Democratic Deliberation and the Plural Polity: Talk as a Tool for Social Cohesion

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In ethnically diverse countries such as France, Britain or the United States, it is rare the week where we will not find a minority group contesting a proposed law on moral grounds. Whether the issue is freedom of expression, or sexual, religious, racial or any other type of discrimination, moral disputes arise. Thus, Catholics demand an exemption from equality laws because they oppose the granting of adoption rights to homosexual couples, Sikhs claim that freedom of expression should be limited, as it should not offend their religious beliefs, Muslims want to ban incitement to religious hatred, Hindus and Muslims contest the criminalization of forced marriages, and so on. In some cases, there are those who argue that their particular group should have the right to veto or to strongly influence a policy which will have an impact over all citizens, but which concern them in particular.

These moral disputes have a profound impact over social cohesion as different groups question the legitimacy of laws approved by representative bodies. Moreover, in many instances, minority groups in society claim that their views and concerns are rarely taken into account when representative politicians are formulating policy. The result of this state of affairs is growing voter apathy and loss of state legitimacy.

The debate about moral conflict in diverse societies has been dominated by two polarizing positions, which I will define for the sake of simplicity as “the liberal approach” and the “multicultural approach”. Roughly speaking, the liberal approach claims that there are some values in liberal societies which are non-negotiable. The implication of this position is that the institutions of liberal societies should be designed to protect those values. Liberals also argue that they value diversity however they claim that diversity should not be pursued at the expense of individual freedoms. This position has been strongly attacked by multiculturalists who argue that liberalism is “inhospitable to difference”. Indeed, some “politics of difference” authors equate liberal values and policies with some form of cultural and moral assimilation. Thus,
the “multiculturalist approach” claims that the respect for universal human needs to be balanced with other values.

This paper seeks to bridge the gap between these two polarised positions by exploring the potential of deliberative democracy to address moral conflict in plural societies. Revisiting the arguments of Seyla Benhabib, John Dryzek and Cass Sunstein I will argue that provided certain conditions are met, deliberative democracy can contribute to softening the edges of moral disputes over public goods in diverse societies. This is so because when deliberation takes place amongst a diverse group participants tend to converge towards the middle. In other words, diversity contributes to depolarization. The paper will also argue that deliberative democracy is a fairer, and a more effective and inclusive form of collective decision-making mechanism than the traditional methods of consultation.

**Keywords:** pluralism, multiculturalism, democratic deliberation, political equality, citizens.
Democratic Deliberation and the Plural Polity: Talk as a Tool for Social Cohesion (DRAFT; please do not quote without permission)

“Deliberation matters only because there is difference”¹
Anne Phillips

“Were it not for difference, deliberation would be a very dull affair, a conversation among those who had already settled upon basics”² John Dryzek

In a cold January afternoon in 2006 a strange alliance of atheists and Evangelical Christians gathered outside the House of Commons to protest against a proposed bill to ban what lawmakers defined as “incitement of religious hatred”. For this unusual alliance of protesters the proposed bill was seen as an attack on free speech. By contrast, for the Muslim groups that had campaigned for the new law, the ban on incitement of religious hatred was a necessary rectification as Muslims did not enjoy the same legal protection as Jews and Protestants with regards to religious discrimination. In the end, the British Parliament approved a watered down and rather convoluted version of the initial proposal which did not satisfy the two sets campaigners. If anything, both sides retracted to defensive positions, waiting for the next onslaught to their cherished set of values.

Moral conflicts such as the one described above are very common in plural societies. But until now issues such as artistic freedom, equality legislation, funding of religious schools, forced marriages, honour killings, and outdoor funeral pyres were addressed in a rather cavalier manner: agreements would be fudged in close-door meetings between ministers and representatives of the communities directly affected by the policy in question.

This form of making public policy is now under scrutiny. It is no longer sufficient to consult the natural constituents of a specific law to give it wider legitimacy. Now, for law-making to be seen as legitimate by the citizens of diverse societies, citizens’

involvement in public affairs and policy-making needs to be deeper and far more consequential.

This paper seeks to explore the potential of deliberative democracy to address moral conflict in plural societies. Revisiting the arguments of David Miller, Seyla Benhabib, John Dryzek, and Cass Sunstein, I will argue that provided that certain conditions are met, deliberative democracy can contribute to softening the edges of moral and political disputes over public goods in plural societies. By doing so, I will try to challenge the assumption that deliberative democracy is better suited to societies where citizens share common values and agree about the main constitutional principles of the state. Thus, I will start by addressing the main three criticisms that are levelled at deliberative democracy by “politics of difference” scholars. In the process I will explain why and how deliberative democracy can soften the edges of moral conflict in plural societies. In the final part of the paper I will outline the normative conditions and the institutional framework for deliberative democracy in plural societies.

**Searching for Common Ground**

The debate about moral conflict in diverse societies has been dominated by two polarizing positions, which I will define for the sake of simplicity as “the liberal approach” and the “multicultural approach”. Roughly speaking, the liberal approach claims that there are some values in liberal societies, such as freedom of expression, the physical and moral integrity of the individual, freedom of association, individual rights, etc, that are non-negotiable. Because these values are deemed fundamental in liberal societies, political institutions are then designed to protect them. The liberal approach also claims to protect all forms of diversity. However, liberals claim that diversity should not be pursued at the expense of individual liberty. Reflecting the enduring value of Mill’s harm principle, liberals claim that individuals are free to pursue their own conceptions of the good life, provided they do not infringe on the liberty of others to do the same. In other words, tolerance of diversity is not unlimited.

This position has been strongly attacked by multiculturalists or “politics of difference” authors who claim that liberalism is “inhospitable to difference” (Taylor 1994: 60). Indeed, some “politics of difference” authors equate liberal values and policies with forms of cultural and moral assimilation. As a result, the “multiculturalist approach” claims that the respect for universal human rights such as
freedom of speech or equality needs to be balanced with other values (Parekh 2002: 147).

Multiculturalist authors claim as well that minority groups should be allowed to live as their cultures or religions dictate even if that implies the reduction of the freedoms of others. This approach implies that communal values are more important than individual ones. It also means that the moral, physical and social integrity of individuals is not guaranteed as cultural requirements take precedence. Another extension of this reasoning is that minority groups might be exempt from observing a particular law, and that in other circumstances they ought to be granted special rights.

In some instances such tolerance for cultural or religious claims has been possible, and many exemptions have been conceded without provoking popular uproars. For instance, in Britain public institutions go to great lengths to accommodate the dietary and dress traditions of particular minority groups, as well as the observation of religious festivals and the promotion of minority cultures. In addition, sometimes authorities turn “a blind eye” to practices and traditions that are not allowed to the majority but that are tolerated in certain communities, on the grounds of respect for minority cultures. For example, the police has turned a blind eye on so-called “honour crimes”, forced marriages have not yet (though there have been some attempts) been criminalized, and polygamy is tolerated by the authorities though it is an unlawful practice.

But not all issues can be so easily addressed, especially when the demands of some minority groups result in the reduction of freedoms of other individuals and groups. It is impossible to give equal recognition of cultural or religious needs to all groups. For example, in Britain the decision to grant adoption rights to homosexual couples resulted in a protest from Catholic groups that manage adoption agencies as the new bill clearly infringes religious freedom. Thus, if the extreme liberal position dismisses culture too quickly, in extreme cases a multiculturalist approach may lead to inequality and to the oppression of individuals belonging to minority groups.

Authors arguing for and against both positions are not as far-apart as it is sometimes suggested. Indeed, a liberal essentialist such as Brian Barry, accepts that “there may be cases in which a system of group-based rights for those suffering from systematic disadvantage will be a way of helping to meet the egalitarian liberal demand that people should not have fewer resources and opportunities than others” (2001:13). He also argues for a pragmatic approach concerning the rule and
exemption principle. Barry claims that some exemptions should be tolerated “because the cure would be worse than the disease” (2001: 51). Moreover, throughout Culture and Equality Barry argued for a more inclusive democratic politics. Indeed, he says that “minority cultural claims should be subject to democratic deliberation” (2002: 213).

On the other side of the argument, multiculturalist authors such as Bhikhu Parekh accept that cultures are not set in aspic, but “exist in the midst of others and are inescapably influenced by them” (2000: 135). In other words, particular cultures change when in contact with other traditions, values and practices. He also recognises the value of universal human rights. However, Parekh claims that “the minimum universal values which we may legitimately insist upon are by their very nature general and need to be interpreted, prioritized, adopted to, and in case of conflict reconciled, in the light of the culture and circumstances of each society” (2000: 135). But more importantly, Parekh alludes to the need for more “intercultural dialogue” (2000: 338) and defines multiculturalist societies as “dialogically constituted” (2000: 340).

Doubtless, the acceptance of deliberative democracy as a mechanism to address moral conflict requires a leap of faith from both liberals and multiculturalists, as it poses dilemmas to both. The fact that a new moral consensus can be decided through deliberation means that some moral signposts may be moved in the process. Indeed, a deliberative forum which has deliberated in a fair, free and transparent manner, might decide that freedom of expression needs to be balanced with the need to not to offend some religious groups. Equally, a deliberative forum might as well decide that “tradition” or “culture” or “religion” are not sufficiently strong or persuasive arguments to justify, for instance, “halal” or “kosher” slaughter practices, or the discrimination of women in Jewish and Muslim divorce laws.

It is also important to recognise that deliberative democracy is not a panacea to solve moral conflict. Indeed, it is important to stress from the onset that moral conflict will always be a feature of diverse societies as some moral positions are deeply entrenched. For instance, secularists will find it difficult to accept the need to fund religious schools; whereas Muslims and Catholics will resist any move to grant equal marriage and adoption rights to homosexual couples. This is so because, argue Gutmann and Thompson, these “deliberative disagreements” involve “conflicts not
between views that are clearly right and wrong, but between views none of which can be reasonably rejected” (Gutmann, Thompson 2004: 28).

**Deliberative Democracy and Plural Societies: An Unlikely Mix?**

Despite the moral dilemmas that deliberation can and indeed does raise, deliberative democracy can “soften the edges” of moral disagreement in highly diverse societies. It can do so because it facilitates the transformation of opinions and therefore it can contribute to greater intercultural understanding. But in order to do so it must meet certain conditions. Before outlining those conditions I will explain why deliberative democracy is a suitable collective decision-making tool to address moral conflict in diverse societies by addressing the main objections to it.

2.1: The problem of too much diversity

There are many issues in public life that divide communities, and no matter how many hours will be spent in the deliberative forum a secularist will not change his mind about the teaching of Creationism in state schools, nor a Catholic will change his about giving adoption rights to homosexuals. Simply put, moral conflict is difficult to eliminate. But the apparent incommensurability of conceptions of the good life led some multicultural theorists to claim that there are certain religious, ethical, and cultural differences that cannot be accommodated, and thus pluralism or separatism has to be accepted. Some, like Chantal Mouffe, claim that deliberative democracy fails to accommodate difference by insisting on consensus (Mouffe 2000: 17). This is a relevant point, but Mouffe overemphasizes the importance of consensus for deliberative democrats. For many, a consensus means a compromised solution, whereas others would submit a decision on a deliberative forum to majority voting. Others contend that “democratic deliberation will remain incompatible with at least some world-views”, in particular, world-views that reject “participation within collective decision-making” (James, 2004: 58). What shall we do in such circumstances? I believe the answer to this problem can only be defensive and that means accepting self-exclusion from participation. We cannot force individuals or groups to participate in public life. We can only say that the door is always open for
their participation. But before accepting complete defeat on this matter, I would like to raise three points.

Firstly, to support the needs and cultural claims of a community or group who rejects the principle of participation will require some form of dialogue and negotiation with the rest of society. When minority groups make claims (demanding an exception from a general rule, or funds to support cultural expression, for instance) to the general society they will have to explain them and justify them to the rest of the population. How can the majority agree to fund a Hindu, Jewish or Muslim school if there is not at the very least a common understanding of the social contract? It is not enough to lobby parliamentarians to demand special rights or exemptions from general rules. This form of negotiating is undemocratic, lacks transparency and legitimacy. Thus, a possible way of tackling this could be, as Monique Deveaux suggested, the adoption of “a model of democratic deliberation that engages participants’ strategic interests and needs” rather than one that privileges normative discussions about values (Deveaux 2003: 781). For Deveaux, such framework for mediating intercultural conflicts better reflects the practical and intracultural nature of many disputes (2003: 781).

Secondly, the separatism or balkanization of politics advocated by some multicultural theorists cannot be done without recourse to some form – however thin – of social cohesion. And for that you need some form of recognition of collective endeavour within the boundaries of the state. In this particular case, the collective endeavour would be agreed through democratic deliberation.

Thirdly, I would like to argue that this critique seems to assume that individuals are prone to conflict and are extremely reluctant to engage in dialogues with each other. Though conflict over public goods is a natural feature of society, it cannot be inferred that inter-cultural dialogue is always impossible. In fact, examples from our own daily lives tell us the opposite. As Seyla Benhabib put it, “even groups and individuals with deeply held divergent beliefs are motivated to engage in democratic deliberation because there is some convergence at the level of material interests and shared life-forms” (Benhabib 2005: 136).

2.2. Deliberative Democracy is anti-minority

The second main criticism claims that deliberative democracy is biased against minorities. This argument is forcefully made by Iris Marion Young who claims that
contemporary democracies “contain structural inequalities” that often “operate to exclude or marginalize the voice and influence of some groups while magnifying the influence of others” (Young 2002:34). In addition, she says that the procedures of deliberative democracy are biased against minorities because they privilege “rational dialogue” and that “those who exhibit such articulate qualities of expression are usually socially privileged” (Young, 2002: 39).

To address this problem, Young proposes greeting, story-telling and rhetoric to be considered as forms of communication and dialogue in process of law-making. But in the end the distinction between deliberative democracy and communicative democracy is more apparent than real, as there is very little that distinguishes the two. Moreover, to accept greeting, story-telling and rhetoric as a form of communication in the deliberative forum is problematic as it does not address the problem of inequality. In a deliberative process arguments and positions have to be justified with reasons that all participants can understand. However, if we accept “rhetoric” as a form of speech in the deliberating forum, we are allowing the possibility of manipulation. As Benhabib reminds us, “Young’s attempt to transform the language of the rule of law into a more partial, affective, and situated mode of communication would have the consequence of inducing arbitrariness, (...) it would limit rather than enhance social justice because rhetoric moves people beyond and achieves results without having to render an account of the bases upon which it induces people to engage in certain courses of action rather than others” (Benhabib 1996: 8).

Young is right in concentrating in the problem of inequalities in the ability to participate in deliberation. That said she does not take into account that democratic deliberation is a dynamic process whereby with time and assistance participants can gain more confidence and assume active roles in the process. Gianpaolo Baiocchi’s research on Porto Alegre showed how the participatory budget empowered many individuals who initially felt intimidated by the process, but who two years later were in positions of leadership (Baiochi 1999). Marion Gret and Yves Syntomer have similar findings. According to them, the working-class districts of Porto Alegre have mobilized more than the average in the participatory process. The poorest 40 percent of the population account for 60 percent of the participants in the plenary assemblies (Gret; Syntomer 2005: 77). In other words, the process of deliberation can contribute to reduce those inequalities by empowering individuals of often ignored communities.
Moreover, there are ways of weakening the effects of social inequalities on the ability of citizens to actively participate. For example, the deliberative process can include steps which ensure that participants have access to the maximum of information available in the public domain about the issues on the agenda of the forum. The model of deliberative polling developed by James Fishkin offers some helpful guidance. For instance, in Fiskin’s deliberative polling exercises, there are moderators who ensure that all perspectives receive a fair hearing, experts are enlisted to answer questions and clarify points, and vast amounts of information are provided to all participants well before proceedings start (Fishkin 1999: 30-38).

2.3. The liberal bias problem
The third large criticism revolves around the alleged pro-liberal bias of the deliberative model. This bias is real – after all deliberative democracy is strongly anchored in liberal values – but it does not necessarily work against minority viewpoints in a deliberative setting. In other words, the conditions for deliberation, ensure that minority voices and viewpoints are not only included, but have an equal right to participate in the deliberative process. Political equality is the cardinal value that guides participation in the forum, because without it democratic deliberation cannot deliver the public goods that it promises, namely a legitimate and inclusive policy decision. Thus, if liberalism is unsympathetic to the voices that deny the value of equality, it is also the same liberal bias that guarantees that those minority voices are heard and considered. The embedded liberalism of deliberative democracy is actually congenial to the reality of ethnic, cultural and religious pluralism. By the same token, the deliberative model is also accused of privileging individualist values. However, I would argue that these biases are necessary mechanisms to ensure equal rights of participation and to protect participants from coercion. As Will Kymlicka argued, civil and political rights “enable individuals to form and maintain the various groups and associations which constitute civil society, to adapt these groups to changing circumstances, and to promote their views and interests to the wider population” (Kymlicka, 1995, 26). The Parekh Report of 2000 has a similar view of the effect of liberalism on diverse societies, when it argues that “many individuals with a strong sense of belonging and loyalty towards their communities do
not intend their personal freedom to be bound in perpetuity by communal norms” (The Parekh Report 2002: 37).

3. “Deliberation Matters Because There Is Difference”

The challenges that deliberative democracy brings to diverse polities are considerable, however they are not insurmountable. Indeed, despite the shortcomings mentioned I believe that deliberative democracy can soften the edges of moral conflict over public goods in plural societies, and by doing so it can strengthen social cohesion and it can contribute to more legitimate policy-making.

Deliberative democracy, strategically used, could contribute to address moral conflict in plural societies because it is a decision-making process that is inclusive, transparent and above all egalitarian. Moreover, it enables the transformation of preferences and opinions contributing in the process to greater intercultural understanding. The face-to-face discussions nurtured by the deliberative process can generate greater empathy between participants, as they realise that they are actually sharing a public space and deciding on the distribution of public goods that concern them all.

The result of the discussion might not be settle things, but, as Robert Goodin put it, it can “clarify them” (2008: 4). And by doing so, they strengthen social cohesion. Discussion may have the effect of educating participants on the issues under discussion, widen their horizons and perspectives, and may even mollify their own positions. What before was seen before as an abstract position suddenly has now a face and a life story.

Even if the face-to-face deliberation does not provoke any change of positions, it will at the very least contribute to a better understanding of a rival argument or proposal. As Seyla Benhabib put it, “there is no presumption that moral and political dialogues will produce normative consensus, yet, it is assumed that even when they fail to do so (...) societies in which multicultural dialogues take place in the public sphere will articulate a civic point of view and a civic perspective on “enlarged mentality” (Benhabib 2005: 115). The end result of this dynamic process is greater legitimacy in the decision-making process. Even if participants remain unconvinced by the winning argument, they accept the decision because it was reached in an open, inclusive and transparent fashion (Miller, 2002: 142).

Sceptics may say that this is a very modest outcome for such a costly and time-consuming decision-making process. In response I would say that the result that I
described above is the least that we can expect from a deliberative process taking place in a plural society. If grounded in solid normative and procedural conditions, deliberative democracy has the potential to mainstream public opinion.

At the first sight, the “mainstreaming” of public opinion seems to be an unlikely result, simply because there is too much diversity and the effect of diversity is to multiply dimensions about a particular policy issue. This might, and indeed will, render the whole process more complex and lengthier, but in itself it is not an intractable problem. As Dryzek argues, “proliferation increases the possibility of stable and non-arbitrary agreement” (2002: 41-42), simply because a diverse body of citizens will be exposed to more information and viewpoints and are therefore in a better position to question long-held assumptions and to understand opposing views. Moreover, social psychology literature showed that when deliberating groups are diverse they tend to reach more moderate positions than homogenous groups. This outcome results from the dynamics of group polarization and depolarization. Indeed, as Cass Sunstein argued “social homogeneity can be quite damaging to good deliberation”, because it often results in group polarization (1999: 4). This happens because people tend to reinforce their views and opinions if they hear echoes of their own voices. This outcome was also observed when Sunstein, together with David Schkade and Reid Hastie, organised a deliberative experiment with citizens from two cities in Colorado. After the exercise, they concluded that “deliberation among like-minded people produced ideological amplification of preexisting ideological tendencies, in which group discussion leads to greater extremism” (Schkade, Sunstein, Hastie 2007: 917).

By contrast, depolarization or convergence towards the middle tends to occur “when new persuasive arguments are offered that are opposite to the direction initially favoured by group members”, and when “the relevant group consists of individuals drawn equally from two extremes” (Sunstein 1999; 16). According to Sunstein the main factors that contribute to the convergence of opinion towards the middle is the “diversity of information” and an “open discussion” (2003: pp. 136-137). A diverse group will also increase political tolerance, as people tend to “become more respectful of alternative positions and are more willing to consider them plausible or legitimate” (Schkade, Sunstein, Hastie 2007: 929). Moreover, a mixed group exposes participants to different viewpoints from their own. This exposure will raise awareness for new facts and new interpretations and raises the potential to reach an agreement between
opposing viewpoints. If this process does not result in a transformation of opinions, it will at the very least lead to a greater understanding of different positions. If this is indeed the outcome then it is one that increases the quality of deliberation.

Thus, in order for deliberation to achieve the desirable aims it set itself to achieve, participants ought to be exposed to a reasonable variety of views given that “without exposure to competing views, citizens cannot engage in a balanced and informed weighing of positions – a prerequisite of effective deliberation” (Schkade, Sunstein, Hastie 2007: 916). In terms of institutional design Sunstein argues that deliberation should occur “within a large and heterogeneous public sphere” (Sunstein, 2000: 105) in order to ensure that members of deliberating groups do not isolate themselves from competing views.

Aware that such broad deliberating body might silence individuals or groups who feel intimidated by so-called high status participants, Sunstein argues that in parallel with a broad deliberating forum there should be space for “enclave deliberation”. The advantage of enclave deliberation, he argues, “is that it promotes the development of positions that would otherwise be silenced, or squelched in general debate” (Sunstein, 2000: 111).

James Fishkin reached similar conclusions about the effect of diversity on deliberation processes. In the deliberative polling experiments he conducted in Australia, Northern Ireland and Romania, he observed that in conditions of deliberation the positions of the individuals participating changed significantly throughout the process when the groups were diverse (Fishkin 2009:163). For instance, in the experiment in Northern Ireland the process of deliberation “dramatically changed community perceptions among the participants”. The percentage believing Protestants are “open to reason” increased from 36% to 52%, and the percentage believing Catholics are “open to reason” increased from 40% to 56%. The percentage viewing each of the two communities as “trustworthy” showed similar increases (Fishkin 2009: 166). Fishkin, however, advises caution when reading these figures. For him it is still an “empirical question” whether or not “deliberate dialogue can, in itself, create mutual trust and mutual respect at a high enough level that people can finish the process with such views of each other even if they did not start with them” (2009: 166).

Following Fishkin’s cautionary note, I would like to emphasise that it is unreasonable to anticipate that deliberation will always have the capacity to transform the
preferences of individuals. Sometimes the issues at stake are unlikely to produce a consensual or mainstream position. However, as James Johnson pointed out, it is realistic to expect that “deliberation might engender ‘good faith’ by enabling participants to develop greater understanding of and trust in both one another and in the deliberative process itself” (1999: 174). If this goal is achieved then the process of deliberation already succeeded in softening the edges of moral disagreement in diverse societies.

### 4. The Conditions for Deliberation

In order to deliver its potential in a plural society, deliberative processes need to meet certain conditions, in particular normative conditions and institutional and procedural conditions.

Deliberative processes are strongly anchored in a commitment to equality. In its general meaning, the commitment to equality implies that each individual has the right and the capacity to participate in public deliberation. The first implication of this condition is that everyone has a duty to respect other participants’ views and must hear their arguments. This duty of mutual respect does not mean acceptance, but simply that others have a right to present their reasons. This is what Seyla Benhabib defines as “egalitarian reciprocity”. This principle “stipulates that within discourses each should have the same right to various speech acts, to initiate new topics, and to ask for justification of the presuppositions of the conversation and the like” (Benhabib 2005: 107). The second implication of equality is that the process of deliberation is inclusive, in the sense that all voices are not only welcome but are essential to deliberation.

A third implication is that no individual should hold veto rights. The power of veto does not solve moral conflicts, it simply perpetuates the status quo, it affects the balance of power within a society in favour of the powerful and it perpetuates inequality. Secondly, veto powers are unjustified because normally deliberation is about issues that concern and/or affect all citizens. Whether the issue is funding for religious schools or extending the rights of adoption to homosexual couples the crucial point is that the decision will have an impact on all participants. Therefore, all participants should have an equal right to decide.

From here it follows that there is another condition attached to participation. As a way of ensuring equal and free participation, the participants of a deliberative forum
should be individuals, not groups, or associations. Not only does group representation reflect an essentialist conception of culture, it can also be seen as the equivalent of imposing Norman Tebbitt’s “Cricket Test” to deliberation procedures. Individuals should not be forced to choose between overlapping identities; they should be free to negotiate them at will. This is so because the way whereby each individual negotiates his or her different identities is unique and therefore escapes any categorization. Moreover, not all associations or groups have democratic structures. Indeed, many exclude women, or are only open to professional or religious groups. Thus, group representation fails the test of democracy. In addition, some of the group representatives may abuse their mandates and behave in an intimidating manner towards the more vulnerable members of the communities they are supposed to represent and therefore they may silence dissension.

But there is another reason why group representation should not be recognized. As Joshua Cohen argues, group affiliation “may encourage a factionalized politics or group bargaining (...) rather than a more deliberative politics” (1996:111). That is to say, group representation may hinder the process of deliberation by polarizing discussions and hindering intercultural dialogue. When that happens, power – and not the force of the best argument - becomes the determining factor in decision-making.

Thus, equal, inclusive and legitimate deliberation requires normative conditions, but to guarantee that those normative conditions are respected, certain procedures are also required. Participants should have access to information materials about the issue under discussion; trained moderators should ensure equal rights of participation and that no one dominates the discussion. Finally, participants have access to experts that can clarify issues (Fishkin 2009: 26). The purpose of these procedures is to reach a degree of equality in the ability to participate in deliberation.

5. Where to Deliberate

Deliberation requires principles and procedures, but it also requires an institutional framework. In this area there has been a shortage of imagination from the part of theorists. Some deliberative theorists, such as Rawls, claim that binding deliberation already takes place in deliberative bodies such as national Parliaments and Courts of Justice (Rawls 1996), so there is no need to expand deliberation beyond these bodies. However, it is increasingly evident that these institutions are not representative of the electorate they are supposed to represent. In recent decades, the dissonance between
elected politicians and voters has increased, as declining voter turnouts and the rise of populist parties and movements aptly demonstrates. Other authors recognise this shortcoming however place an enormous faith in the power of the public sphere. Dryzek claims that “the most important alternative location for deliberation is civil society or the public sphere” (2002: 170). Similarly, Amy Gutmann and Dennis Thompson argue that “civil society must remain substantially unstructured to allow for free-will formation” (2004: 33). And Seyla Benhabib argues that the deliberative model privileges “a plurality of modes of association in which all affected can have the right to articulate their point of view” which “can range from political parties, to citizens’ initiatives, to social movements, to voluntary associations, to consciousness-raising groups, and the like” (Benhabib 2005: 118). The idea is that elected politicians respond to the demands, complaints, and concerns of citizens as they are expressed in the public sphere. For her, the main objection to setting-up a deliberative arena is about scale. Societies are too diverse and large to be accommodated in a single forum. This is an important problem that needs to be considered, but it is not a conceptual objection. Instead it is a pragmatic problem in a search of a pragmatic answer.

Nancy Fraser has a more nuanced view. She envisages a role for institutions in the public sphere, but she claims that they can only be used in a qualified manner. She argues that in stratified societies “arrangements that accommodate contestation among a plurality of competing publics better promote the ideal of participatory parity than does a single, comprehensive overarching public” (1992; 122). As a result of social inequalities, she claims that members of subordinated groups would have no arenas for deliberation among themselves about their needs, objectives, and strategies (Fraser 1992: 123). Fraser is right in identifying the difficulty of marginalized minorities and non-mainstream views to be considered in a large forum, and therefore they need special publics to articulate their interests. However, ultimately all different views need to be considered and negotiated, and separate mini-publics will not promote a greater mutual understanding across plural societies.

However, in the context of equal and multicultural societies, she envisages the creation of an “additional, more comprehensive arena in which members of different, more limited publics talk across lines of cultural diversity” (Fraser 1992, 126). I cannot see why this arena or institution of the public sphere cannot apply to all types of society. In truth, the distinction made by Fraser is somewhat artificial.
Multicultural societies are almost by definition unequal. Provided that multi-publics and minipublics (Fung 2003) are fostered and promoted, provided as well that the institution that would represent the public sphere works according to egalitarian and inclusive principles it is hard to see why this encompassing public arena cannot work in stratified and multicultural or plural societies.

5.1. The need for deliberative institutions

The role of the public sphere in deliberative democracy cannot be underestimated. I believe the public sphere plays a very important role in deliberation. The activities of neighbourhood organizations, mini-publics, social movements, churches, mosques, pressure groups, artistic manifestations and the press are the lifeblood of democratic politics. Ideally, representative politicians should pick-up the signals given by citizens in all these fora. The voice of the public sphere is particularly important if deliberation takes place in a highly pluralistic society. As Benhabib put it, it is in the public sphere that “multicultural struggles have their place, and that political and moral learning and value transformations occur” (2005: 106). And indeed, it has been in the public sphere that important public discussions started and were later addressed by policy-makers. Therefore, these spontaneous processes of will-formation in civil society should be promoted as they challenge prevailing ideas, conventions and practices of representative politics. Moreover, as Monique Deveaux pointed out “democratic activity is not exhausted by formal political processes; it is also reflected in acts of cultural dissent, subversion, and reinvention in a range of social settings” (Deveaux 2003: 782).

However, deliberation in the public sphere is not enough to promote democratic politics that represents the sheer diversity of plural societies. And it is not enough for four main reasons: 1) it does not reflect the diversity of society; 2) it does not guarantee that the process is sufficiently inclusive, as the public sphere tends to privilege dominant groups in society; 3) it often ignores minority groups and opinions. Indeed, the media may have a negative impact over the representation of minority groups. Mainstream media also tends to champion the views of the powerful economic elite in detriment of the vulnerable.

Fourthly and finally, there is no guarantee that those deliberations will filter through and influence decision-making in legislatures. In other words, elected politicians can choose to ignore the voices of the public sphere, or worse, they can cherry-pick which
voices or causes to champion. However, in diverse societies, citizens want to feel and see that their voices count and influence law-making. Thus, public deliberation has to be more inclusive and consequential (that is, it has to inform policy formation). For that it needs a proper institutional setting that formalises genuinely inclusive, democratic and binding decision-making.

The establishment of such setting is no easy task. There are many obstacles to the creation of such institutional arrangement and the most difficult one is the one of scale. How to create a body that accommodates all voices of a diverse society, promotes meaningful discussions about public matters and reaches a binding decision that is accepted by all?

Deliberative democracy can help to address many grievances held by minority groups because, amongst other attributes, it is an inclusive process of decision-making: every citizen is invited to participate, to listen to and to be heard. However, inclusion may render the process of deliberation fruitless. If every minority or non-mainstream voice is included in the deliberative forum, the process of deliberation is no longer meaningful. In order to include every voice, citizens would spend an inordinate amount of time in the forum. Worse, there would not be genuine deliberation because in order to make sure that every voice is heard, the process would amount to little more than the reading of speeches about already established positions. This problem was neatly explained by James Fishkin. He believes that in contemporary politics it is impossible to deliver the three goods of deliberation – deliberation, political equality and participation. This trilemma of democratic reform, as he defines it, is explained in the following terms:

*Achieving political equality and participation leads to a thin, plebiscitary democracy in which deliberation is undermined. Achieving political equality and deliberation leaves out mass participation. Achieving deliberation and participation can be achieved for those unequally motivated and interested, but violates political equality (2009: 191).*

Overcoming the trilemma involves sacrificing one public good: either equality, or inclusion or deliberation. One possible strategy would be to avoid the idea of mirror or group representation because a) it is not feasible, and b) individuals have multiple
and overlapping layers of identity to have their views represented by one single group. Mirror representation not only reflects an essentialist interpretation of culture; it also entrenches individuals in particular identities and positions. A British Muslim woman may be very proud of her Bengali origins, but she may also be a committed socialist and environmentalist and who supported Team GB during the Olympic Games. How do we decide which group membership is more important to her? Finally, the purpose of deliberative democracy is to foment some dialogue in order to reach a decision that is supported by all. The aim should be, as Will Kymlicka put it, to “create a political culture in which people are more and more willing to put themselves in other people’s shoes” (1995: 140).

Another way of addressing the problem would be to invite a “suitably diverse representative body” (Goodin 2008: 248). According to Goodin, this suitably diverse representative democracy would remind legislators of the “sheer diversity of society” which in turn would “lead them to provide mechanisms within their legislation for making such variations; to write ‘loose laws’, setting out goals and principles without picking out any narrow set of ways of meeting and satisfying them; to leave room for flexibility in interpretation and application of the rules, and considerable latitude for different groups to meet the basic requirements of the law each in their own ways” (2008: 251).

I believe this solution is problematic. For a start, how do we define a suitably diverse representative group? The process of selection would exclude groups and individuals and the exclusion would undermine the legitimacy of the deliberative process. Secondly, how do we guarantee that “legislators are sensitive to the sheer fact of diversity”? Before suffrage was extended to women, male legislators felt they represented the whole of society, however, women felt that their views and interests were not represented at all.

Fishkin overcomes this trilemma by accepting a second-best solution which involves a trade-off of values. He sacrifices participation and privileges deliberation and political equality when he proposes the creation of mini-public or Deliberative Polls. In his deliberative polling exercises, Fishkin prefers random samples of a small number of participants to mass participation as this method “offers a means of representing the diversity of viewpoints in the population at large” (2009: 37). He argues that opening the forum to all participants can lead to “participatory distortion” (2009: 50). By this he means that this form of participation distorts political equality
because those that actually choose to participate are often motivated and will give “the general public as well as public officials a misleading sense of the distribution of public opinion and the range of voices that are relevant to the dialogue” (Fishkin 2009, 51). He also says that “when participation is voluntary there is usually substantial participatory distortion – the better-off and the more educated tend to participate more” (2009: 80). This outcome is plausible however the experiment in Porto Alegre shows that the opposite is true: the poor tend to dominate the forum. Random sampling has some merits. There is an element of fairness in the process but I have reservations about the legitimacy of decisions taken by such a small number of people. Surely, if we want to reach binding decisions, then the size of participation matters. The only way to ensure wide participation is to break the demos in local forums. There is another problem with random sampling: we cannot guarantee that the sample is sufficiently diverse and representative of the community.

By contrast, the creation of mini-demos (Fung 2003) with different layers of deliberation within a community can be a viable option. The different layers would be used depending on the issue at stake. If the issue is local – such as, closing down a street or deciding on allowing funeral pyres in the open air, the decision would be taken in a two stage process. Firstly, the different local wards would meet individually and vote on a proposal. Then each ward would elect a representative that would communicate its position to the next layer, for instance the local authority. Before a final decision is reached, the different wards are put together in a plenary session. The different representatives deliberate amongst themselves and either reach a decision amongst themselves or they go back to their wards to seek support for the approved decision. If the issue at stake has a national dimension, deliberation would involve all institutional layers – from the local to the national – until reaching representatives in national parliaments, which would consider and negotiate with the voices of the forum in the same way that the Mayor of Porto Alegre considers the voices of the Participatory Budget when deciding on the annual city budget.

Whichever format of deliberation, these forums should be used when important and/or intractable issues are at stake. If the matter is local – such as open funeral pyres in Lancaster or the sale of halal food in Paris– then it should be addressed in a local forum. But if the matter is about the values of the state – restrictions to freedom of expression, issues of gender equality, a fairer electoral system and so on – then the
solution could be either the organization of a Deliberation Day or the institution of deliberative structures that start at the local level and go up to the national level.

6. Concluding Remarks
Doubtless, deliberative democracy is far from being the single solution to problems of democratic legitimacy in diverse societies. Other constitutional issues need to be addressed. But “with its warts and all” deliberation can make an important contribution to democratic life in diverse societies. I believe that such institutional framework can contribute to soften the edges of moral conflict over public goods in plural societies and by doing so it can contribute to strengthen social cohesion. It is an inclusive model, inviting all citizens to present and defend their positions in public and to debate with others public issues that affect all. This inclusiveness will eliminate part of the resentment which is currently felt by individuals and minorities who think that their voices do not count in the policy-making process. Moreover, hearing different and often conflicting viewpoints will force participants to assess their own values and positions and to have a more comprehensive understanding of the issues at stake. In other words, the deliberative model facilitates the transformation of preferences and positions which can be conducive to greater inter-cultural understanding. Finally, the decision-making would be more legitimate than those that are actually reached by representative institutions. These three public goods – inclusiveness, inter-cultural dialogue and legitimacy – can contribute a great deal to stronger social cohesion in plural societies.

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