

DISCUSSION

The first issue raised in the discussion following Schwartz's presentation concerned the social conditions under which the term "disadvantaged" may be applied. Who are the disadvantaged? Is not such a classification merely a matter of perception? One speaker went on to question the efficacy of real redistribution through the legal bargaining process and pointed out that, in the example of the labour movement, perhaps *labour violence* was the reason that the voice of labour was heard. It may not have been the bargaining process alone. Since the legal framework itself determines which are the disadvantaged groups, one must wonder whether this "representative democracy" embodied in the bargaining process actually produces a substantial shift in the balance of power. Could it instead be that this emergent bargaining process merely gave the appearance of consultation while the balance of power remained effectively unchanged.

Another participant asserted that representative bodies in the United States merely delegate authority to agencies. The result is the erosion of the power of the legislators through bureaucratic stagnation. He thus asked whether Schwartz's model was indeed operational in the United States.

Schwartz responded to the first query by noting that there were enlightened financiers during the era of labour unrest; these financiers reacted to an increasingly widespread national consensus. As to the actual shift in the balance of power, Schwartz conceded that, even today, management, by its very nature, maintains a prerogative. This is, however, not arbitrary; there are provisions which ensure the systematic implementation of agreed upon regulations. In enforcing these provisions, Schwartz added, the partnership between labour and government begins to emerge. With regard to the effectiveness of administrative agencies, Schwartz remarked that the increase in numbers of public hearings gives testimony to increasing activity and substance. He did agree that the concentration of agencies in Washington might mitigate their populist tendencies. Washington may become increasingly isolated and it may be that only the wealthy or strong lobbying efforts will be heeded.

Again, the definition of the term "disadvantaged" was raised. The speaker contended that this term should be narrowly defined. Schwartz felt that the narrower the definition, the more the minority or disadvantaged group would lose its political significance and potential impact. Schwartz argued that without conspicuous formation of coalitions, there could be no real assurance that rights would effectively be respected. The questioner then countered Schwartz, saying that, on the contrary, if a definition is broad, then individual groups tend to be passed over. Schwartz responded that it is of the utmost importance to articulate a larger normative structure which will represent equal opportunity for *all*. This is quite different from saying

that a particular group must be helped "across the finish line." This would serve only to alienate society; it would not help the disadvantaged.

Another participant then articulated the notion that as some groups gain, the sense of relative deprivation of other groups tends to increase. The normative consensus can erode as easily as it can build. For example, as larger numbers of people in the US are in need of social security, smaller numbers will be available to support them. Feelings of injustice arise especially among white and black males who statistically do not benefit as much. Thus, the sense of relative deprivation increases and the consensus breaks.

Schwartz responded by saying that, on the very topical issue of social security, societal consensus was indeed increasing. After the expression of differences of opinion, a large bipartisan effort to establish a firm social security system met with success. This success required a substantive meeting of the minds. This bipartisan agreement in turn precluded any opposition effort led by the administration.

The issue of individual rights was then raised. Given a broad collective consensus, did this favour the rights of the group as a whole over the rights of the individual? Did it breach one of the fundamental legal norms of our society—the freedom of contract? Where was the protection of individual rights? Schwartz agreed that there may indeed be minorities within minorities and that legal representation should be provided for all. However, Schwartz continued, it may be that our society is moving away from contract law and back to status oriented law. There has perhaps been a steady erosion of the freedom of contract. As a case in point, labour has become an accepted entity and has been dealt with as such.

The next question posed concerned the desire and ability to general consensus building in the US (as opposed to, for example, Japan). The questioner wondered whether the mere existence of a bargaining institution was the same as consensus building and whether the desire to generate that consensus still exists in the United States. The speaker felt that the present system fails to arrive at either consensus or distributive justice. Instead, we turn to process. One must, he insisted, think of institutional bargaining itself as a series of "traps" which, given their asymmetrical use, tend to interface with beneficiaries and "occupy space." Aren't these institutions part of a systemic control system? What is the relationship between the different agencies or areas which are formed? How do groups use them to their advantage? How do they contribute to development? And how do we move from one corporate group to another? What functions do these arenas of activity serve?

Schwartz explained that these arenas serve as fora to be used by the disadvantaged within the confines of consensus. As for the notion of progress or development, Schwartz feels that, in a functionalist sense, successful arenas should serve as a model for arenas in which difficulties for the

disadvantaged still exist. The limitations of such a process, Schwartz said, can only be determined empirically by observing what works and how well. This has to be an improvement, he added, over the present situation. As it is now, everything is left either to the state apparatus or to the marketplace. Thus, Schwartz feels that his model is promising and is compatible with the functioning of a participatory democracy. Each group will be responsible for its own interests. This, of course, means that there must be limits to the extent to which interests can be achieved. Problems *do* exist when the interests of particular groups impinge on others. This problem is, however, inherent in any kind of pluralism and is not a serious impediment to the adoption of the model.

The next speaker felt that Schwartz's last comment was an especially important one. He stressed the very complexity of society and the difficulties inherent in the participatory context. Two crucial variables are necessary for the success of this model. These variables, sufficient time and adequate public information, are not always available. Without these critical elements, interest groups will inevitably clash. Stagnation will result.

In his concluding comments, Schwartz agreed with the notion that conflict will arise, but put more faith in the viability of the participatory democracy. The "rank and file," if properly informed, can perform well. Schwartz, in sum, argues that legislation itself is not tackling the problems of the disadvantaged; hence, direct public involvement is necessary.