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DELIBERATIVE DEMOCRACY IN DIVIDED SOCIETIES: ALTERNATIVES TO AGONISM AND ANALGESIA

John S. Dryzek

Social and Political Theory Program
Research School of Social Sciences
Australian National University
Canberra, ACT 0200
Australia
jdryzek@coombs.anu.edu.au

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Abstract

For contemporary democratic theorists, democracy is largely a matter of deliberation. But the rise of deliberative democracy coincided with ever more prominent identity politics, sometimes in murderous form in deeply divided societies. This paper considers the degree to which deliberative democracy can process the toughest issues concerning mutually contradictory assertions of identity. After considering the alternative answers provided by agonists and consociational democrats, the case is made for a power-sharing state with attenuated sovereignty and a more contestatory deliberative politics in a public sphere that is semi-detached from the state.

Democracy is today a near-universal validating principle for political systems. And according to contemporary democratic theorists, at least since the early 1990s, democracy is largely, though not exclusively, a matter of deliberation.

The same decade that saw the rise and rise of deliberative democracy also saw identity politics prominent, sometimes in murderous form. Identity politics, including the murderous variety, are hardly new. But as the Cold War world order fell apart, the political gap was often filled by assertions and denials of identity. Religious fundamentalisms showed renewed vigor, in opposition to each other as well as what Benjamin Barber (1995) calls "McWorld". Serious identity politics running wild found lighter reflection in postmodern encouragement of a more well-behaved politics of identity and difference.

I will consider the degree to which deliberative democracy can process what are arguably the toughest kind of political issues, the mutually contradictory assertions of identity that define a divided society. The assertions in question might involve nationalism (Republicans and Unionists in Northern Ireland, any number of separatist movements), combinations of religious and ethnic conflicts (Palestinians versus Israelis), religious versus secular forces (Islamic fundamentalism against Western liberalism on the global stage; Islamists versus secularists in Turkey and Algeria; Christian fundamentalists versus liberalism in the United States). The basic problem in all these cases is that one identity can only be validated or, at worst, constituted by suppression of another. Radical Islamists cannot live in or with a McWorld. A state that was no longer a Jewish state forged in struggle would be anathema to many Israelis. Christian fundamentalists regard the political presence of gays and lesbians not just as an irritant, but as a standing affront

to who they are. A multinational society is not just a policy opposed by militant Serb nationalists, it is a perceived attack on their core political being.

Deliberation across divided identities is always going to be problematic in Warren's (2003) terms, in that 'the background of social relations is such that the illocutionary impact of statements is likely to undermine the kind of equality necessary for discourse'. On a widely shared account, deliberation is what Bessette (1994) calls the 'mild voice of reason' – exactly what is lacking when it comes to tough identity issues, at best only an aspiration for how opponents might one day learn to interact once their real differences are dissolved. Gutmann and Thompson (1996) believe that deliberation can be extended to deep *moral* disagreements, but the precondition is commitment on all sides to reciprocity, 'the capacity to seek fair terms of cooperation for its own sake', such that arguments are made in terms the other side(s) can accept. Again, mutual acceptance of reasonableness is exactly what is lacking in divided societies.

Gutmann and Thompson require adoption by all sides of a particular moral psychology - openness to persuasion by critical argument - that is in fact not widely held, and explicitly rejected by (say) fundamentalist Christians (Fish, 1999, pp. 92-3). (Such persuasion may be rare even among those open in principle; I will address this point later.) Moreover, like many deliberative democrats, they apply the reasonableness standard to the content of contributions to debate, not just the motivation of speakers. Thus they are vulnerable to criticism from difference democrats such as Young (2000, pp. 16-51), who accepts reasonableness as a norm for motivation, but not for the content of statements, because that involves suppression of alternative communicative forms.[1]

[1] Young (2000, pp. 49-51) identifies herself with agonism, but the reasonableness motivational norm would set her apart from many agonists. She does push deliberative democracy in an agonistic direction.

More radical difference democrats and agonists see deliberation in terms of the erasure of identity, a form of communication stuck in neutral that does not recognize difference, partial in practice to well-educated white males, especially when it prizes the unitary notion of public reason advanced by Rawls and his followers. Those asserting identities for their part may feel insulted by the very idea that questions going to the core of their identity be subject to deliberative treatment. What they want is instead "cathartic" communication that unifies the group in question and demands respect from others (Simon, 1999, pp. 50-2).

I will argue for a kind of deliberative democracy that can cope with deep differences of identity in divided societies. The key involves decoupling the deliberative and decisional moments of democracy, locating deliberation in engagement of discourses in the public sphere at a distance from the sovereign state. I approach this argument by examining and criticizing two very different responses to divided societies. The first is agonistic, seeking robust exchange across identities. The recent history of agonism owes much to Hannah Arendt, William Connolly (1991), and Bonnie Honig (1993), but I focus on the recent work of Chantal Mouffe, because she explicitly advocates agonism against deliberative democracy in plural societies. The second response is consociational, seeking suppression of exchange through agreement among well-meaning elites.

Agonism

The agonistic charge is that deliberative democracy is incapable of processing deep difference. Mouffe (1999, 2000a, 2000b) argues that the main task for democracy is to convert antagonism into agonism, enemies into adversaries, fighting into critical

engagement. Deep difference is accompanied by passions which, she believes, cannot be resolved by the dead hand of deliberation, committed as it is to rationalistic denial of passion and the pursuit of consensus that in practice both masks and serves power. Her alternative is an agonistic pluralism involving 'a vibrant clash of democratic political positions' (Mouffe, 2000b, p. p. 16). 'The prime task of democratic politics is not to eliminate the passions, … but to mobilise these passions towards the promotion of democratic designs' (Mouffe, 1999, pp. 755-6). Acceptance of the legitimacy of the positions of others comes not through being persuaded by argument, but through openness to conversion as a result of a particular kind of democratic attitude (Mouffe, 1999, p. 755). The outcome is not agreement, but rather relationships that combine continued contestation with deep respect for the adversary - indeed it is not easy to speak in terms of 'outcomes'. Mouffe (like Gutmann and Thompson) is vulnerable to questions about where exactly the required attitude should come from, especially where groups asserting identity may themselves feature hierarchy and repression (Kapoor, 2002, pp. 472-3).

While accepting Mouffe's identification of the need to transform antagonism into, if not agonism, at least some more civilized kind of engagement as the primary task for democracy in divided societies, I differ from her on three grounds. The first is in terms of the content of critical interchange. Mouffe wants this interchange to be energized by core identities, otherwise the passion is missing. Yet, paradoxically, identities for Mouffe have to be fluid to the extent of enabling thorough conversion in one group's attitude to another. But if identities themselves are highlighted, exchange is more likely to freeze identities than convert them. As Forester (1999, pp. 470-2) points out, being respectful of

others is one thing; accepting at face value claims that preferences and interests are in fact basic values is quite another, requiring a more challenging order of problem solving. If interchange is to move beyond confrontation and stalemate, then, Forester argues, the focus should be on the specific needs of the parties, not on the articulation and scrutiny of general value systems. His example concerns gay activists and fundamentalist Christians meeting over HIV/AIDS care in Colorado. The last thing that needs to be done is to reinforce mutually hostile identities, for example by debating whether or not it is legitimate to treat the HIV/AIDS issue in the moral terms favored by the Christians, as opposed to the public health terms favored by the gays. But if the individuals involved can listen to each others' stories, they might at least be able to accept one another's specific needs – which can be reconciled, even when value systems and identities cannot. This is a kind of reciprocal recognition, but not the kind of vibrant clash of passions proposed by Mouffe.

A second departure from Mouffe involves the way deliberative interaction is conceptualized. Mouffe may be right that deliberation in the image of a philosophy seminar – dispassionate and reasoned – cannot handle deep difference. However, it is possible to formulate an account of deliberative democracy that is more contestatory than this image, so more robust in the face of deep difference.

Third, Mouffe's interpretation of the main task of democracy has no obvious place for collective decision making, in stark contrast to a range of models (for example, those associated with Schumpeter and Downs) which treat democracy almost exclusively as a procedure for making social choices. She scorns consensus as a cover for power, but at least consensus implies that decisions can get made. When agonistic pluralism does

attend to collective decisions, it is only to point to the need for them to be open to further contestation. I will explore a way to combine critical engagement and collective decision, but this will require a differentiation of the ways politics can be conducted in different sites. While Mouffe emphasizes the variety of sites of democratic politics (culture, workplace, home, school, etc.), for her the content of politics is actually undifferentiated, everywhere agonistic.

Analgesia: Consociational Democracy

Agonism stares the toughest issues for democratic politics in the face, and at least hopes for a democratic resolution. A very different sort of criticism of deliberative democracy's ability to process such issues follows from arguments that they should be removed from contentious democratic debate altogether. Such is the thrust of Lijphart's (1977) claims for consociational democracy, essentially an agreement between the leaders of each bloc in a divided society to share government, involving 'grand coalition, segmental autonomy, proportionality, and minority veto' (Lijphart, 2000, p. 228). Lijphart (1994, p. 222) believes consociationalism is 'the only workable type of democracy in deeply divided societies.'[2] Neither Lijphart nor his sympathizers have taken on deliberative democracy in these terms – further illustration of the chasm between democratic theorists and students of real-world democratic development. But it is not hard to deduce what they ought to say about deliberative politics.

Lijphart points to success stories where a consociational approach has successfully defused religious and/or ethnic conflicts, such as his own Netherlands,

Austria, Switzerland, Malaysia, South Africa (at least in the 1994-96 transition from apartheid), and India. But conflict resolution is achieved at the expense of several dimensions prized by democratic theorists, including the deliberative dimension. In consociational democracy, elections have little meaning, as the same set of leaders will govern irrespective of the result. Moreover, contentious deliberation occurs only between the leaders of different blocs, and even then mostly in secret (for fear of inflaming the various publics), ruling out much of a role for parliamentary debate. The political communication of ordinary people is shepherded into within-bloc channels where it can do little damage to social harmony. This channeling blocks any kind of deliberative still less agonistic interaction across different blocs below the elite level, because "segmental autonomy" is one of Lijphart's defining features of consociationalism.

While my task here is not comparative study of regime types and their implications for political stability, public deliberation construed as social learning surely could play a role in reconciliation in divided societies, even though that role is ruled out by consociationalism. As Kaufman (2001) points out, ethnic hatreds are the product of symbolic politics in particular political circumstances. As such, they are learned, and so can be unlearned or transformed – though that can be an uphill task in the face of negative understandings and myths that have persisted over decades. In this light, by freezing cleavages into place, the establishment of a consociational regime may actually reinforce or, at worse, create the kind of conflict it is designed to solve (Reynolds, 2000, pp. 169-70). A deliberative democrat would hope that the reflection stimulated by interaction could contribute to a less vicious symbolic politics, one not tied to myths of

[2] Lijphart (1984) also speaks of 'consensus democracy', and can rank all liberal democracies on a continuum from consensual to majoritarian. He believes consensual democracies out-perform majoritarian

victimhood and destiny. Segmental autonomy inhibits any such social learning. Deliberation confined within segments succumbs to Sunstein's (2002) 'law of group polarization'. Debate leads only to the group position becoming more extreme, as individuals only get their prejudices confirmed and strengthened as they talk with like-minded others.

From Lijphart's analgesic perspective, one might reply that Mouffe's (2000b, p. 16) assertion that 'a well functioning democracy calls for a vibrant clash of democratic political positions' is naïve. Goodin (2003) argues that 'divisive issues' should be off-limits to deliberation if 'any resolution would cause the group [i.e., polity] to splinter'. He points to slavery in the antebellum United States, subject to a gag rule prohibiting debate in the federal House of Representatives from 1836 to 1845. Goodin believes such issues are relatively rare, and indeed if *any* resolution would cause splintering that is probably true. But that is the limiting case. Goodin goes on to discuss issues that do not have this apocalyptic property but still might merit silence. These include those likely to provoke a visceral response (such as playing the race card), and those that by the very fact of being raised deeply hurt some individual or group (Holocaust denial).

Toward a Deliberative Response

Agonists such as Mouffe believe deliberative democracy cannot deal with divisive issues because it is too constraining in the kind of communication it allows. Consociationalists and others such as Goodin who fear disintegration believe deliberative democracy cannot deal with divisive issues because it is too open to diverse claims and claimants. I want to argue that deliberative democracy can be defended against both

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ones on many criteria, but when it comes to divided societies, consociation remains his only remedy.

sides, but it has to take them seriously, and be prepared to take on board elements from each set of critics. On the face of it this ought to be impossible, given their diametric opposition. The key is a differentiation of political sites within a society which agonists and analgesics alike have not contemplated: the former because they address only politics in the abstract rather than its institutional specifics, the latter because they can see only a politics tightly attached to the state. I believe that deliberative democracy can process contentious issues in a politics of engagement in the public sphere, even if it has problems doing so when it comes to deliberation within the institutions of the state.

Dryzek (2000, 2001) argues for discursive democracy in terms of a public sphere that is home to constellations of discourses. Here, a discourse can be understood as a shared way of making sense of the world embedded in language. Thus any given discourse will be defined by assumptions, judgments, contentions, dispositions, and capabilities. These shared terms enable subscribers to a given discourse to recognize and convert sensory inputs into coherent accounts of situations. These accounts can then be shared in intersubjectively meaningful fashion. Thus discourses feature storylines, involving opinions about facts and values. Familiar examples of such discourses include market liberalism (dominant in global economic affairs), sustainable development (ubiquitous in environmental affairs). The content of collective decisions depends strongly (but not exclusively) on the relative weight of competing discourses in a domain. For example, the content of criminal justice policy varies with the weight of discourses stressing, respectively, the psychopathology of the criminal mind, rational calculation of the costs and benefits of criminal acts by perpetrators, and the circumstances of poverty that lead individuals to a life of crime. The engagement of discourses and its provisional

outcomes can be described as democratic to the degree it is under the dispersed influence of competent actors, as opposed to manipulation by propagandists, spin doctors, and corporate advertisers. The possibility of contestation means that discourses have to be treated as less totalizing and constraining than some followers of Michel Foucault claim. Discourses must be amenable to reflection, if only at the margins.

Some recent treatments of deliberative democracy do, then, meet the difference democrats' critique (Dryzek, 2000, ch. 3; Young, 2000). Difference democrats and agonists see deliberation as deadening and biased in the kind of communication it allows. But the engagement of discourses can accommodate many kinds of communication beyond reasoned argument, including rhetoric, testimony, performance, gossip, and jokes. However, three tests must be applied if the connection to the kind of intersubjective understanding prized by deliberative democracy is to be secured. Once we move beyond ritualistic openings, communication is required to be first, capable of inducing reflection, second, noncoercive, and third, capable of linking the particular experience of an individual or group with some more general point or principle (Dryzek, 2000, p. 68).[3] The last of these three criteria is crucial when it comes to identity politics gone bad. A harrowing story of (say) rape and murder in a Bosnian village can be told in terms of the guilt of one ethnic group and violated innocence of another – in which case it is fuel for revenge. But the story can also be told in terms of the violation of basic principles of humanity which apply to all ethnicities, making reconciliation at least conceivable (though of course not easy).

[3] Young (2000, pp. 77-9) proposes a complementary set of standards: to ask if an intervention is 'respectful, publicly assertable, and does it stand up to public challenge?'.

Discourse and the State in Divided Societies

How can this sort of discursive approach be applied to divided societies? To begin, taking identities seriously means allowing different communicative forms that can accompany particular identities; this is Young's connection. However, this recognition often helps little when it comes to deeply divided societies, because, as Moore (1999) points out, societies that are the most deeply divided in identity are often not divided at all when it comes to culture. Culturally, there are few differences between catholics and protestants in Northern Ireland, between Serbs, Croats, and the world's most secular Muslim community in the former Yugoslavia. It is, then, a mistake to treat identity conflicts as merely a matter of multiculturalism.

More significantly, identities are bound up with discourses. It is in this sense, for example, that nations are in Benedict Anderson's (1983) terms "imagined communities" – the product of discourses, not genes, not culture. But how can endorsing reflective engagement across discourses move beyond the vain hopes of agonists when identities are only asserted dogmatically and so relativistically, fuelled by existential resentments (as lamented by Connolly, 1991)?

The basic idea that discursive democracy can consist centrally of decentralized control over the provisional outcome of the engagement of discourses in the public sphere can be extended in the requisite direction. This extension can begin by pointing to the desirability of separating the deliberation and decision moments of democracy in a divided society. Such separation resists one strong current in deliberative democratic theory, which sees the proper home for deliberation in the institutions of the sovereign state, such as legislatures, courts, public inquiries, committees, administrative tribunals,

and formal consultation exercises. To see why separation is desirable, consider what happens when deliberation and decision are joined in the context of divisive identity.

Mainly, what happens is that decision overwhelms deliberation – especially when decision is tied to sovereign authority over a polity. Since the peace of Westphalia in 1648, sovereignty has had an all-or-nothing character – not just because Westphalia established the norm of non-interference in internal affairs, but also because of its principle that the religion of the prince is the religion of the state. At the time in Europe, religion was the main, almost sole, identity that mattered. Over time, identity came also to involve nationality, ethnicity, and class; but the idea of one identity per state persisted. And this is why identity issues could become so intractable in the context of the politics of the state: the game is all or nothing.

Historically, the very worst in the way of repression of competing identities has often come from actors struggling to secure their hold over the state, and the state's hold over society. As Rae (2001) demonstrates, episodes ranging from the expulsion and forced conversion of Jews in 15th Century Spain to the Armenian genocide in Turkey to ethnic cleansing in former Yugoslavia in the 1990s can all be attributed to state-building elites. These elites pursue 'pathological homogenization' to secure a mass identity to accompany and bolster the incipient state. Contra Hobbes, it is leviathan under construction that creates murder and misery, rather than curbing them.

The development of electoral democracy does not solve matters, and may exacerbate them. The game becomes one of ensuring that the state is defined to make sure that one's favored identity will win key votes. This definition can involve drawing physical boundaries, or manipulation of the electoral system, or gerrymandering, or

suffrage restrictions (for example, measures taken to stop African-Americans voting in the American South, ranging historically over property qualifications, literacy tests, and most recently in Florida, exclusion of those with a criminal record – or even the same name as someone with such a record).

Multicultural liberals (for example, Kymlicka, 1995) have addressed what a multi-identity state might look like – though they have often made the mistake of treating identity differences as mere cultural differences (Moore, 1999). Such a state might involve devolution of authority to regions dominated by minority cultures, recognition of the special claims of indigenous peoples to land, legal recognition and promotion of minority languages, and group representation (for example, parliamentary quotas for a particular group). These theorists are at their most compelling when it comes to the liberal aspects of such a state – that is, the specification of rights for individuals and groups. They are less compelling when it comes to the democratic aspects. Proposals for group representation are fraught with difficulty, not least when it comes to specifying which groups count and how much representation they are to have. If there is an advantage to being categorized as an oppressed minority, everyone will try to claim that status, thus raising divisions rather than reconciling them.

A more persuasive approach to electoral democracy in divided societies is the 'electoral engineering' proposed by Horowitz (1985) and given flesh by Reilly (2001). Reilly shows that a system of preferential voting can induce a 'centripital' electoral politics. Preferential voting induces leaders of ethnic parties to seek second, third, and fourth preferences of voters from the other side of the ethnic divide, and so moderate their positions accordingly. Reilly's clearest example of success in these terms is Papua

New Guinea, before it foolishly changed to first-past-the-post voting in 1975. However, if there are not enough voters with moderate attitudes, preferential voting will fail to assist reconciliation – as shown by elections in Northern Ireland in 1973 and 1982. Only in 1998, after 'a core group of moderates emerges from both sides of the communal divide' does preferential voting work in Northern Ireland (Reilly, 2001, pp. 136-7). This finding begs the question of exactly how moderate attitudes can be promoted. Moreover, Reilly shows with reference to Sri Lanka and Fiji that if the engineering is not done precisely right, then preferential voting will not curb instability and violence. In Fiji, apparently technical aspects of the 1997 electoral reform turned out to have large effects that favored ethnic Indian parties, which in turn led to an indigenist coup in 2000. Precision electoral engineering is difficult in the politically charged setting of a divided society, especially once different sides realize that rules are not neutral, and so try to influence their content. The serious numbers game is transferred to the meta level.

How might deliberative democrats respond to the challenge posed by a deadly serious numbers game? At one level they could pin their hopes on the civilizing force of deliberation itself to defuse conflict (and so provide one essential precondition for Reilly's preferential voting to work). But now the familiar scale problem arises: deliberation, at least of the face-to-face variety connected tightly to state authority, can only ever be for the few. Perhaps there are a few representatives who might be so civilized; but in a politics of mass voting tightly connected to definition of the sovereign state, they can all too easily be overwhelmed by demagogues and absolutists. Thus in Northern Ireland, the Democratic Unionist Party and Sinn Fein still prosper at the expense of, respectively, the more moderate 'Official' Unionists and Social Democratic

Labour Party – even at a time when compromise is in the Northern Irish air as never before, and the paramilitaries on both sides have laid down (most of) their arms.

Locating Deliberation in the Public Sphere

A more radical discursive democratic response would ask why democracy and deliberation need to be tightly coupled to head counting and sovereign authority. Consociationalists make a parallel move here, because their solution involves the suppression of voting's connection to collective decision. However, they rely totally on civilized leadership to end the contest over sovereignty by agreeing to share power. The consociational solution cannot be deliberative, save on the thinnest notion of what deliberation might entail, and severe restrictions on who can deliberate (bloc leaders only).

Yet consociationalism should not be dismissed lightly – for at least it is a practical solution to the basic problem of divided societies. Unlike agonistic pluralism, it has a mechanism and not just a hope. There is a deliberative democratic solution to which some aspects of consociationalism could contribute, though its 'segmental autonomy' aspect cannot be retained. Democratic deliberation in divided societies is most safely at home in a public sphere at some distance from (but not completely unconnected with) state where power is shared.

Identities are embedded in discourses that can engage one another, ideally not head-on. Here the distinction between particular needs and general values may again be useful: engagement is less likely to end in hostility if the focus is on specific needs (e.g., security, education) rather than general values. An example comes from Turkey, where

headscarves worn by young Islamic women were long a symbolic marker that excluded them from secular Turkish universities. Beginning in 2002, a re-framing of the issue in terms of the education needs of young women and the character of education as a basic human right gained ground, and the issue started to look less intractable. Avoidance of head-on confrontation means the other side is less easily accused of a hidden agenda to capture the state, and one's own side cannot so easily claim to alone represent 'the people' or safeguard the polity (see the guidelines proposed by Fennema and Maussen, 2000). Aside from a focus on particular needs, deliberative rituals and indirect communication (as opposed to confrontation) have roles to play in reconstructing relationships. Forester (1999a, pp. 115-53) demonstrates the importance of (say) small talk between erstwhile opponents over a shared meal with no explicit connection to the issue at hand.

In relatively well-behaved political systems, the network form of organization can help establish dispersed control over the content and relative weight of discourses, facilitating negotiation across difference. Schlosberg (1999) analyses environmental justice networks in the United States in these terms. These networks arose from a series of local actions and have no centralized leadership. They involve individuals from very different race and class backgrounds, in some cases from groups otherwise quite hostile to each other in inner-urban settings. Together they successfully changed the content of public discourse on environmental affairs, most importantly by establishing the very idea of environmental justice as a public concern. In societies more deeply divided than the United States the development of such networks across divisions could be a greater challenge, given that such societies are divided into blocs with dense within-bloc

communication but little across-bloc communication. On the other hand, even in the United States these networks developed across groups who otherwise lived in quite separate worlds, given the informal apartheid of American cities.

A further reason for locating deliberation in the engagement of discourses in the public sphere in divided societies can draw upon Mackie's (2002) observation that people are rarely seen to change their minds in deliberative forums. More precisely, even if internally persuaded, it is hard for an individual to admit it, for then credibility is lost. Actually such changing of minds is quite common in what Fung (2003) classifies as 'cold' deliberative settings – where participants are not partisans, and where the forum is either unofficial or advisory. Citizen's juries (Smith and Wales, 2000) and deliberative opinion polls (Fishkin, 1995) exemplify this category, and it is normal to see substantial opinion shifts therein. In contrast, under 'hot' deliberation, tied to collective decision and involving partisans, participants have more strongly formed and held views going into deliberation, and so cannot so easily change.

Deliberation tied to sovereign authority in divided societies is about as 'hot' a setting as one can imagine. Most conceptions of deliberative democracy require reflection and at least the possibility that minds can be changed *in the forum itself*. This is extremely unlikely if one's position is tied to one's identity. Locating deliberation in the engagement of discourses in the public sphere gets around this problem because reflection is a diffuse process, taking effect *over time.* With time, the degree of activation of concern on particular issues can change, individuals can shift from partisanship to moderation to apathy and vice versa, and may even come to adopt different attitudes. Nothing as dramatic as the kind of conversion Mouffe seeks is required. This situation is

less fraught than that in hot deliberation, where reflection can only take effect in the choices of individuals under the gaze of both opponents and those with a shared identity. As Mackie points out, deliberation-induced reflection can eventually lead an individual to change his or her mind. But he or she can most easily admit that in a different setting, at another time and place, with different participants, where the face and credibility associated with having staked out a position are no longer decisive.

Locating the Public Sphere Transnationally

The hazards of tight connection to a contest for sovereign authority can be further countered by emphasizing the transnational location of deliberation in the public sphere. Channels of political influence can be extended to and from intergovernmental bodies such as the European Union, international non-governmental organizations, transnational corporations, and other states. Some groups in divided societies have already succeeded in making such links. For example, in response to governmental repression and environmental destruction associated with oil production, the Ogoni people in Nigeria have sought help from NGOs based mainly in developed countries. These NGOs in turn pressured their own governments and transnational corporations such as Shell which operate in Nigeria. In Mexico, the Zapatistas in Chiapas have with some success developed an internet-based network of sympathizers. This sort of transnational outreach comes with an obligation to behave according to emerging transnational norms of civility.

Of course, more negative forms of outreach are possible too, especially by nationalists reaching out to a diaspora. The Irish Republican Army long depended on

financial support from Irish-Americans, and much of the Serb diaspora was in the 1990s vocal in supporting nationalism and excusing ethnic cleansing. The opening of channels to a neighboring state of shared ethnicity by a minority is also dangerous, and has historically provided a justification for invasion: of the Sudetenland by Nazi Germany, of Cyprus by Turkey, of Croatia by Serbia. So only outreach beyond shared national identity has a civilizing force here. This caveat aside, strengthening of transnational sources of political authority would be conducive to the weakening of the connection between contestation in the public sphere and the contest for sovereign authority.

Any associated weakening of the sovereign state might be especially attractive to those on the receiving end of oppression in countries like Sudan, Somalia, and Rwanda, for whom a centralized state has always brought misery because it has only ever been experienced as the instrument of one segment of a divided society. This kind of weakening is also consistent with the increasing conditionality of sovereignty in the international system. NATO intervention in Kosovo in 1999 helped reinforce the idea that sovereignty is not a barrier behind which a state can terrorize sections of its people. The conditionality of sovereignty and transnationalization of authority will not however please consociationalists, whose plans require conflict to be centralized and then resolved in a fully sovereign state.

Public Sphere and State: Loose Connections

Emphasizing the public sphere (and its transnational connections) as the focus for discursive engagement does not have to mean completely shunning the state. Having criticized agonists for inadequate treatment of the aspect of democracy pertaining to

collective decision, the state should not be sidelined inasmuch as it remains the main producer of such decisions. The link between public sphere and state cannot be too tight, because then the deadly serious contest for sovereign authority resumes. But if the link is absent entirely, there is a danger the public sphere may decay into inconsequentiality (though a democratic public sphere completely divorced from the state did characterize Poland and Czechoslovakia in the waning years of communism, eventually to telling effect). Such decay would undermine the legitimacy of the state itself (Dryzek, 2001). Between these two extremes one can think of state and public sphere as being loosely connected, or semi-detached. Discursive engagement in the public sphere can influence state action in many informal ways. These include changing the terms of discourse in ways that eventually come to pervade the understandings of governmental actors. Much of the success of environmentalism and feminism in the late 20th century can be interpreted in these terms. The power of rhetoric can reach from the public sphere into the state even when there is no formal channel – such was the achievement of Dr. Martin Luther King, Jr. in the 1960s. Sometimes, even, arguments honed in the public sphere may be noticed and heeded by state actors. This sort of influence is what Habermas (following Arendt) means by 'communicative power.'

The kind of discursive democracy I have described would (like consociationalism) downplay the significance of elections and voting in the life of democracy. Elections are not the only source of democratic legitimacy, which can also be secured through responsiveness of public policy to the relative weight of discourses in the public sphere, even though the latter does not involve the direct counting of heads (Dryzek, 2001). However, some electoral systems are better than others when it comes to

promoting discursive engagement in a divided society. Whatever the difficulties in its implementation, Reilly's (2001) preferential voting has the merits of promoting communication across divides involving voters as well as leaders.

No polity that I know of exemplifies the sort of discursive democratic engagement in a semi-detached public sphere that I am endorsing here. But elements can be discerned in some systems, though it may mean looking at them afresh. Consider Canada (classified by Lijphart, 1977, as "semiconsociational", even though not one of his four defining features truly applies). Canada features occasional attempts to rewrite the constitution to accommodate the competing aspirations of Francophones and Anglophones, as well as episodes where Quebec looks as though it might secede and then draws back. Attempts to rewrite the constitution normally end in deadlock, frustration, and failure – even if elites manage to bargain a resolution, as in the Meech Lake accords of 1987, which failed to attain ratification due to opposition from Anglophones and indigenous peoples. Failure is generally followed by a period of inaction at the constitutional level. It is in these periods of inaction that Canada is at its best, because then individuals on the various sides can get back to engaging one another in the public sphere in a setting where a serious struggle over sovereignty is not at stake. Political leadership can get back to the modus vivendi which makes Canada such a generally successful society. The peace is disturbed only by political theorists who believe that a constitutional solution is required. This is exactly what is *not* required – as should be clear from the lessons of what happens when it is tried.

A second positive example can be found in South Africa's transition in the mid-1990s. Though claimed by Lijphart for consociationalism, that designation applies mainly

in terms of the grand coalition that governed. There was no suppression of engagement across racial and ethnic lines as required by consociationalism's 'segmental autonomy'. Engagement and reflection were promoted by Archbishop Desmond Tutu's 1995-98 Truth and Reconciliation Commission – which operated at arm's length from the coercive authority of the sovereign state (and withstood legal challenges from both former apartheid President F.W. de Clerk and the African National Congress). Rethinking of identity was also promoted in mixed-race discussion groups, the media, educational institutions, and elsewhere in the public sphere.

Three Kinds of Failure

To further strengthen the case for emphasizing the engagement of discourses in a semi-detached public sphere in divided societies, let me now address three kinds of failure in these terms.

The first consists of too tight a connection between public sphere and sovereign authority. The tighter this connection, the greater is the likelihood of a deadly contest over the content of sovereign authority. Northern Ireland since the 1990s illustrates this difficulty. Northern Ireland is a highly politicized society, so there is plenty of public debate in the media, clubs, bars, community groups, and so forth. However, the organizations active in this debate have close links to the political leadership engaged in negotiations with British and Irish governments over how government in Northern Ireland shall be organized. Community groups, paramilitaries, and politicians are tightly connected. There is great difficulty in maintaining a public sphere at any distance from the sovereignty contest. Heroic attempts have been made by activists to develop networks

concerned with issues such as health care, employment, and welfare across the communal divide, but such networks remain precarious in the face of sectarian public spheres joined to the sovereignty contest.

A second, very different, kind of failing exists when a public sphere confronts a completely unresponsive state. Indeed, this kind of polity comes close to failing to be a deliberative *democracy* by definition (unless collective outcomes sensitive to public opinion can be produced in non-state or trans-state locations). Northern Ireland at the commencement of the Troubles in the late 1960s may illustrate this condition. At the time the province had been governed for decades by the Ulster Unionist Party, whose leadership was upper/middle class. The Troubles began as a Civil Rights Movement on the catholic side. But unresponsiveness and repression on the part of the state played into the hands of the Irish Republican Army, and the social movement gave way to paramilitary action and terror. The struggle stopped being about civil rights, and started being about sovereignty. On the Unionist side, working class activists denied access by the traditional unionist elite themselves organized in paramilitary fashion.

In divided societies, a state that is completely obtuse in the face of movement activism may play into the hands of warlords who prefer violence to the traditional social movement repertoire, exacerbating a sectarian politics that is both irresponsible and violent. Of course, Northern Ireland was already a sectarian state – though beginning in the early 1970s, direct rule from London began to ameliorate this aspect. But even a consociational state that is completely unresponsive to events in the public sphere may be vulnerable. Many factors conspired to drive Lebanon's consociational system into civil war in the 1970s, but one was the complete lack of responsiveness of a system dominated

by traditional elites to emerging social forces, particularly on the Muslim side. Warlords could then harness these forces.

A third kind of failure exists when there is no autonomous public sphere worth speaking of. Again this failure is one of deliberative democracy almost by definition, if (as I have argued) deliberative democracy depends crucially on the engagement of discourses in the public sphere. But there may also be a threat to political stability. In the case of Austria, decades of a non-contentious party politics and consensus government eventually provided fertile ground for the rise of rightwing populism in the form of Jörg Haider's Freedom Party in the late 1990s. In a very different setting, Yugoslavia under Tito suppressed any kind of contestatory politics, be it within the state or the public sphere, partly for fear of ethnic nationalist mobilization. While the story of the breakdown of Yugoslavia is a complex one, in the end there were no substantial political forces to stand in the way of powerful figures from the old regime reinventing themselves as murderous ethnic nationalists.

Conclusion

Agonism may feature plenty in the way of authentic democratic communication, but is hard to apply to any divided society in the real world. A consociational state for its part can often deliver political stability in real-world divided societies, but it undermines the ability of groups to live together through deliberative and democratic social learning. I have argued that it is possible to move beyond both agonism and analgesia and so envisage deliberative democracy in divided societies that emphasizes engagement in the public sphere only loosely connected to the state. Contributions to its development could

come from deliberative institutions at a distance from sovereign authority, deliberative forums that focus on particular needs rather than general values, issue-specific networks, centripital electoral systems, a power-sharing state that does not reach too far into the public sphere, the conditionality of sovereignty, and the transnationalization of political influence.

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