Deliberative Democracy and Multiculturalism

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Abstract and keywords

Deliberative democracy is widely associated with a public sphere that is more inclusive of cultural and religious minority groups than that established by a model of politics as interest aggregation. But it has also been criticized for stipulating unjust terms for this political inclusion, and for being insufficiently responsive to identity group-based claims. Such challenges have prompted much internal debate about the validity and the practical consequences of different norms and mechanisms of deliberative democracy. Models of public deliberation less beholden to Habermasian discourse ethics, I argue, offer a more promising response to theses multicultural challenges.

Keywords: multiculturalism, public deliberation, cultural recognition, democratic inclusion, exclusion

There is much in deliberative democracy that conduces to an inclusive and diverse public sphere. The theory's grounding in communicative as opposed to strategic and instrumental action (Habermas 1984) requires that we respect citizens' moral differences and not seek to bracket these from democratic political life. The requirement that political decision-making be based on public deliberation and the respectful exchange of shared reasons — rather than on mere interests or sheer power — would seem to encourage diverse citizens

to share their different values and seek mutually acceptable agreements. Deliberative democracy's core commitments to political equality and mutual respect in public discourse, and to the principle that legitimate outcomes are ones that all participants to deliberation can accept, arguably helps to enfranchise people who hail from disempowered communities — including racialized and (some) cultural minorities. Finally, deliberative democracy theory's acknowledgement of an informal public sphere in addition to the formal public sphere of constitutional democratic politics (Habermas 1996) has the potential to open up additional pathways for democratic participation for marginalized social groups (Williams 1998; Young 1990, 2000).

1. Multiculturalism and problems of deliberative injustice and exclusion

Despite its seeming advantages, critics have argued that deliberative democracy may throw up obstacles to the political participation of some social groups, thus hampering efforts to deepen democratic inclusion in multicultural liberal societies. These concerns, which have prompted numerous proposed amendments to deliberative democracy, can be distilled into four clusters of problems.

i) Deliberative inequalities

Proponents of deliberative democracy have long acknowledged that social and economic inequalities negatively impact people's deliberative capacities and standing (Bohman 2000; Young 1990). Just as low income and socioeconomic standing are widely understood to track low political participation rates in many democracies, so is social disadvantage thought to impact citizens' capacities and opportunities to deliberate in political life — their deliberative "capabilities". This leads to a condition of "political poverty" — i.e., "a

group-related inability to make effective use of opportunities to influence the deliberative process" (Bohman 2000, 125) — deriving from the fact that "the material prerequisites for deliberation are unequally distributed" (Sanders 1997, 349). Where socioeconomically disadvantaged status tracks racial or ethnic or racial minority status, deliberative inequalities are compounded. To the extent that socially disadvantaged racial and cultural minority groups have less access to educational and political resources, their members may lack the deliberative skills of more privileged citizens to engage in reasoned public deliberation (Bohman 2000; Sanders 1997; Young 1990), as well as opportunities to do so.

Group-based structural inequalities reflecting historical injustices like colonialism and slavery also give rise to contemporary status differentials that affect whose voice carries in deliberation, and whose does not (Williams 1998). This second aspect of the problem of deliberative inequalities — how one's social status or standing enhances, or decreases, one's deliberative inclusion and impact — is bound up with ongoing practices and structures of racial and gender discrimination. Young argues that status differentials and accompanying "inequalities of power and resources" (Young 2000, 54) give rise to both external and internal forms of exclusion. Deliberative democracy has arguably tried to address the most visible forms of external exclusion affecting aggregative democracy, which "concern how people are kept outside the process of discussion and decision-making" (Young 2000, 55). But many models of deliberation may fail to prevent internal exclusion, manifesting, for example, as an attitude of dismissal and disrespect towards those with lesser social and economic power and status (55). While there is evidence that special efforts are made to include linguistic minorities in some formal deliberative settings

by making frequent reference to their interests and concerns (Pedrini, Bächtiger, and Steenbergen, 2013), the same cannot be said for racialized and subordinated minorities.

ii) *Cultural group differences and deliberative styles*

Deliberative inequalities affecting ethno-cultural and racial minorities do not only arise as a result of socioeconomic disadvantage per se. Members of communities with social experiences, worldviews, and/or values far from the mainstream — including indigenous peoples, some cultural (including immigrant) identity groups, and racialized minorities — may find their views simply dismissed or "discounted" (Young 2000, 55) in seemingly democratic forums. Quasi-deliberative public hearings or consultations sometimes block more radical perspectives on social problems by deeming certain concerns outside the scope of their mandate. In Québec, the Taylor-Bouchard Commission on "reasonable accommodation" insisted that its sole focus was the challenges posed by religious and ethno-cultural diversity to integration into Québec society and democratic political life; accordingly, it excluded justice claims relating to aboriginal identity and status, and sidelined those pertaining to racism and racialization (Bouchard and Taylor 2008). Such boundary-setting moves arguably lead to a failure of democratic legitimacy insofar as those groups that are excluded or marginalized from political deliberation are nonetheless impacted by the outcome: "they are the legal addresses of the deliberative agreements over which they have no real influence or public input" (Bohman 2000, 125-6).

Members of cultural and religious minorities may also have styles of political communication that contrast sharply with the modes of communication assumed or stipulated by norms of deliberative democracy. These include engaging in formal public dialogue and deliberation, and providing publicly accessible and (in some sense) impartial

reasons. Some ethno-cultural minorities and Aboriginal peoples balk at the requirement

that they 'translate' their claims into terms demanded by idealized models of moral

dialogue, expressing a sense of alienation in response to demands that they give reasons

that are universalizable (Coulthard 2010; Deveaux 2000; Young 2000). Indeed, such

demands are arguably unjust insofar as they require "one party to set aside its culturally

specific ways, while the other party has the luxury not only of having its style of conflict

prevail but of believing that its style is culturally unmarked and universally applicable"

(Kahane 2004, 42). Racialized and cultural minority groups with styles of political speech

and argumentation may therefore face significant disadvantages. This has led some

deliberative democrats to propose that communication in deliberative contexts should be

expanded to include less formal modes of speech, such as storytelling, narrative, and

testimony (Sanders 1997; Young 2000). Yet it has become clear that to fully respond to

group-based deliberative inequalities and the justice claims of ethno-cultural and religious

communities, core norms of deliberative democracy will need to be critically rethought and

revised. For example, three categories of validity claims set out by Habermas (1984,

1996)— those relating to truth/facts; norms; sincerity or self-expression — do not capture

the full range of speech that should be considered *prima facie* valid in moral and political

discourse (Bohman 2004; Deveaux 2000; Young 2000). Traditional and indigenous

societies in particular make claims that interweave myth, storytelling, and oral histories,

and many of which do not readily fit into any of these existing categories of validity claims

(Young 2000; Hemmingsen 2016). On some interpretations, the publicity demand requires

that citizens treat their identities as constructed and contestable, thereby disadvantaging

indigenous peoples (Coulthard 2010, 2014). Critical interventions by those concerned

about securing democratic justice for ethno-cultural and racialized groups have thus led some theorists to move away from orthodox version of discourse ethics and towards what Urbaniti has called "an agonistic form of deliberative democracy" (2000, 774).

iii) *Identity group claims and deliberative virtues*

To better understand calls for a shift towards an agonistic form of deliberative democracy, it is useful to consider which deliberative virtues are required by more traditional approaches to discourse ethics, and how these might be expected to disadvantage different social groups in multicultural and racially diverse societies. Melissa Williams (1998) has argued that the requirement that deliberative participants refrain from appealing to self-interest affects members of cultural minority groups asymmetrically and unjustly. This demand, which stems from a commitment to deliberative virtues of impartiality and universalizability, "hamper(s) marginalized group representatives' capacity to conform to the standards of public discourse while also effectively representing their constituents' perspectives and interests. Indeed, the status of marginalized groups as marginalized reflects, by definition, the fact that some of their fundamental interests are now systematically and unjustifiably neglected" (Williams 1998, 144). This leads Williams to conclude, rightly in my view, that "any discursive process in which that neglect can come to light must make space for the expression of group-specific interests" (144).

The valid interests that some cultural minorities may potentially seek to introduce into deliberation may include claims about the value of their group identity and particular traditions and practices; about the importance of a specific territory (e.g., in the case of Aboriginal peoples); and about the need for special group representation, or other special political arrangements up to and including sovereignty, in light of their historical exclusion.

Indeed, the validity of range of cultural group-based justice claims in multicultural societies has been persuasively defended by (non-deliberative) democratic theorists on the grounds of equality and individual autonomy (see especially Kymlicka 1995). It is not hard to see how the presentation and defense of these cultural group claims is hampered by a prohibition on appeals to (individual or group) self-interest. The requirement that cultural identity and its preservation be treated as fully contestable in the context of deliberation — as demanded by Benhabib's deliberative democratic approach, for example — also flows from norms of universalizability and impartiality (Benhabib 1996, 2000). Coulthard has suggested (2014) that this requirement may disadvantage Aboriginal participants to deliberation, given the central importance of identity claims in their justice struggles.

A related deliberative virtue that has come under scrutiny in light of cultural group-based interests and justice claims is that of reciprocity. Pedrini, Bächtiger and Steenbergen (2013) argue that the "burden of reciprocity" ought not to be demanded equally of linguistic minorities and majorities: "it is legitimate for minorities to be less responsive to majorities and do politics in a slightly more adversarial and passionate way when their vital interests are affected" (508). Their research on the Swiss political system also suggests that at least in some political contexts, when linguistic majorities reference linguistic minorities' group interests frequently, this may lead to greater deliberative inclusion and interaction across linguistic cleavages. The more agonistic, contestatory approach to deliberative democracy advocated by Urbinati (2000), Deveaux (2006), and others permits appeals to group-based interests and advocacy within political deliberation more readily than do models of deliberation that equate any reference to interests with aggregative politics.

iv) *The ideal of a common good*

A much-touted advantage of Habermas's model of discourse ethics over Rawls's conception of political deliberation is that it does not seek to limit the scope of citizens' contributions in advance of actual deliberation. Those liberal theories of justice in which citizens' deliberations figure prominently —including Rawls's later writing—appeal to unrevised norms of impartiality and public reason that arguably pose barriers the inclusion of cultural minority citizens in political deliberation on terms that are acceptable to them; these models require that citizens bracket or translate their identity-related interests in the course of making justice claims. Relatedly, Young (1990, 1996, 2000) argues that some deliberative democratic norms contribute to an ideal of the public sphere that demands an implausible and unnecessary unity. Appeals to unity or to a notion of the common good may require participants in public dialogue to set aside their identity-based differences and treats "difference itself [as] something to be transcended, because it is partial and divisive" (Young 2000, 42). While the idea of a common good is reflected in some communitarian approaches to deliberative democracy, it has been widely rejected by many deliberative democrats as incompatible with respect for concrete (as opposed to abstract) pluralism (Bohman 1995, 2000, 2010; Deveaux 2000, 2006; Festenstein 2005; Mansbridge 2012; Parekh 2006; Young 2000).

An adjacent ideal, shared public reason, is, however, still widely endorsed by deliberative democracy theorists. But as with the notion of a common good, this norm may be taken to require that members of cultural minorities treat their identity-related claims as contestable and negotiable in deliberation (thus rendering their claims consistent with commitments to norms of impartiality and shared public reason). This seemingly

reasonable norm may therefore unwittingly compound existing colonial structures of power and privilege (Coulthard 2010, 2014). For similar reasons, a deep commitment to respect for cultural pluralism may require that we revisit strong moral consensus (Gutmann and Thomspon 1996, 2004) as a goal of democratic communication; and indeed, there are good grounds to abandon consensus in favour of an ethic or ideal of compromise (Bohman 2000; Deveaux 2006). The advantages of compromise over consensus for deep moral conflicts are obvious: compromise allows citizens with significantly disparate viewpoints or worldviews to reach some form of agreement without resorting to (unjust) coercion. Where processes of moral argumentation and public discourse are expected to culminate in moral consensus, deliberative participants may be pressured to set aside identity-based claims or demands that challenge the political status quo.

2. Revising deliberative democracy in response to multicultural challenges

Shifting away from consensus and towards compromise — and possibly a more agonistic model of deliberation — may make deliberative democracy more receptive to the justice claims of indigenous and cultural minority groups. Deep cultural conflicts in particular may be more readily acknowledged through such shifts: it may be that "in the more difficult cases of intercultural disagreement, it will suffice that participants believe they have equitably influenced the deliberative process and agree to continue to cooperate in good faith in future deliberations" (Valadez 2001, 5). For some deliberative democrats, compromise is still primarily construed as a moral process, rather than as a strategic process akin to bargaining (Festenstein 2005; Bohman 2010). Presenting public reasons is essential on this account of deliberative compromise, which may be either procedural (relating to proposed changes to deliberation or decision making itself) or else substantive

in nature (Bohman 2010, 99). Yet there is also reason to think that deliberative democracy ought to embrace negotiation (Mansbridge et al. 2010; Mansbridge 2012; Warren and Mansbridge 2016) and even bargaining (Deveaux 2006; Habermas 1996; James 2004), despite the association of these mechanisms with what Mansbridge (1996) refers to as "adversary tradition" of democracy. Negotiation and bargaining could in some circumstances require participants to make more transparent (and so to confront) their strategic interests, including in the context of intra-cultural disputes (Deveaux 2003, 2006). A more political conception of compromise recognizes that deep disagreements are often of a political rather than moral nature, as in the case of the conflicts arising in the reconciliation process between aboriginal peoples and settlers in Australia (Ivison 2010, 133).

Importantly, more moralized conceptions of discourse ethics, such as that represented by Habermas's (1984) earliest elaboration of communicative ethics, are more vulnerable to the multicultural challenges set out above than are more political accounts of deliberative democracy. Helpful here is Bächtinger et al.'s (2010) distinction between two types of deliberation, one faithful to Habermas's theory of communicative action — with its emphasis on proceduralism and rational discourse — and the other encompassing "more flexible forms of discourse, more emphasis on outcomes versus process, and more attention to overcoming 'real world' constraints on realizing normative ideals" (Bächtinger et al. 2010, 33). Along with a number of other deliberative democrats, I have argued that deliberative democracy conceived of as a political (and moral) dialogue between citizens of diverse cultural and religious communities is crucial to the construction of a more just,

democratic polity (Benhabib 1996, 2002; Bohman 2000; Deveaux 2000, 2006; Mansbridge 1999, 2010; Tully 1996; Williams 1995, 1998; Young 1990, 2000).

In response to concerns about the consequences of discourse-ethical norms of publicity and impartiality for the inclusion of diverse cultural communities, a number of deliberative democracy theorists have urged a shift to a more "pluralistic ideal of deliberation" (Bohman 2010, 110) consisting in a more inclusive or plural conception of public reason. Theorizing in this vein corresponds to Bächtiger et al.'s Type II deliberation in that it emphasizes "outcomes versus process" and "incorporates alternative forms of communication, such as rhetoric or story-telling" (2010, 33-34). A more expansive public sphere, with a wider view of what can count as potentially acceptable political communication — moving beyond discourse ethics' existing categories of validity claims and forms/styles of discourse — arguably opens politics up to the discursive styles of some cultural and religious minority citizens. Nor is this opening limited to the domain of politics; law, too, can be deployed in efforts to construct more inclusive discursive norms. For example, some democratic theorists point to Supreme Court of Canada's decision in *Delgamuukw v. British Columbia* (Benhabib 2002, 140-41; Bohman 2010), which established the legal validity of indigenous oral traditional and history as evidence in court cases, as an example of how legal changes to evidentiary norms can propel broader norms of public discourse in a more democratic direction (though for a more pessimistic and critical view of this case, see Coulthard 2007, 451).

But significant challenges remain. Might the worldviews and discursive modes of some communities within liberal democracies, such as traditional religious groups, be so incommensurable that not even democratic processes guided by a pluralistic account of

public reason will suffice to enfranchise these groups? What of situations in which there is no common commitment to norms of democratic legitimacy and universal political equality? Then there is the matter of social and political inequality: how do entrenched disadvantages that track ethno-cultural, racialized, and/or recent immigrant status in liberal democracies prevent members of such groups from participating in democratic deliberation (Bohman 2000, 105; Valadez 2001; Young 2000)? And how might these injustices be reversed? One way forward is suggested by Young's idea of treating group based differences as a *resource* in democratic communication and deliberation (Young 1999, 2000). Focusing on the non-ideal context that actually exists in liberal constitutional democracies rather than that supposed by discourse ethics' ideal speech situation or ideal liberal and republican theories, Young argues that background social-structural injustices exist that powerfully shape the opportunities and perspectives of social groups (2000, 97). These "structural groups sometimes build on or overlap with cultural groups, as in most structures of racialized differentiation or ethnic-based privilege" (Young 2000, 98). Rather than viewing "situated knowledges" (Young 2000, 114) as an impediment to public deliberation, we should treat them as a powerful deliberative resource in democratic communication. By including these socially-situated perspectives in democratic deliberation and decision making a plurality of perspectives— especially those of socially marginalized persons and cultural and racial minorities — we can help to counter the imposition of the status-quo views of those with social privilege (Young 1999, 399).

The intertwining of social inequality with cultural or religious minority status may demand more radical revisions to deliberative democracy theory and practice than Young envisaged, however. Social inequality and disadvantage needs to born in mind when asking

what deliberative mechanisms could help to more fully (and authentically) include minority citizens in public dialogue, and how diverse citizens' deliberative capacities might be developed in a multicultural and multiracial context (Song 2007, 70). To genuinely ensure the inclusion of citizens that are not only cultural, racial or religious minorities, but also disadvantaged in socio-economic terms, we will need to move past well-meaning visions of difference-friendly dialogue. In particular, it will require tangible measures to equalize access to the resources and capacities that citizens need to participate effectively in deliberative forums: Valadez, for example, proposes a number of concrete steps that states could take to ensure what he calls "epistemological egalitarianism" in deliberation (Valadez 2001, 7). And as suggested above, it may be that shifting away from consensus and towards compromise might better serve the goal of including cultural and religious minority citizens, regardless of the question of socioeconomic disadvantage. Similarly, as we saw, we ought arguably to include interests within deliberation, rather than bracketing them, so long as these are constrained by "ideals of mutual respect, equality, reciprocity, mutual justification, the search for fairness, and the absence of coercive power" (Mansbridge et al. 2010, 94; Mansbridge 1996).

Developing more deeply democratic and inclusive forms of public deliberation depends, at least in part, on a deeper welcoming of diverse citizens' values, perspectives, interests and styles of political communication. The demand that cultural minority citizens bracket their identity-related interests in order to make normative claims consistent with public reason and impartiality is, in some contexts at least, problematic and even unjust. These diverse and situated perspectives are valuable for public deliberation — a resource for democratic communication, and ultimately, democratic justice (Young 1999, 2000;

Tully 1996). Legitimate interests evolve from the situated perspectives of those who experience disadvantage and even oppression, and these may need to be asserted in order to challenge one's very marginalization. An important task for deliberative democracy theory, then, is to "[parse] out the appropriate normative and practical relationships between a politics aimed at forging a common good and a politics aimed at legitimately pursuing and negotiating conflicting self-interests" (Mansbridge 2012, 790).

Including interests within the domain of public deliberation opens up the possibility of using some of the components associated with adversarial politics. Negotiation and even bargaining may, in some contexts, serve to make deliberative democracy more inclusive of the diverse worldviews and reasoning of cultural minority citizens is of course a controversial one. Despite Habermas's own acknowledgment that contexts of deep pluralism may warrant the use of bargaining and compromise (Habermas 1996: 165-66), some deliberative democrats see such mechanisms as at odds with the process of public reasoning. They worry that negotiation and bargaining, and indeed political compromise in general, deny the authority of moral argumentation and so have more in common with coercive politics than discourse (Benhabib 1996, 79). But it is not clear that this is so. Arguably, reasons can and should be given to support and justify identity-related reasons for wanting particular cultural rights or access to resources, for example (Eisenberg 2009). But these reasons need not necessarily refer to deep moral differences, such as fundamental ethical conflicts; rather, reasons could speak to a range of what political scientists refer to as 'ideational' factors as well as practical, real-world interests.

Where negotiation, bargaining, and compromise are used in political deliberation, it is important that agreements be treated as revisable. This is especially important in cases

where deliberative decision-making is used to mediate intra-cultural conflicts (Deveaux 2003, 2006) — for example, around the status of religious personal or family law for settling legal disputes within a religious minority community. Revisability allows the positions of members of communities to change over time, and does not hold members beholden to a particular agreement or compromise in perpetuity — especially to agreements which may later be rejected as unsuitable or unjust.

The shifts within deliberative democracy theory that I have described and defended here have largely been propelled by demands for cultural recognition and inclusion. They move us towards a more political, less procedurally orthodox approach to public deliberation (Bächtinger et al 2010) that permits a wider variety of styles and forms of political discourse; acknowledges a broader range of validity claims than Habermas's model does; replaces strong moral consensus with compromise (as the goal of deliberation); and admits the legitimate role that (self-) interests may play in dialogue and decision-making — including bargaining and negotiation in relation to these. Crucially, this revised version of deliberative democracy recognizes the frequent intertwining of cultural minority status, socio-economic disadvantage, and relative political powerlessness.

These changes, which are more characteristic of theorizing that corresponds to Bächtinger et al.'s Type II deliberation, may appear to push deliberative democracy closer to the political approaches of its main rivals — aggregative interest-based and adversarial models of politics — than some would like. Explicitly political conceptions of public deliberation do, after all, incorporate mechanisms — bargaining, negotiation, polling, and voting — that early iterations of discourse ethics eschewed as at odds with moral argumentation. But it may well be that incorporating "both deliberative and aggregative

characteristics" makes sense from the vantage point of concerns about cultural pluralism,

for all of the reasons discussed above, and because "bargaining and voting [etc.] may be

needed to reach collective decisions in a plural polity" (James 2004, 51-52).

Not surprisingly, the affinities between deliberative democracy and agonistic

theories of politics (Chambers 2003) become more apparent when we consider these

proposed revisions to public deliberation as driven by multicultural challenges. It remains

the case, of course, that even accounts of political deliberation that foreground interests,

bargaining, and negotiation remain committed to the use of normative reason and the

principle of communicative (as opposed to strategic) action in politics. But on the more

political conception of deliberative democracy I have outlined here, conflict — including

interest-based conflict — is no longer treated as something (necessarily) to be sidestepped,

sublimated or even necessarily transcended. Rather, conflict is seen as part and parcel of

an understanding of democracy as a process that includes struggle (Young 2000, 50).

3. The uses of public deliberation for resolving intercultural disputes

Concrete political practices have evolved that exemplify the application of deliberative

mechanisms to conflicts or disagreements involving cultural and/or religious minority

communities. There are three main domains in which deliberative democracy has been

applied to concrete issues cultural accommodation or intercultural disputes.

(i) The emergence of indigenous cultural dispute resolution models, which combine

indigenous emphases on mutual decision-making and consensus with elements of

deliberative democracy (Kahane and Bell 2004). In Canada, these indigenous approaches

have influenced dispute resolution processes involving indigenous land claims, and have

also contributed to the shaping of the Truth and Reconciliation Commission concerning the

legacy of Canada's residential school system for aboriginal children. (ii) Deliberative

democratic principles have been proposed as a way of reconciling differences in liberal yet

deeply <u>divided societies</u>, in which national religious or linguistic minorities have a deep

historical mistrust of one another and/or the state. Examples of such societies include

countries with different national linguistic communities, such as Belgium, and those with

significant religious cleavages, such as Northern Ireland and Lebanon (Dembinska and

Montambeault 2015; Dryzek 2005; Luskin et al. 2014; O'Flynn 2006). For more discussion

of the application of deliberative mechanisms to divided societies, see the chapter in this

volume by Ian O'Flynn and Didier Caluwaerts on 'Deliberation in Deeply Divided Societies'.

(iii) Deliberative democracy mechanisms have been proposed as a means of addressing

policy disagreements concerning the status (or permissibility) of social/cultural practices

or arrangements in culturally plural democratic societies; I elaborate on this below.

It is easy to see the appeal of a deliberative democratic approach to resolving

conflicts between cultural or religious minority groups and the state. Rather than issuing

an ultimatum to groups whose social practices or arrangements run afoul of the liberal

state's norms and laws, a deliberative democratic approach makes possible a respectful

dialogue based on the exchange of mutually shared reasons. Democratic legitimacy and

respect for cultural groups' own processes of internal reform also point in favour of

resolving disputes through dialogical and deliberative processes. Deliberative

consultations — such as government and para-governmental deliberative hearings and

consultations on policy matters affecting cultural and religious communities — and

intercultural, dialogue-based legal dispute resolutions are a few examples of mechanisms

that have been advanced and (in some jurisdictions) implemented.

A dialogical intercultural approach to amending and negotiating contemporary constitutions in multination and plural societies is defended by Tully (1996) as an infinitely more just process of constitution-building than non-dialogical ones. Song has also argued for a broadly deliberative approach to mediating inter- and intracultural justice conflicts; situated on the liberal end of the spectrum of deliberative democracy proponents, Song insists that deliberation in all cases must be bound by a strong commitment to liberal principles of (substantive) political equality and individual freedom (2007, 69). She urges a strong role for government in ensuring that the rights and other requirements associated with these principles are met, and urges against leaving such matters up to groups themselves. The propensity of some cultural and religious groups to subordinate or discriminate against their own members is Song's primary concern here; she also contends that the lack of political equality in a deliberative process necessarily undermines its democratic legitimacy. Concerns about whether women's voices in particular are adequately included in deliberative processes have been raised by a number of theorists: Mahajan (2005, 109), for example, warns that in India, "the inclusion of women in the deliberative process is by no means enough for altering existing community practices and making Personal Laws more just to women."

I share these concerns about whether women and other "minorities-within-minorities" (such as religious minorities and LGBT persons) may face discrimination and obstacles to participation in deliberative democratic processes. Yet it is not clear that merely insisting that core liberal principles be applied to deliberative designs solves these difficult problems. The insistence on seemingly uncontroversial liberal norms, such as that of gender equality — the precise meaning of which is highly contested — is unlikely to be

effective if stipulated in advance of meaningful consultations with the community in question. Deliberative processes that pay no heed to processes internal to cultural or religious communities for deciding on matters related to the reform of social practices and arrangements also fail to accord them equal respect.

Arguably, more minimalist norms — those of nondomination, political inclusion, and revisability — are more relevant and just norms to guide both inter- and intra-cultural democratic deliberation (Deveaux 2006, 114-117). The advantages of these norms (unlike "thicker" deliberative norms like shared public reason and impartiality) is that they demand that deliberative processes that impact cultural communities meet a high standard of democratic legitimacy — whether these concern intercultural or intra-cultural matters. Unlike deliberative liberals like Song, I contend that deliberative outcomes may still be democratically legitimate even if they affirm policies or practices/arrangements that stand in some tension with some of the normative principles of liberalism. I came to this conclusion through studying the (partial) success of deliberative democratic processes directed at the legal reform of certain cultural practices. One of these concerned the deliberative consultations and negotiations organized by the South African Law Commission in 1998 regarding how best to reform customary marriage in the country. The consultations, which included diverse stakeholders from different national communities, ultimately yielded legal reforms that improved yet still permitted the continuation of customary marriage under African customary law (Deveaux 2003, 2006). The country's 1996 Constitution, which accorded protection to women's sexual equality right yet also recognized the validity of African customary law in matters of marriage and inheritance, could not resolve the clear tension between the two. Negotiation, bargaining, compromise,

and revisability were crucial to the amended form of deliberation that I identified at work there, and made possible wide agreement on new laws governing customary marriage.

When thinking about the promise and perils of deliberative approaches to conflict resolution within cultural communities and between those communities and the state, it is of course essential to ask hard questions about whose voices are heard and how decisions are ultimately made. But equally, it is important to remember that public deliberation need not be confined to the traditional political forums conceived by deliberative democrats, and that this broader scope of democratic activity bodes well for less powerful group members. I noted at the outset of this article that activity in the informal public sphere may serve to advance democratic inclusion. For instance, the political activities of civil society groups, cultural group-targeted media, and can also help to foster greater participation of cultural and religious minority citizens (Deveaux 2006; Song 2007). However, as in the case of the formal public sphere, there exist tangible barriers to the participation of marginalized groups in informal political deliberation. Resources are required in order to enhance the deliberative capacities of minority communities in particular, as well as to help ensure that democratic activities in the informal sphere contribute to political decision-making.

4: Conclusion

The modifications proposed in response to the challenges of multiculturalism have not satisfied all critics, or defenders, of deliberative democracy theory. Those who reject the theory's framing of multicultural politics as chiefly problems of misrecognition and lack of inclusion — rather than of colonial power and domination —are unlikely to be satisfied by these changes (Coulthard 2014). On the other side of the spectrum, some see a basic tension between deliberative democracy's core aspirations and a politics driven by cultural

group claims (James 2004). According to this view, a model of democratic inclusion which views recognition in terms of the acknowledgement of so-called 'authentic' group identities risks *excluding* many voices within minority communities, for it demands deference from both members and nonmembers (McBride 2005).

Despite these and other valid concerns, there are good reasons to think that deliberative democratic theory and practice will continue to inform debates about how to make liberal constitutional democracies more open and inclusive of ethno-cultural and religious minorities. Nor is this just a matter of applying deliberative democratic tools developed within a Western philosophical framework to conflicts within liberal societies. Deliberation in non-Western societies is becoming an important subject of study, as democrat theorists attempt to understand the extent to which political deliberation is universal and the particular forms it takes in diverse societies (Dryzek and Sass 2014; see also the chapter by Sass in this volume). Just as the challenge from multicultural groups within liberal democracies pushed the boundaries of deliberative democracy in the past, it seems likely that alternative deliberative forms outside in other parts of the world will stretch the frontiers of this theory still further — perhaps even extending its relevance outside of the realm of democracy, as conventionally understood.

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