as an

initial stage of a broader conflict resolution approach, and advocates for a recentering of the marginalised parties. I suggest that this critical interpretation will begin to enable compromise to escape inherent corruption.

My argument will unfold in four sections. In section one, I shed light on the normative conception of compromise and the assumptions inherent to this normative identity. In section two, I make the case that compromises almost always occur in contexts of unequal power relations and that this reveals an inconsistency between the normative and empirical identities of compromise. In section three, I suggest that this inconsistency makes compromises vulnerable to the emergence of domination, which inadvertently perpetuates and masks injustice. In section four, I seek to rescue compromise's normative conception from inherent corruption by demanding a theoretical conception sensitive to power structures.

Section One: Normative Compromise

In this section, I seek to unpack the normative identity of compromise and will do so in two steps. First, I will define compromise and its theoretical assumptions. Second, I will show how the current normative conception of compromise implies a necessary state of rough equality between parties.

Defining Compromise

Perhaps unsurprisingly, the notion of compromise is notoriously hard to define. This is largely because compromise has been debated across different disciplines (Overeem, 2016) and within both interpersonal and intrapersonal contexts (Spang, 2023; Lepora, 2012). For the sake of this paper, I refer to compromises of interpersonal nature, as I am interested in power hierarchies between groups during compromise. Similarly, there exists a distinction between so-called moral and non-moral compromises. Non-moral compromises concern more trivial conflicts of interest, such as opposing preferences for cookie flavours. Moral compromises concern compromises made regarding topics of moral relevance (Overeem, 2016). I focus on these moral instances to hone in on compromise's sullied political identity.

Despite the range of philosophical conceptions of compromise, there are a few key features that cross definitions and give compromise a distinct identity. Compromise is a type of agreement process that allows for diverging positions (Spang, 2023). In essence, it involves two or more conflicting parties in disagreement, making concessions to find an agreement (Jones & O'Flynn, 2012). This definition is relevant as it encompasses some of the primary characteristics of compromise. Firstly, it claims that compromise is situated in a context of conflict and is necessitated by the presence of irreconcilable positions (Lepora, 2012). Secondly, compromise is framed as a process that seeks an end-state agreement (Spang, 2023). Thirdly, it points to the procedural aspect of compromise as fundamental to its identity (Rouméas, 2021).

Regarding the procedural identity of compromise, a widely accepted characteristic of compromise is that it involves a process of voluntary and mutual concession-making (Baume & Papadopoulos, 2022; Spang, 2023). Both parties in conflict are expected to make willing sacrifices and concede some ground to find an agreement that is jointly acceptable, though perhaps disappointing. It is this concession process that distinguishes compromise from other agreement tactics, such as bargaining and deliberation (Weinstock, 2017). The procedural requirements of this concession process are fundamental to compromise and the focus of this section. I now proceed to explore the voluntary and mutual nature of concessions in more depth.

No Compromise Without Equality

Given the broad consensus that compromise involves a process of concessions that must be voluntary and mutual, I ask the following question: What does the assumption of voluntariness and mutuality suggest about the relational context of compromise itself? I argue that normative conceptions of compromise, rooted in the act of voluntary and mutual concession-making, imply an assumption of rough equality between conflicting parties. They are idealised conceptions. I will now illustrate this perspective by engaging with the notions of

voluntariness and mutuality and what these concepts imply regarding the normative nature of compromise. I begin by examining voluntariness.

Voluntariness

Voluntary concession-making is one feature that distinguishes compromise from other resolution techniques, and it plays an important role in compromise's normative definition. Voluntariness is crucial to compromise theory because it enables some level of consent between parties. This enabling of consent inspires a 'morally transformative' process in which the parties engaging in compromise are bound to the final agreement (Overeem, 2023). Therefore, the validity of the end-state agreement and procedural fairness of the compromise is often attributed to the voluntary nature of concessions (Overeem, 2016; 2023). But what does voluntariness actually indicate about compromise?

Voluntariness has a long-standing philosophical identity riddled with different interpretations. One way that voluntariness has been defined is as the inverse of non-voluntariness. In this case, a non-voluntary setting is one in which no 'acceptable' alternatives are available, thereby infringing on free will or choice. In this case, 'acceptability' is described in relation to well-being; therefore, decisions made when the alternative option negatively infringes on well-being are not, in fact, voluntary decisions. Instead, this is a portrayal of force. From this, voluntariness is the capacity to make a decision freely because there is no negative consequence on well-being for choosing one option over another (Olsaretti, 1998).

This definition of voluntariness has also been expanded, highlighting the importance of adequate information in enabling voluntariness. To enable voluntary choice and the free selection of options, the party must be properly informed. Without information, the party makes its decisions based on perceived options that may or may not hold true to their actual context. Being informed, therefore, enables a judgement as to which situations are acceptable or not. It does not mean that informedness categorically distinguishes between voluntariness and non-voluntariness, but rather that this element is also important to enabling true voluntariness

(Colburn, 2007). Additionally, voluntariness has been framed in more ethical terms. For instance, voluntariness is defined as choices made free from ignorance or compulsion. The identity of ignorance and compulsion as exculpations indicates that the two terms delineate a reduction of free will. Therefore, the presence of ignorance and compulsion disables voluntariness (Hyman, 2013).

For the sake of this paper, I do not seek to prove which one of these definitions is most accurate or defensible. Instead, I simply aim to illuminate the common link that groups these three definitions and many other definitions of voluntariness. This commonality is that voluntariness is repeatedly defined in relation to context. For instance, the context in which choices are being made, and the elements that those contexts enable, such as access to knowledge, is what distinguishes between a voluntary act and a non-voluntary act. This contextual dependency is integral to my point. Within this contextual framing, voluntariness, therefore, cannot be easily maintained in a context of profound power disparity. This is because an imbalance of power implies the potential for one party to exert some form of control over another party, and hence, the capacity to engage in a voluntary process is undermined. Additionally, the consensual compromise process that a voluntary procedure might enable is inhibited by the potential coercive power of one party over another. The relational context is a necessary indicator of whether there is an ability to give and respond voluntarily. Therefore, a normative reliance on a voluntary concession process seems to demand a state of rough equality. I claim that a context of rough equality is necessary to ensure the process of voluntary concessions fundamental to compromise's normative identity. This assumption creates a normative account of compromise that implies there is no compromise without rough equality. I will further reinforce this position by exploring the notion of mutuality.

Mutuality

Mutuality is another well-established component of compromise (Baume, 2017; Van Parijs, 2012) and engages the part of compromise's definition that necessitates a

multidirectional agreement process. Concession giving is observable in many negotiation processes, yet the mutuality of concessions is integral to the concept of compromise (Thuderoz, 2017). Similarly to voluntariness, I argue that the mutual nature of concession giving, as fundamental to compromise, also implies an imperative context of rough equality. I will begin by discussing mutuality in broader terms before honing in on mutual concessions.

Mutuality has been coined the embodiment of equal recognition, moral fairness and respect (Magni, 2023) . Mutuality represents a deep recognition of an opposing party's worthiness and equal stature. It is this broader conception that makes me question how a state of power imbalance might infringe upon the capacity for mutuality.

I engage with mutuality from the perspective of concession giving. Mutuality implies a reciprocation of concessions in which conflicting parties are all expected to concede some ground to arrive at a bearable agreement. This highlights a duty of reciprocity that embeds compromise with an element of procedural and end-state fairness, even if the end-state concessions are not equal. The mutual concession process of compromise indicates a procedure founded upon a genuine recognition and sensitivity to each party's rights. This has been deemed a principled compromise in which competing parties engage in a reciprocal concession process motivated by mutual recognition (Cohen-Almagor, 2006).

This mutuality, yet again, implies a context of rough equality. The necessity to give and concede is marked by the acknowledgement of the other. In contexts of power disparity, such mutuality may be hindered as the motivation or even capacity of a more powerful party to acknowledge the rights and value of the other party is sidelined for the exertion of self-interest. Allow me to quickly note that when I refer to parties of greater or lesser power, I am referring to a structural and systemic allocation of power. In instances of power disparity, the assumption of mutual contributions can devolve into a demand for reparations. For instance, the party with lesser power may indeed be the only one sacrificing. Therefore, to achieve true mutuality, as praised in compromise theory, a context of relational rough equality seems necessary.

In this first section, I have questioned the normative identity of compromise. In doing so, I emphasised two primary elements of the compromise definition—the voluntariness and mutuality of concession-making. I argued that these two elements do, in fact, imply a necessary relational context between competing parties, specifically, the presence of rough equality. Therefore, I demonstrated how normative conceptions of compromise imply a state of rough equality. Next, I proceed to investigate how compromise, in practice, might divert from this normative conception.

Section Two: Empirical Compromise

The assumption that compromise necessitates rough equality has indeed permeated the compromise literature (Baume & Papadopoulos, 2022). However, the suggestion that compromise implies a necessary balance of power between parties is a dubious assumption that misinterprets the practical realities in which compromise operates. In this second section, I now engage with the empirical realities of compromise and how these may contradict compromise's normative identity. I make this case by first briefly indicating how the need to compromise often implies a context vulnerable to power disparity. Secondly, I validate this argument with an empirical example of compromise that highlights the presence of power disparity.

In practice, compromises frequently occur beyond a state of rough equality. I wish to illuminate how the very need for compromise often implies a power disparity. Historically, proponents of compromise alluded to its necessity as a last resort before physical violence (Fumurescu, 2013). This is because there is no necessity to compromise if some other form of consensus or more homogenous agreement is possible. Though reluctance to compromise will not always descend into physical violence, this still holds in many instances of modern compromise, especially between nation-states. If there then arises a situation in which there is no acceptable alternative but to compromise, in the sense that not compromising would lead to mass suffering, there is already an established level of power inequality between parties. Parties

may enter into a compromise as a 'historical necessity' to reduce suffering (Margalit, 2010b). If failing to compromise implies dangerous repercussions, then that context inherently implies a power disparity. Additionally, compromises occur in instances of conflict that have been defined by larger systems of injustice which perpetuate a global condition of inequality. Therefore, I argue that, in contrast to its normative rendering, compromises most often occur in contexts of significant power disparities. Empirical examples of historical compromises are riddled with power imbalance. To orient my theorising within a more tangible context, I will now give the example of the violent conflict in Aceh and the compromises made to end multiple decades of violence.

In August 2005, the Helsinki Memorandum of Understanding (MoU), was signed between the central Government of Indonesia (Gol) and the Free Aceh Movement (Gerakan Aceh Merdeka; GAM). This peace agreement was established to end violence and human rights violations in Aceh. I will first provide some historical context before discussing this case in relation to power and compromise.

The Case of Aceh

Aceh is located on the north-easternmost point of the island of Sumatra. It has a deep colonial history marked by significant periods of warfare. In 1876, Aceh was invaded by the Dutch. The invasion sparked the beginning of a three-decade-long resistance marked by violent conflict. The people of Aceh ultimately succeeded in opposing Dutch colonial rule, and in October 1945, as Indonesia declared independence, Aceh became recognized as part of the province of North Sumatra.

Under the authoritarian rulership of Indonesia's first president, Sukarno, the Gol exerted large centralization efforts which led to the marginalisation of Acehnese people in favour of the Javanese ethnic majority. Additionally, as gas and oil reserves were discovered in north and east Aceh, these resources were exploited with little regard for the needs of the local Aceh population.

Ultimately, the discriminatory policies of the centralised Gol led to the formation of the GAM in 1976. The GAM is an Aceh nationalist group who, since its inception, has fought for a free Aceh, separate from the state of Indonesia. This separatist movement contradicted Indonesian nationalist regimes. In 1977, the Gol launched a counter-insurgency against GAM which began the start of another violent conflict. The GAM launched a guerrilla attack in 1989 which the second Indonesian president, Suharto, responded to with an official military operation known as the Daerah Operasi Militer (DOM) era. The DOM ushered in a period, particularly from 1989-1998, characterised by intense human rights violations and conflict.

In 1999 and the early 2000s, after the fall of the authoritarian Indonesian president, Suharto, and amidst Indonesia's transition to a more democratic state, peace talks began between GAM and the Gol. Although an internationally monitored cessation of hostilities was signed in 2001 (which did decrease the immediate violent conflict), an ultimatum made by the Gol, demanding that GAM compromise on their quest for independence, led to further military operations in Aceh. The Gol deployed 30,000 troops making it the largest Indonesian military operation since the Indonesian Invasion of East Timor in 1979 (Aguswandi & Large, 2008).

On December 26, 2004, a massive tsunami in the Indian Ocean killed almost a quarter of the Aceh population. The scale of death and mass destruction sparked a humanitarian crisis. The crisis was recognised internationally and gave rise to further international demand for a more comprehensive effort to broker a peace process. The precarity of the Acehnese population brought forth another opportunity for peacemaking. The Helsinki Peace process (which led to the MoU) was led by former Finland president Martti Ahtisaari and consisted of five rounds of facilitated negotiation between Gol and GAM representatives over a six-month span (Aspinall, 2008).

The Aceh Compromise

The MoU was at its core a compromise. Both parties engaged in the peace process and there was an exchange of concessions which culminated in an agreement. The GAM made

concessions regarding their central aim of independence. They conceded their goal for independence in exchange for the offer of 'expanded autonomy' proposed by the Gol. Expanded autonomy was not clearly defined in the MoU but broadly referred to as recognition of Acehese regional and territorial management and political systems. The Gol made concessions regarding the power that would be distributed to the GAM. For instance, the Gol offered amnesty to GAM (Aspinall, 2008). Gol agreed that the GAM would have the right to establish Acehese political parties and be entitled to a large portion of the revenues derived from natural resources in Aceh (Crisis Management Initiative, 2005). This concession of power was made so that GAM would accept the offer of expanded autonomy instead of continuing the insurgency in its quest for independence.

For the sake of my argument, it is important to acknowledge that this compromise occurred within a context of vast power disparity. The Gol retained the ultimate power position during the negotiation and concession process for a number of reasons. First, there is an evident difference in power between the Gol and the GAM because the Gol, representing a large democratic body, had greater military and economic capacities.

Second, the power of the Gol was furthered by their position being backed by the international community more broadly. As the international community had mandated the urgent need for a peace process in response to the heightened humanitarian crisis in Aceh following the Tsunami, there was pressure for an agreement to be made as soon as possible to stop the immediate conflict in Aceh and to lessen human suffering.

This international intervention also has an important historical context. The United Nations (UN) previous intervention in the conflict between Indonesia and East Timor, which ultimately led to the recognition of East Timor as its own country, meant that the Gol was highly hesitant to accept any form of international involvement. Therefore, the European Union (EU) intervened in the case of Aceh. This international intervention incentivised the peace process and supplied moderating parties to help facilitate the resolution agreement. Because of the

hesitancy of the Gol, however, the moderation and overall intervention remained sensitive to the position of the Gol so as not to sacrifice the peace operation as a whole. This position of precariousness ultimately skewed the actions of the international actors (who were acting in the role of peace moderators) in favour of the Gol's position. For instance, Ahtisaari, as moderator, remained steadfast in his role to encourage GAM to accept the concessions of the Gol and compromise on their goal of independence (Aspinall, 2008).

Thirdly, the Aceh Monitoring Mission, sponsored by the EU, conceived of the Status of Mission Agreement (SMA). The implementation of the SMA was contingent on Gol approval, which meant that the compromise process was centred on the terms agreed to by the Gol. Regarding power, it must be noted that throughout the peace process, the GAM represented a population in crisis due to a multi-decade-long violent conflict and the tremendous repercussions of the Tsunami. The suffering of the Acehnese people was ongoing, and therefore, the GAM was left less able to maintain its priorities of independence due to the necessity for government aid and support following the tsunami (Aspinall, 2008).

The case of Aceh is a vivid depiction of how the necessity for compromise caters to instances of power imbalance. The different power positions between the Gol and GAM ultimately shaped the outcome of the compromise and the justness of its conclusions. The element of justice will be further reflected upon in section three.

This case example is marked by competing interests and time pressures. The urgency and vulnerability of the situation is what mandated compromise as alternative forms of agreements, such as a consensus, would have been too arduous in light of the ongoing humanitarian crisis. As this case demonstrates, compromise occurs beyond the bounds of rough equality. Aceh is not an isolated example. Compromises frequent situations of polarised conflict where rough equality is not commonly present. Instances of conflict are rife with power disparity, and therefore in empirical contexts, compromises are as well.

The presence of power imbalance in empirical instances of compromise marks a firm departure from the normative assumption of rough equality I described in section one. Empirical examples demonstrate that power imbalance is inherent to the practice of compromise.

Objection: A Misuse of Compromise

Now that I have made the case that empirical compromises divert from the normative assumptions of compromise, I would like to address a potential objection to my argument. This objection is that the empirical instances I just described, and the normative inconsistency they represent, are actually a misuse of compromise. It could be argued that operating beyond a state of rough equality in which voluntary and mutual concession processes cannot be maintained is not a compromise at all as those instances stray fundamentally away from compromise's normative conception. Therefore, one could claim that the important discrepancy I seek to illuminate is not a discrepancy at all but instead just an inappropriate extrapolation of the concept of compromise onto examples that are not in fact compromises.

To this objection, I wish to reply that requiring compromise to remain within the bounds of a rough state of equality is to give up on the concept of compromise itself. This is because the settings in which compromises occur almost always concern power imbalances. Additionally, this claim stumbles into the realm of ideal theory that is ill-suited to the true nature of compromise. Compromise is messy and is, therefore, inherently not ideal (Margalit, 2010a). A compromise is required only because of an incapacity for another means of collective agreement to achieve meaningful results. Though the assumption of rough equality is theoretically and normatively tempting, this assumption in practicality just further misinterprets instances of compromise. In so doing, it detracts from critical questions that the compromise literature currently fails to address, such as how compromise might actually pose a danger in instances of power inequality and conversely, how compromise might evolve to operate more justly in such cases.

Thus far, I have identified a discrepancy between the normative and empirical conceptions of compromise. In the first section, I presented how, normatively, compromise is reliant on a state of rough equality which assumes a true compromise only occurs when there are not massive disparities of power between conflicting parties. In the second section, however, I highlighted how compromises almost always occur beyond a state of rough equality. Now that I have made this distinction, I reflect on its importance in the following section.

Section Three: Dangerous Compromise

In this third section, I will argue that the discrepancy between the normative and empirical conception of compromise enables a corrupt and dangerous territory where injustice can be covertly perpetuated. To preface my point, I wish to acknowledge that, in general, an inconsistency between theory and practice does not necessarily problematize a theory itself. For example, the theory of democracy is not devalued because a country's democratic system fails to fully realise the representation and inclusion that democratic theory preaches. Theory often grapples with the ideal, and these ideals can indeed pose important markers for society. That being said, in the case of compromise, I take a critical position arguing that the current difference between the normative and empirical conception of compromise is too important to remain unaddressed. The discrepancy is too dangerous. This is because the discrepancy pertains to a normative neglect of power, in particular power relations. Power relations are fundamental to the nature of conflict resolution and, therefore, inappropriate to dismiss in the case of compromise. I argue the danger of this normative neglect of power in two ways. Firstly, by indicating how power relations, unaddressed in compromise theory, enable empirical compromises wrought with domination. This domination enables the perpetuation of injustice. Secondly, I describe how the normative conception of compromise, and its values of mutuality and voluntariness, inform society's interpretation of empirical compromises that can inadvertently mask instances of domination and subsequent injustice.

Power and Domination

Until this point, the presence of power disparities in compromise could be a mere descriptive fact. Yet, power is not descriptive; it is active. It is essential to move beyond this descriptive rendering to recognize how power discrepancies might lead to injustice. Therefore, I will now investigate how power relates to domination and how this domination is enabled in instances of compromise. I wish to begin my first line of argumentation with a hypothetical example—specifically, a compromise made between parties A and B in the context of an imperial land claim. Party A is an indigenous group, and Party B is an imperialist group. Party B arrives on the land of Party A, and a conflict breaks out as Party A seeks to retain the land and Party B seeks to claim the land. Following a period of violent conflict, eventually, parties A and B seek to find an agreement through compromise as the ongoing conflict is proving detrimental to both parties. After an exchange of concessions, it is agreed that Party A gets one-third of the land and Party B gets two-thirds of the land. This is unsatisfactory for both parties, but ultimately, it is mutually agreed upon and enables a less physically violent coexistence moving forward.

I now wish to highlight the power disparity present in this scenario and how this power shapes the compromise in two distinct and distressing ways. Firstly, there is the obvious manifestation of unequal power that leads to the inequality of end-state concessions. The heightened power that Party B has, due to privileged colonial legacies, allows Party B to get Party A to agree to certain concessions. For instance, Party A might make concessions they otherwise would not have made had there been more equality of power. This illustrates the first dimension of power as conceived by Dahl, in which power is defined as the ability of one group or individual to get another group or individual to do something they would not otherwise do (Dahl, 1957). Though this outcome is morally troublesome, I would like to acknowledge that the resulting inequality of concessions in this scenario is not necessarily contradictory to the notion of compromise. The just nature, or even end-state fairness, of a compromise is not determined

by the extent of concessions made or the equal state of the outcome. Rather the end-state validity of the compromise is delineated by the consensual aspect of the concession process. As long as the concessions are agreed upon, it can still be deemed a reputable compromise, as defined by theory. However, continuing to recognize how compromise can be shaped by this first dimension of power is relevant to understanding how compromises might enable power abuse in unequal contexts.

I now illustrate a second way that power manifests in the context of compromise. I demonstrate how a fundamental disparity of negotiation power is eventually reflected in what the concession-making process is centred around. In the scenario above, there is a crucial difference between the two parties' entrance positions of power, which results in Party B being able to determine the arena in which concessions take place. Party A must make concessions on something they already inherently are entitled to as a matter of justice, and Party B must make concessions on something they demand as a matter of interest. Here lies a drastic asymmetry between these two claims as one party compromises on the side of justice and the other party compromises on the side of mere interest. This means that through the concession process, Party B will have gained land and lost nothing but potentially the desire for more, whereas Party A will have lost something that they previously had and to which they were inherently entitled. By compromising in such a situation, and adopting a loose 'split the difference' mentality, the outcome is profoundly unjust as it opposes justice in favour of one party's interest. The initial positioning from which the compromise originated represents an unfair instance facilitated by Party B's dominance over Party A. It is critical to reflect on this as it demonstrates how compromises can be abused in these instances of power imbalance. This is not because of the unequal nature of the tangible concessions but instead because of the power that Party B had in defining the sphere in which concessions would be made. For instance, by deciding that the compromise process would revolve around how much land Party B got rather than whether Party B should have access to the land in the first place. This instance reflects the

second dimension of power proposed by Bachrach and Baratz (1962). The second dimension of power takes a more structural and organisational perspective. In its definition, one group or individual exerts power by maintaining the system that enables their power. This is described as a restrictive face of power in which the power to influence another is not realised through a direct order but rather a process of non-decision-making. Specifically, the capacity for the more powerful group or individual to omit certain topics, particularly the relevant topics concerning the less powerful groups or individuals, from discussion or debate (Bachrach & Baratz, 1962). Linking this definition back to the scenario, Party B's power is reflected in its capacity to define what the concession process is centred around and is perpetuated by the structure of imperial privilege.

There is a tragic and inherent unfairness at play in this scenario due to the malign nature of imperial dynamics. Through this scenario, I show the integral part that power and power relations play in shaping a compromise. The scenario I described represents a pattern of domination to which compromise is highly vulnerable. I argue that this vulnerability is a product of the normative neglect of power in compromise theory which makes such scenarios difficult for compromise theory to take into account. The scenario above begins to show how a disparity of power between parties enables the more powerful party to dominate the concession process and, consequently, the compromise outcome.

Domination and Injustice: How Compromise Enables Injustice

When it comes to analysing the heightened power that one party has over another and, thus, the potential power abuse, it is natural to gravitate towards a theory of domination. This is relevant to my exploration into the dangers of compromise because domination theory grapples with the notion of power relations and how such power relations might deny justice, freedom, and equity; prompting injustice. I proceed to define domination and then express how domination manifests through compromise.

Unsurprisingly, numerous attempts have been made to define domination. The primary neo-republican theory of domination, argued by Philip Pettit, defines domination as the ability of one agent to interfere with another arbitrarily (Pettit, 2005). Pettit further clarifies that this interference is a type of arbitrary choice in which the dominating party has the capacity to make a decision impacting the less powerful party without consideration of their interests (Pettit, 2005). Such arbitrary decisions often contradict the priorities of the less powerful party and instead accentuate their vulnerabilities. Ultimately this conception of domination is defined by an imbalance of power condition (Lovett, 2001).

Additionally, Pettit emphasised that domination is often a product of unequal bargaining power. Specifically, he asserted that one party holds more power because of an unequal distribution of information, diplomatic pressure, resources, or cultural privilege (Pettit, 2005). This point alludes to the contextual and structural attribution of power and power imbalance.

Applying this conception of domination to the scenario above, it is clear to see how Party B exerts power over Party A in a way that enables a concession process shaped by domination as the bargaining power of Party A is diminished. Party B has shown up on the land of Party A and decides it is their property. Moving into the compromise, the power positions already enable the exercise of domination that leads to the overall emergence of injustice. This is an all-too-familiar injustice triggered by the assertion of imperial power. Pettit's definition of domination emphasises the relational and contextual exercise of power of one party onto another, and it is clear how the situation of compromise can enable this domination through a skewed concession process that leads to injustice.

To fully conceptualise the dangers of unrecognised power imbalances in compromise processes, it is essential also to situate compromise within a broader system of inequalities. For that, I turn to the intersectional feminist perspective of domination by bell hooks.² hooks defines

² African-American radical feminist scholar bell hooks has made it a point to not capitalise her name in order for her ideas to be the most centric part of her work. I will continue to mimic her preferred capitalization.

domination by its manifestation. Domination is the phenomenon through which imperialist, capitalist, racist, and sexist structures perpetuate oppression. hooks talks of structures of domination and how domination fuels the perpetuation of violence. Domination is defined as epistemic, structural, or physical violence that originates from and further perpetuates unequal power relations (Perazzone, 2023). This conception of domination is necessary to reflect on as it indicates an inseparable correlation between domination and injustice through the perpetuation of violence. Similarly, it recognises how power disparity is a product and enabler of broader systems of inequality. These are systems that hooks calls the 'white supremacist capitalist patriarchy,' which defines the systemic distribution of power inequality across society (hooks, 1986, p. 126).

When extolling the dangers of compromise, it is appropriate to address compromise within the global condition of inequality. It is these systems that make compromise open to abuse as a means to perpetuate injustices. Given the conflicting contexts in which compromise takes place, it is perhaps inevitable that some elements of injustice occur. However, the reason it is so necessary to highlight the failure to acknowledge power imbalances in compromise theory is that this creates a situation in which compromise masks the injustices it might perpetuate. I argue that this masking of injustice is what makes compromise particularly dangerous. I now engage in my second line of argumentation, exploring how injustices, enabled by compromises wrought with domination, are currently masked by the pervasive acceptance of compromise as a mutual and voluntary process. By not acknowledging power relations, compromises can perpetuate unjust instances which remain unrecognised. This further legitimises the power imbalances that are present and ultimately challenges the integrity and longevity of the compromise agreement.

Domination and Injustice: How Compromise Masks Injustice

A discrepancy between the normative and empirical instances of compromise means that the normative ideals of compromise theory are applied to the understanding of empirical

outcomes of compromise. This masks the domination that might have occurred during the compromise. Compromise extols principles that centre collective agreement and reciprocity. These normative values therefore create a picture of compromise as a sort of ‘split the difference’ approach in which both parties are sacrificing for a common goal. From the scenario above, however, I have shown how power discrepancies within compromise lead to agreements formed through domination which yield profoundly unjust processes and outcomes. This renders compromise dangerous as it leads to an inability to acknowledge injustices that take place. Compromise, thus, remains a powerful enabler of unjust systems inherent to the global condition of inequality.

To give an example, I point to the ‘racial compromises’ in the formation of the Constitution of the United States. Literature on these compromises highlights the ways in which compromise created a sense of mutuality that enabled agreement and a more unified United States of America (USA). However, the compromises that occurred, masked the racist and dominating structures that led to a clause prohibiting the federal government from limiting the importation of “persons” (Interpretation and Debate, 2024). The term “slavery” does not appear in the clause; however, the clause was a compromise between the Southern states, where slavery was economically important, and states who were already engaged in putting an end to slavery. The normative conception of compromise, as rooted in voluntary and mutual concession-making, assumes an integrity that did not exist in practice as African American slaves were not included in the compromise that determined their fates. By preaching rough equality, there is a dangerous removal of the need for accountability or responsibility within the compromise process. Furthermore, the fact that compromise operates based on tacit rules, as opposed to written norms, makes compromise particularly vulnerable to abuse in this regard. In this case, unaddressed power hierarchies, masked as participatory and reciprocal processes, enabled ongoing domination in the form of slavery and created a false impression of rights and unity. Additionally, the making of injustices threatens the longevity of the compromise agreement

because the resentment and tension ignited through a dominating process is not able to be acknowledged or reflected upon.

To summarise, I wish to reiterate that compromise, riddled with unrecognised power imbalances, enables and masks instances of injustice which further reenacts the unjust systems that plague society. I have argued that compromise is particularly vulnerable to enabling domination as a normative insensitivity to power relations enables power inequalities to run rampant and unaddressed. Additionally, the fact that compromises occur during times of fundamental disagreement and vulnerability can create instances in which the more powerful party makes concessions on the grounds of interest, and the less powerful party makes concessions on the grounds of justice. I, however, suggest that what is most dangerous is not the potential enabling of domination, though morally troublesome, but instead the capacity for compromise to mask injustice. I show how compromise's normative neglect of power relations disables reflexivity on the domination and injustice that power imbalances might enable. I proceed to address a counterargument to this claim that compromise is a purveyor of injustice.

Objection: Procedural Value Rescues Compromise From Inherent Corruption

I have now argued the corrupt and dangerous nature of compromise and how, in instances of power imbalance, it may act as a tool to perpetuate injustice and reinforce broader systemic expressions of injustice. But is this a fair assessment? Proponents of compromise have pointed to the inherent value of compromise as a procedure enabling mutual recognition and reciprocity (Rouméas, 2021). In this line of reason, compromise itself is not inherently dangerous as the procedural value of reciprocity and fairness make it a valuable conflict resolution procedure regardless of the potential injustices it may realise due to power imbalances. Even if there is a power disparity, it could be argued that compromise is, in fact, a first step towards equal recognition when, instead of exerting a pure expression of dominance, the more powerful party acknowledges the other party and opts for a procedure that includes a mutual exchange of concessions. This argument claims that compromise is not, in itself, corrupt.

To the contrary, it can serve as a procedural tool to flatten power hierarchies. This flattening occurs because the party with more power is actively conceding some of its power and responding to the concessions of the party with less power. Therefore, compromise is procedurally essential and beneficial and not inherently corrupt.

I address this objection in two ways. First, I wish to challenge the claim that, by definition, the motive to compromise is rooted in reciprocity, which is why a compromise process supports mutual recognition. This conception of compromise remains rooted in the concept of principled compromise, which I have referenced in section one (Cohen-Almagor, 2006). A principled compromise is an instance in which the motivation to compromise is founded in a recognised moral obligation of mutuality. In opposition, however, there also exist tacit compromises (Cohen-Almagor, 2006). In a tacit compromise, a party engages in mutual concessions, not because of the moral obligation of mutual recognition but rather as a means to a more desirable end. In this type of compromise, concessions are made because of a desired goal, and an incremental progression towards this goal through small concessions is actually most effective. I would argue that the presence of a large power imbalance encourages tacit compromises as the party with more power is in a privileged position of generally having more time and more flexibility to carefully construct advantageous concessions. For instance, in the case of Aceh, the Gol's position was unwavering in its denial of GAM's independence goal because of its power position which allowed the Gol to hold its primary goal while remaining in compromise to achieve other matters of importance. The Gol could afford to be unwavering and, therefore, carefully select which things to concede to get closer to their desired goal. On the other hand, the GAM representatives needed to make concessions to reduce the suffering of the Acehnese population and therefore were forced to make more grand concessions. In these instances of tacit compromise, there is no flattening of hierarchy but rather a strategic concession process executed to further dominate in a less exhaustive way.

Secondly, and perhaps even more importantly, I want to highlight that this objection to the dangers of compromise continues to operate within an assumption of domination and injustice that will only be reinforced. The assumption that compromise inspires a more balanced assertion of power is misguided. This is because the belief that compromise provides mutual recognition, which contributes to the flattening of power hierarchies, disregards the structure of systemic injustice referenced by hook (1984). The more powerful party is praised for giving some power or recognition to the less powerful party. This reinforces a dynamic in which the less powerful party is entirely dependent on the more powerful party for recognition. It manifests a dynamic of dependence where the less powerful party makes concessions under the guise of opportunity and choice when in reality, they are still bound to the structures of domination interwoven throughout society and mirrored in compromise. Ultimately this dependency is just a perpetuation of the societal inequalities wrought with injustice. Of course, the point could be made that even if this is the case, and a pattern of power-wielding is present which realises an immoral and unjust power structure, in practice, a compromise still enables a decision-making process where the party with less power is more involved than they would be in instances of outright domination. However, as I have pointed out in the imperial hypothetical example between Party A and Party B, if there is indeed a large unacknowledged power imbalance at play, the compromises will mask domination under the guise of reciprocity and inclusivity. This produces a type of unrecognised domination that rages rampant and unaddressed while it fuels a deeply dangerous injustice. Therefore, compromise that fails to recognise power imbalance is, at its core, a procedure that enables the perpetuation of privilege and the domination of the less powerful. Ultimately I argue that there is an inherent corruptness to the concept of compromise due to an incapacity to recognise power imbalance, domination, and subsequent injustice. Compromise is dangerous.

I have argued the danger of compromise by reflecting on the capacity of compromise to enable and mask injustice. But I must quickly reflect on the appropriateness of discussing

compromise in relation to justice. Is this a fair pursuit? After all, proponents of compromise never claim that it enables justice. Instead, they characterise compromise as a deeply practical phenomenon catering to situations of unreckonable disagreement (Spang, 2023). In some regards, compromise could be seen as opposing a mission for justice as it demands a procedure of concessions. Often these concessions are necessitated by contexts that demand making concessions on things that are profoundly unjust to sacrifice. From a standpoint of justice, then, most, if not all, large-scale compromises should not happen as they involve concessions on things that morally should not be conceded.

Despite this reservation, I must still argue that engaging with compromise from the perspective of justice is essential. Especially because of compromise's capacity to mask injustices perpetuated through its procedural agreement process. Therefore, what I advocate for is an unwavering necessity to acknowledge power imbalance within normative compromise theory so as not to enable the masking of domination and injustice. This is paramount for both recognising injustices that are perpetuated and for creating accountability to address them. This is also necessary to create some stability within the end-state agreements of compromise. If compromises enable unjust peace, and if the injustices involved are not reflected upon, this unjust peace will be forever fragile and will incite further conflict in one way or another. In my final section I will explore how compromise might move beyond this twisted fate.

Section Four: Critical Compromise

I have painted a rather bleak picture of compromise as a concept corrupted by a mismatch between the philosophical discourse and empirical reality. This corruption is driven by a lack of attention to power relations in the normative literature, which enables domination and injustice in empirical instances. So, the inevitable question arises whether the normative concept of compromise can be saved. This section is devoted to this pursuit as I make a tentative proposal for a revision of compromise's normative identity to enable an essential

alignment with empirical contexts. I advocate that further research should continue along this quest to theorise a power-sensitive compromise.

Let it be clear that I do not seek to advocate for the continuation of compromise or its cessation. Rather, I want to begin my pursuit from the standpoint that compromises will always occur. There is an immense value in the capacity for compromise to enable agreement during times of irreconcilable difference. By doing so, compromises can lead to the reduction of human suffering to the extent that it enables peace (Margalit, 2010b). Particularly in the case of violent conflict, compromise agreements can be literally life-saving. For example, the signing of the MoU has been frequently praised for halting a horrendous expression of warfare and mass suffering that consumed Aceh and the lives of Acehnese people for decades (Aspinall, 2008). This compromise agreement has been capable of enabling some degree of lasting peace.

What I have shown throughout this paper, however, is how a compromise might jeopardise justice in pursuit of this peace, ultimately leading to a fragile and unjust peace that can not last in the long term. The current philosophical neglect of this injustice makes compromise dangerous. A normative correction is, thus, imperative.

Therefore, I seek to delineate an account of compromise sensitive to power imbalances in the hope that it ceases to enable and mask injustice. I propose a concept of critical compromise that involves three parts: a recognition of power, an acknowledgement of compromise as an initial stage of conflict resolution, and a recentering of the parties with historically less power.

Recognition of Power

A critical concept of compromise must include a recognition of power disparities. This could be achieved through a depiction of interpersonal compromise as *a process of mutual concessions between unequal parties*. I have shown in sections two and three why this is the case. As compromise is necessitated by contexts of conflict, and those conflicts are plagued by the global condition of inequality, these compromises are not a concession between mutual

equals but instead between a structurally privileged and structurally deprived party. By recognising power imbalance as inherent to compromise, the domination that compromise currently enables in empirical instances, masked by a normative reliance on mutuality and voluntariness, will be more visible. This is not to take the naive position that a normative reflexivity of power will halt domination. Rather, this normative attunement to power enables a recognition that domination is likely to occur or may already have occurred. An ignorance of domination allows domination to prevail unchecked. Whereas an acknowledgement of domination, and the injustices that it perpetuates, can demand present or future accountability.

To allow for the normative confirmation that power imbalance is inevitable in compromise, the current normative dependence on voluntariness needs to be dissolved. Voluntariness seems to have been incorporated into the normative conception of compromise to bolster its procedural integrity. However, compromise is not a phenomenon conceived and realised on the basis of integrity but rather on the basis of necessity. Additionally, continuing to say that compromises are fundamentally voluntary processes corrupts the true integrity of compromise as it enables a process that masks domination. Instead of voluntariness being a normative ideal to strive towards, its centering acts as a deceptive ideal because it preaches something not compatible with the contexts of compromise in practice. It should be briefly stated that the mutual nature of compromise however, can remain in order to necessitate a reciprocity of concessions.

Perhaps a hesitation to the rejection of voluntariness within the normative definition of compromise stems from an idea that the voluntary nature of concessions is deemed essential to ensuring a sense of obligation towards the final agreement. Voluntariness often alludes to a sense of accountability and therefore, both parties are accountable to the final agreement because of the voluntary nature of concession giving in compromise. I, however, feel this concern can be dismissed as the crude dependencies that exist within compromise, albeit undesirable, are ultimately what demand the upholding of end-state agreement. Compromises

are inherently not ideal, and therefore, if a compromise has been made, it likely implies that there is no other option but to compromise. The necessity to compromise also necessitates concessions that may be unjustly demanded. For this reason, continuing to define compromise within the guise of voluntariness is also inappropriate, as it assumes concessions made in which a demand for justice was sacrificed were considered and freely passed over.

Letting go of voluntariness as central to the concession process of compromise, and recognizing compromise as a process inherently conducive to power disparities, enables a better recognition of the power imbalances present within compromise and how these imbalances might command and contort the concession process. Therefore, a normative account of compromise must assume a power imbalance.

Not The End-State, But The First Step

I propose that the normative definition of compromise needs to recognise compromise as an initial stage of conflict resolution instead of a procedure enabling an end-state agreement. I claim that compromise can not be discussed in relation to justice as it fundamentally opposes the type of radical acknowledgement of difference and oppression necessary for liberation and more just resolutions (Silva, 2019). When compromises purport to achieve peace, what they really achieve is a cessation of observable violence. This cessation is important and necessary, yet the violence of the power structure prevails. The current normative rendering of compromise allows it to bask in recognition as a powerful tool to reach an end-state agreement. This conception, however, keeps compromise plagued by corruption as it assumes that the end-state agreement of compromise could mark a form of resolution. As compromises collide with the pursuit of justice by demanding concessions be made on matters of justice to ensure a mutual agreement, whatever resolution transpires will be riddled with injustice.

So, there needs to be a normative recognition of compromise as prefatory to conflict resolution processes. I suggest that compromise should be defined as *a process of concession-giving between unequal parties that enables a primordial agreement that marks a*

cessation of conflict and the emergence of a broader conflict resolution procedure. This is normatively appropriate as compromise can achieve an agreement necessary to reduce physical suffering, but it will profoundly struggle to achieve a just form of conflict resolution (Margalit, 2010b). Instead of a procedure valued by its capacity to achieve an end-state agreement, it is simply a procedure to reach an agreement. Critical compromise demands a reflexivity into this distinction to provide a normative foundation of compromise that is more accountable to an end-state justice.

Framed in this way, compromise can maintain procedural benefits on the necessary journey to justice. This is because a newfound normative sensitivity to power allows for an awareness of the domination and injustice occurring in the concession procedure. Specifically, a recognition that when a concession involves the sacrificing of justice rather than interest, as expressed in the scenario of section three, a dangerous asymmetry of loss has occurred. By recognizing this dynamic, compromise can become a tool that exposes the underlying domination and injustice perpetuated in the concession process to pinpoint which instances of the process require retrospective acknowledgement in pursuit of a broader, justice-bound resolution. Current normative accounts of compromise fail to expose these dynamics and, therefore, cannot distinguish concessions that may further injustice. For the sake of the compromise, acknowledging the unjust nature of certain concessions might not change the concessions that are made; however, the recognition that this type of profoundly unjust concession process occurs will stoke a better capacity to realise a conflict resolution that is ultimately characterised as just and equal. This recognition is enabled through a procedural examination of compromise that situates the compromise process within a broader goal of just resolution and is, therefore, not afraid to investigate the unjust sacrifices made by parties to enable compromise.

I have now highlighted two important amendments to the normative conception of compromise to propose a critical compromise. First, I reiterated the necessity that power

imbalance is inherent in empirical compromise and therefore must also be part of the normative understanding. Second, I urged a reconceptualisation of compromise not as a procedure enabling an end-state agreement, but rather as a procedure that sparks the initial phase of conflict resolution procedures that have remained stuck in violence or neglect due to irreconcilable opposition. Before I conclude this paper, I wish to touch upon one last point that is too important to go unrecognised and to which future theoretical pursuits of compromise must engage with. It is imperative to recognize that to truly save compromise from inherent corruption and conceptualise a normative compromise that is not defined by domination and injustice, there needs to be a new relationship with respect to unequal power. This goes beyond a sensitivity to power but rather an awareness that to truly save compromise, there must be an empowering and recentering of the less powerful party.

Compromise theory has been predominantly explored from a Western orientation by philosophers who actually have, in a structural sense, been granted power and importance. Therefore, compromise has been conceived over decades and decades by those it most serves. Compromise theory needs to be decolonized, especially as it regularly grapples with the rife repercussions of power relations and conflict incited by imperial pursuit. These imperial dynamics have been observable in the examples I used throughout this paper. Decolonization is not a metaphor (Tuck & Yang, 2012), and therefore a decolonized compromise must be an expression of recentered power relations in practice. Ultimately, a recentering of the less powerful party in compromise also requires a broader normative diversification of the knowledge hubs that have informed compromise. As is reflected in my references, compromise scholarship has been primarily discussed in Western contexts marked by privilege. Given this history, this paper has predominantly been operating within the pervasive liberal conception of power as domination. Indeed, operating within this liberalist conception has enabled reflection into the role that power, specifically unacknowledged power, might play in prompting domination and further

injustices because of the sphere of influence such power might enable. However, there is a deep need to move beyond this power-over dynamic.

Scholars, including bell hooks, have emphasised the need to reconceptualize power so as not to reproduce the same hierarchies of domination that run rampant through society. hooks asserts that only a reconceptualization of power can cease the expression of domination (Perazzone, 2023). She proposes a power that is 'creative and life-affirming' that is not reliant on the domination of others to obtain and retain (hooks, 1984, p. 84). This power supports justice rather than being reliant on the perpetuation of injustice.

This shift in the conceptualization of power proves interesting to compromise and points to how compromise, currently an instance of power assertion, could instead be an instance of empowerment. The pursuit of critical compromise has been to create a normative conception of compromise sensitive enough to power relations that domination and injustices can be recognized and confronted. However, a just compromise moves beyond a pursuit for power neutrality. It is not enough to dismantle power-over dynamics in compromise but rather essential to conceptualise power-to dynamics. This marks an actual empowerment of the less powerful parties and a compromise not locked within an epistemology that extrapolates such dynamics of domination and extraction onto empirical contexts.

Conclusion

To wrap up this critical inquiry into compromise, I reiterate my argument that compromise, normatively praised for its voluntariness and mutuality, is dangerous. This danger is due to the inconsistency between the normative and empirical realisation of compromise I have unearthed. Normatively, I have shown that compromise is dependent on a state of rough equality, whilst in empirical instances, compromises almost always occur in contexts of profound power disparity. Such a discrepancy of power, normatively unrecognised, enables and masks domination which corrupts compromise with injustice. In recognition that compromises hold practical necessity in society to diminish human suffering through the establishment of an unjust

peace, I have proposed a critical compromise that seeks to instill the normative conception of compromise with a sensitivity to power. By recognizing power imbalance as inherent to contexts of compromise, understanding how compromise must be envisioned as an initial stage of a broader conflict resolution procedure, and advocating for the recentering of the less powerful parties, I have sought to save compromise from inherent corruption.

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