

Review Article: Divided Societies and Deliberative Democracy

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Comparative scholars have disagreed for some time now as to whether democratic institutions in a divided society are more likely to remain stable if those institutions are premised on a concern for inclusion or on a concern for moderation. But since the empirical evidence marshalled by such scholars is often open to interpretative dispute, neither side has been able to prove its case conclusively. In order to help move this stability debate forward, this article demonstrates how inclusion and moderation can be recast as co-requirements of an underlying principle of political equality. To this end, it offers a deliberative democratic account of political equality, expressed in terms of requirements of publicity and reciprocity, that enables us to see how inclusion and moderation might be reconciled. Moreover, it shows how this deliberative reconciliation may itself provide for a more effective form of institutional stability than can be achieved under either of the two main contending comparative approaches.

Within the field of comparative politics, there is an ongoing debate about the kinds of institutions that are best suited to the task of fostering political stability in societies deeply divided along ethnic lines.¹ Scholars engaging in this debate generally agree on two related points – first, that democratic institutions represent the best hope for such societies and, secondly, that those institutions must provide for power sharing between conflicting ethnic groups. But beyond those two points of agreement, there is much disagreement. Scholars disagree, for example, about the most appropriate electoral system for divided societies, about the relative merits of presidential versus parliamentary government, about the virtues and vices of minority vetoes and group autonomy, about the character of equality and human rights provisions, and so forth. Conventionally, however, these enormously complex and diverse issues have turned on one underlying point of disagreement – whether the choice of democratic institutions should principally be driven by a concern for the value of inclusion or for the value of moderation.²

For the purposes of this review article, I will consider this underlying disagreement by focusing primarily on the work of the two leading figures in this debate: Arend Lijphart and Donald Horowitz. Like many other scholars concerned with questions of institutional choice in divided societies, Lijphart and Horowitz tend to take a very practical approach. This is not say that such scholars do not seek to build political theories or to

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¹ I will use the term 'ethnic' in the sense of embracing any ascriptive identity regarded as a natural boundary marker between members of different groups, defined, among other things, in terms of race, language, religion, culture or nationality. See generally, John Hutchinson and Anthony D. Smith, eds, *Ethnicity* (Oxford: Oxford University Press, 1996).

² For a general overview, see Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington, D.C.: USIP, 1996). For the phrases, 'value of inclusion' and 'value of moderation', see Stefan Wolff, 'Electoral Systems Design and Power-Sharing Regimes', in Ian O'Flynn and David Russell, eds, *Power Sharing: New Challenges for Divided Societies* (London: Pluto Press, 2005), pp. 59–74, at pp. 61–2.

offer normative prescriptions. Some of them most certainly do.³ However, what ultimately matters is what works, not how things ideally ought to be. On this practical approach, values like inclusion and moderation emerge in the course of empirical inquiry, and are ultimately judged as instruments of political stability. Sometimes, the demand for stability suggests that inclusion is the more important value, while at other times, it suggests that moderation is the more important of the two. The trouble is, however, that since empirical evidence is often open to interpretative dispute, it is hardly surprising that the disagreement over which value has priority should continue to rumble on.

In order to offer a way beyond this debate, I want to bring a very different kind of political perspective to bear. When viewed from a deliberative democratic standpoint, inclusion and moderation are valuable because of what they say about political stability, but not just for that reason; they are also valuable because of what they say about our standing as political equals. Admittedly, deliberative democracy gives a specifically deliberative 'twist' to those values, a point to which I will return in due course. But what it does not do is to assume a choice between the two. On the contrary, both values are integral to the particular account of political equality that deliberative democracy provides, as well as to the normative implications of that account for questions of institutional design.

Now, even at this early juncture, an obvious question is why we should want to privilege a deliberative approach to political equality over some other approach, or why, for that matter, we should think that deliberative democracy might have something new and significant to say with respect to questions of institutional choice. In the literature, deliberative democracy is typically contrasted with liberal democracy.⁴ According to the liberal model, we treat people equally when we respect their preferences as given and seek some fair and efficient means of aggregating them into a collective decision. By contrast, the deliberative model starts from the assumption that political equality is best expressed by a willingness to offer reasons for our preferences that others can accept. Thus, on this deliberative view, the 'process of reaching a decision will also be a process whereby initial preferences are transformed to take account of the views of others'.⁵ Both models, of course, start from the premise that political preferences will conflict, and that the purpose of democratic institutions is to resolve this conflict. But in depicting what those institutions ought to look like, clear differences between these two democratic models quickly emerge.

³ See, for example, Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven, Conn.: Yale University Press, 1977), p. 223.

⁴ For an overview, see Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton, N.J.: Princeton University Press, 2004), pp. 13–21. Many deliberative democrats, including Gutmann and Thompson, refer to the liberal model as the 'aggregative model'. This is somewhat misleading, however, since what ultimately distinguishes these two models is not preference aggregation (or even deliberation, for that matter) but preference formation. James Fishkin and Ian Shapiro have recently debated this distinction. See James Fishkin, 'Defending Deliberation: A Comment on Ian Shapiro's *The State of Democratic Theory*', *Critical Review of International Social and Political Philosophy*, 8 (2005), 71–8; and Ian Shapiro, 'The State of Democratic Theory: A Reply to James Fishkin', *Critical Review of International Social and Political Philosophy*, 8 (2005), 79–83.

⁵ David Miller, 'Deliberative Democracy and Social Choice', in David Held, ed., *Prospects for Democracy: North, South, East, West* (Cambridge: Polity Press, 1993), pp. 74–92, at p. 75.

On one influential version of the liberal model, democratic elections should be construed merely as a safeguard against the emergence of tyrannical rulers.⁶ In this sense, elected representatives are accountable for the positions that they adopt and for the policies that they support – if voters are dissatisfied with the way in which their particular interests have been served or promoted, they are free to vote differently at the next election. Yet to the extent that representatives are therefore judged in terms of the success of the policies and positions they adopt rather than in terms of the actual reasons for those policies, fewer constraints are imposed upon the choices they can make, or, more generally, on their room for political manoeuvre away from the glare of public scrutiny.⁷

Effectively, this liberal model is an elite-driven model. It is, moreover, one that has been highly influential not just among normative democratic theorists, but also among comparative scholars, such as Lijphart and Horowitz, who have tended to reserve a special place for ethnic leaders within their particular accounts. In contrast, the deliberative model offers a very different vision of democracy. That vision can take the claims of ethnic leaders seriously. But it is also one that can allow greater space for the citizens of divided societies to shape their own relation to the polity. As such, deliberative democracy requires us to shift away from an elite-driven process towards a process in which the decisions that result can, in a meaningful sense, be understood as expressions of the will of the people – where ‘the people’ is construed, not narrowly in terms of ethnic leaders and those they purport to represent, but in terms of the full diversity of views and positions in society. Crucially, this richer notion of political equality may, if appropriately institutionalized, lead to a more robust and durable form of political stability.

In this review article, then, I will proceed as follows. I begin by critically evaluating Lijphart’s consociational argument for inclusion as the foundation for political stability. I then consider Horowitz’s incentives-based argument for moderation, and explain why the debate between those two scholars has inevitably stagnated. In response, I offer a deliberative perspective that provides a strong, normative argument for reconciling the values of moderation and inclusion. This deliberative perspective is grounded in the first instance in a commitment to an ideal of political equality, rather than to political stability. Finally, the article seeks to demonstrate the institutional feasibility of this deliberative perspective, and in so doing suggests a number of ways in which the debate over institutional choice might be advanced.

STABILITY, INCLUSION AND MODERATION

It is not hard to understand why many scholars are concerned with the political stability of divided societies. That concern is driven not just by an awareness of the untold suffering that a great many people around the world today are enduring at the hands of neighbouring groups and communities, but also by a growing recognition that the violent effects of ethnic division often have global consequences. But, although it is generally agreed that the best way to increase stability in divided societies is to create democratic institutions that enable

⁶ William H. Riker, *Liberalism Against Populism: A Confrontation Between the Theory of Democracy and the Theory of Social Choice* (San Francisco, Calif.: W. H. Freeman, 1982), p. 241 and *passim*. But see Miller, ‘Deliberative Democracy and Social Choice’, pp. 74–92; John S. Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford: Oxford University Press, 2000), chap. 2.

⁷ Amy Gutmann and Dennis Thompson, *Democracy and Disagreement: Why Moral Conflict Cannot be Avoided, and What Should be Done About It* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1996), pp. 127–38, 146–7.

conflicting groups to share power, there is much less agreement when it comes to deciding what those institutions should actually look like in practice.

The Consociational Approach

Consociational democracy is most readily associated with the work of Arend Lijphart, who has consistently maintained that this particular form of power sharing is not simply the best option for divided societies, but the only realistic option.⁸ As he describes it, consociational democracy is a form of democracy in which the leaders of all the main ethnic groups in society share power within a governing grand coalition, in which major political decisions about matters of mutual concern are made on the basis of consensus, in which elections are conducted by proportional representation (PR) in order to ensure a broadly representative legislature, and in which groups are granted a high level of autonomy with respect to their own internal affairs, especially in areas like education and culture.⁹

As this characterization indicates, consociational democracy differs from majoritarian democracy in at least three crucial respects. First, the leaders of all the main ethnic groups are, in principle, entitled to a place in government, albeit in proportion to the seats that their party holds in the legislature. This contrasts with the more familiar majoritarian approach in which a party with a majority of seats can form a government on its own, or, if it falls short of a majority, where it is free to enter into a minimum-winning coalition with as little as one other party.¹⁰ Secondly, assuming that ethnic-group leaders actually do take up their place in government, then the grand coalition that results will be highly representative. But it will also differ dramatically from the more familiar majoritarian pattern of government versus opposition, as well as from the standard assumption that the opposition seeks to become the government at the next election.¹¹ Thirdly, because all major decisions are made by consensus, it follows that group leaders can veto those decisions should they see fit. Veto-powers can be formally enshrined or can operate by convention. But whatever the case, decision making by consensus marks a clear departure from the more usual practices of government by majority rule.

Admittedly, there is a great deal more that could be said about the institutional characteristics of consociational democracy. For present purposes, however, the important point is the basic value that underlies this approach. For consociationalists like Lijphart, stability depends, in the first instance, on inclusion – where inclusion is conceived in terms of a political system that fosters broad representation in both the legislature and government.¹² The worry is, however, that although consociationalists are right to stress the need for inclusion, they have not done enough to provide for the kinds of moderate

⁸ Arend Lijphart, 'Constitutional Design for Divided Societies', *Journal of Democracy*, 15 (2004), 96–109, p. 99.

⁹ Lijphart, *Democracy in Plural Societies*, chap. 2; Lijphart, 'Constitutional Design for Divided Societies', p. 97.

¹⁰ The 'majoritarian approach' is often not majoritarian but instead empowers a plurality.

¹¹ Arend Lijphart, 'The Wave of Power-Sharing Democracy', in Andrew Reynolds, ed., *The Architecture of Democracy: Constitutional Design, Conflict Management and Democracy* (Oxford: Oxford University Press, 2002), pp. 37–54, at p. 40.

¹² Lijphart, 'Constitutional Design for Divided Societies', pp. 99–103; cf. Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore, Md.: The Johns Hopkins University Press, 1999), pp. 104, 312 n.13.

political attitudes that make the transition to democracy possible in the first instance and that are a necessary condition of its continuing success.¹³

One way to appreciate what is at issue here is to start with a number of general (and therefore unqualified) points about PR electoral systems. As the label suggests, PR systems tend to reduce disproportionate vote-to-seat ratios. But a further key attraction of such systems is their ability to facilitate minority group representation: as long as the threshold for election is not set too high and district magnitude is not set too low, political parties with even a few percentage points of electoral support should gain some seats in the legislature. Knowing this, there is a strong incentive for new political parties or independent candidates to stand for election, which, in turn, broadens the political spectrum and increases electoral choice.¹⁴ For instance, new parties may offer social and economic policies that cut across ethnic divisions, whereas independent candidates may focus instead on local issues such as a hospital closure, neighbourhood renewal and so forth. However, a PR system might just as easily encourage political parties that aim to represent the more extreme ends of the political spectrum, perhaps by offering policies that are, for example, blatantly chauvinist or xenophobic in their intent and whose rationale (or lack thereof) is premised on little more than naked hatred and blind intolerance.

The trouble, therefore, is that although PR tends to foster inclusion (defined in terms of broad representation), it has uncertain implications for moderation (defined in terms of conciliatory attitudes and dispositions).¹⁵ Under PR, parties may be just as likely to win seats by appealing to extremist sentiments. In fact, by adopting a more moderate stance in the run up to an election, parties may even lose the support of the more extreme among their supporters. Knowing this, moderates may themselves decide to present their views in more extreme terms, or shift to a more extreme position on the political spectrum, in order to avoid being undercut by challengers from within their own ethnic group. But, having publicly made such a move, it is, as Brian Barry pointed out in this journal some thirty years ago, hard to see how those parties might afford to counsel moderation later on.¹⁶

Consociationalists are not blind to these concerns. Lijphart's own response, for example, draws our attention to the constraining effects of the mutual veto.¹⁷ Within the governing grand coalition, those on the extremes of the political spectrum are, in principle, free to use this mechanism either to push their own exclusive agenda, or more drastically still, to make the decision-making process unworkable. However, on the assumption that parties not only want to gain power, but in many cases will go to great lengths to stay in power,

¹³ There is no assumption in this article that moderate attitudes can somehow be generated or engineered *ex nihilo*. Where they do not exist, there is little that institutions can do to create them. However, on the assumption that we are dealing with societies that are making the transition to democracy, we can assume that some such attitudes already exist in society, however tentative those may be. The issue, then, is how to protect and build upon those sentiments.

¹⁴ For this reason, PR electoral systems are classified as 'centrifugal systems'. See Gary W. Cox, 'Centripetal and Centrifugal Incentives in Electoral Systems', *American Journal of Political Science*, 34 (1990), 903–35, at pp. 921–2.

¹⁵ Donald L. Horowitz, 'Electoral Systems: A Primer for Decision Makers', *Journal of Democracy*, 14 (2003), 115–27, pp. 121–2.

¹⁶ Brian Barry, 'Review Article: Political Accommodation and Consociational Democracy', *British Journal of Political Science*, 5 (1975), 477–505, p. 505.

¹⁷ Lijphart, 'The Wave of Power-Sharing Democracy', p. 44. For an empirical illustration, see John McGarry and Brendan O'Leary, *The Northern Ireland Conflict: Consociational Engagements* (Oxford: Oxford University Press, 2004), pp. 25–6, 27.

Lijphart argues that the extremes will be dissuaded from using their veto in this way. Barry's point is not that easily dismissed, however. Those on the extremes may not use their veto to make politics unworkable; but what they may do is deride every attempt at compromise and conciliation as a group sell-out. Playing upon the fears and prejudices of group members in this way can, and often does, bring handsome electoral gains for the more extreme parties, as recent electoral results in Northern Ireland and Bosnia amply testify.¹⁸

The Incentives-based Approach

It is against this background, then, that Horowitz argues for the rejection of Lijphart's prescriptions. In essence, his claim is that because consociational democracy does little to facilitate moderation, it is unlikely to foster political stability in divided societies.¹⁹ But what of Horowitz's own prescriptions? Do they fare any better with respect to balancing the values of inclusion and moderation? Horowitz defends an alternative approach which does not assume that party leaders should be automatically included in government, or that extensive guarantees (such as the mutual veto) should be provided in advance. Rather, it assumes that if we wish to foster political stability in a divided society, then the challenge is to make it politically rewarding – as opposed to politically punishing – to compromise across group lines. Central to this 'incentives-based' approach is an electoral system that makes a party's chances at the polls depend, at least in part, on the support of groups other than those it principally represents. In order to gain those votes, parties will first have to soften their stance on issues of society-wide concern; but having gained those votes, the hope is that they may then be able to form an inter-ethnic coalition of the moderate middle that is strong enough to fend off the extremists on its flanks.²⁰

Naturally, the members of one ethnic group will not simply give their vote to parties from another ethnic group, just because they happen to prefer the policies that are on offer. No matter how attractive those policies might be, politically-mobilized ethnic groups typically vote along ethnic lines. Yet, as Horowitz makes clear, this last proposition needs to be qualified since it need not hold true under electoral systems in which voters have more than one vote. For example, under list PR or first-past-the-post, a voter gets a single vote for a single list or a single candidate. But under preferential systems like the single transferable vote (STV) or the alternative vote (AV), a voter is allowed to rank the candidates on the ballot in order of their preference.²¹ Thus, while it is reasonable to assume that voters will continue to give their first preference to a party representing their own ethnic group, they may be willing to exchange lower-order preferences with voters from another ethnic group. According to Horowitz, this means that lower-order preferences can

¹⁸ But see McGarry and O'Leary, *The Northern Ireland Conflict*, p. 26.

¹⁹ See, for example, Donald L. Horowitz, 'Constitutional Design: An Oxymoron?' in Ian Shapiro and Stephan Macedo, eds, *Nomos XLII: Designing Democratic Institutions* (New York: New York University Press, 2000), pp. 253–84, at pp. 256–8; Donald L. Horowitz, 'Constitutional Design: Proposals versus Process', in Reynolds, ed., *The Architecture of Democracy*, pp. 15–36, at p. 19.

²⁰ Donald L. Horowitz, *A Democratic South Africa? Constitutional Engineering in a Divided Society* (Berkeley: University of California Press, 1991), p. 189.

²¹ Under STV or AV, candidates who do not receive enough first-preference votes to meet the relevant quota may meet that threshold on the basis of second or subsequent preferences transferred from those whose first-preference candidates have already been elected (or eliminated, as the case may be). See Benjamin Reilly, *Democracy in Divided Societies: Electoral Engineering for Conflict Management* (Cambridge: Cambridge University Press, 2001), pp. 18–9, 27–41.

become extremely valuable to those parties willing to pool votes across ethnic lines, and, correspondingly, that moderation can be extremely rewarding, electorally-speaking, to all those who practise it.²²

It must be obvious, nevertheless, that parties will pool votes across ethnic lines only if they are fairly certain that the chances of winning seats on the basis of vote transfers from moderates outside of their own group will sufficiently outweigh the chances of losing votes to extremists within their own group for appearing 'soft'.²³ The incentives to pool votes must therefore be as strong as possible, which is why Horowitz argues that AV is generally preferable to STV. Like all PR systems, STV tends to produce results that are broadly proportional and in this sense representative. But since broad representation requires a relatively low threshold, the incentive to pool votes under this particular system may not be terribly strong.²⁴ In contrast, Horowitz argues that AV provides much more rigorous incentives, since it is based on a majority threshold for election, operating in single-member constituencies. In highly mixed constituencies, a threshold of this sort may effectively mean that electoral results will turn heavily on vote transfers, since many candidates may be unable to secure anything like a majority on their own. In turn, this will tend to encourage moderation, since it will give some advantage to those willing to compromise across group lines.²⁵

On the face of it, Horowitz's incentives-based approach seems very attractive. Yet although AV may well encourage moderation, there is reason to be unhappy with its implications for inclusion. There are at least two related issues here. First, a majority threshold may mean that some candidates stand no chance of being elected. And so, although those candidates can presumably gain some influence by agreeing to encourage their supporters to transfer votes to a moderate candidate from another group who then gets elected, the fact remains that those candidates will not be able to represent their own constituents directly.²⁶ Now, it might be responded that what happens at a constituency level will be a function of what happens in the whole country, because parties will be likely to make agreements to exchange preferences over the whole territory, rather than in just one constituency. Accordingly, while a minority party may never be able to win a seat in some constituencies, vote transfers may enable it to win seats in constituencies where its support is more concentrated. It is hard to see, however, how this response could satisfy, for example, a minority religious party whose support is widely dispersed across all constituencies and that therefore does not manage to form a majority in any constituency.²⁷

Secondly, Horowitz's claim that the incentives-based approach aims to 'support the position of the middle at the expense of the extremes' admits of two possible interpretations.²⁸ The first interpretation can be taken to mean that since the very point of a system like AV is to enable parties of the moderate middle to do something for which

²² See, for example, Horowitz, *A Democratic South Africa?* p. 177; Horowitz, 'Constitutional Design', p. 259.

²³ Richard Rose, *Northern Ireland: Time of Choice* (Washington, D.C.: American Enterprise Institute, 1976), p. 78; referenced in Horowitz, *A Democratic South Africa?*, p. 174.

²⁴ This judgement needs to be qualified, because the fact that STV operates in multi-member constituencies means that district magnitude will have an important bearing on just where the threshold for election lies.

²⁵ Horowitz, *A Democratic South Africa?* p. 189.

²⁶ Michael Rabinder James treats this failure of direct representation as a positive feature of AV. See Michael Rabinder James, *Deliberative Democracy and the Plural Polity* (Lawrence: University Press of Kansas, 2004), pp. 171–2.

²⁷ Relatedly, AV also has no moderating impact whatsoever in districts where hard-liners constitute a majority.

²⁸ Donald L. Horowitz, 'Explaining the Northern Ireland Agreement: The Sources of an Unlikely Constitutional Consensus', *British Journal of Political Science*, 32 (2002), 193–220, p. 196.

they ordinarily get punished at the polls – that is, make a pact with other moderate parties from across the ethnic divide – then it can be argued that AV is all about including positions on the political spectrum that might otherwise be excluded. The second possible interpretation, however, gives pause for some considerable concern. Saying that we should aim to favour the moderate middle is not the same, conceptually speaking, as saying that we should aim to exclude the extremes. However, in practical terms, it is surely the case that facilitating the inclusion of one group of candidates (those nearest the middle) really amounts to facilitating the exclusion of another (those nearest the extremes). In so far as this latter interpretation is the correct one, there are indeed grounds for thinking that Horowitz, just like Lijphart, has not done enough to reconcile the need for inclusion with the need for moderation, or to strike a convincing balance between the two.

A DELIBERATIVE VIEW OF MODERATION AND INCLUSION

In my opening remarks, I suggested that deliberative democratic theory can enable us to rethink the relation between inclusion and moderation and, correspondingly, to reframe the debate over which kinds of institutions are most appropriate for divided societies. I also suggested that the richer notion of political equality that deliberative democracy provides may lead to a form of political stability that is more robust and durable than that which can be secured through either the consociational or the incentives-based approach. In this and the following sections, I want to try to make good on these (admittedly ambitious) claims.

As we have seen, Lijphart and Horowitz are wedded by and large to an empirical approach that treats stability as a dependent variable and inclusion and moderation as independent variables. In this sense, inclusion and moderation feature in their accounts if and because they promote stability or reduce instability. It is perfectly plausible to argue in this way. For one thing, inclusion and moderation do not seem to stand on their own two feet as values, at least in the sense that we will normally have some independent reason for valuing them. Moderation simply for the sake of moderation, or inclusion simply for the sake of inclusion, seem odd sorts of arguments to make. What is more, both seem to be conditional goods – neither is necessarily good no matter what the context.²⁹ For example, including French citizens in decision making that bears only upon British citizens would normally be deemed inappropriate.

We can, however, have other reasons for valuing inclusion and moderation, besides political stability. In particular, they can be considered valuable because they are requirements of political equality. Inclusion has an obvious rationale in political equality, if it means the inclusion in a decision-making process on equal terms of all who are subject to its decisions.³⁰ The link between moderation and political equality is less manifest but it can be made thus: if we enter into a democratic process in a spirit that recognizes that other citizens have equal standing with ourselves, we shall be ready to moderate our claims, since this is what equality requires in the face of the different and competing views of our fellow citizens.³¹

²⁹ So much, then, for Aristotle's golden mean. See Aristotle, *The Nicomachean Ethics*, trans. David Ross (Oxford: Oxford University Press, 1980), pp. 36–40.

³⁰ Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), p. 52.

³¹ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), p. 60; Gutmann and Thompson, *Democracy and Disagreement*, pp. 9, 56. Stated thus, behaving reasonably has to do with how our position is justified, and not necessarily the content of that position.

Inclusion and moderation can therefore be recast as requirements of political equality, although the structure of the argument is different in the two cases. In the stability argument, moderation and inclusion function as instrumental or consequentialist values. In the equality argument, moderation and inclusion figure as requirements of an underlying principle of political equality; as such, they are constitutive of our standing as political equals, not instruments that secure and protect that standing.³² Of course, this still leaves us wondering what exactly moderation and inclusion, now treated as requirements of political equality, might look like from a deliberative perspective, and why that perspective should have any special significance with respect to securing greater institutional stability in deeply divided societies.

In what follows, I show how moderation and inclusion translate into reciprocity and publicity, respectively, once they are set within the context of a deliberative reading of political equality. In the most general sense, reciprocity is meant to ensure that democratic decision will turn in the first instance on the give and take of reasons, whereas publicity is meant to ensure that those who are not directly involved in the decision-making process can nevertheless see and understand why certain reasons have won out over certain others.³³ However, before proceeding with this discussion, two important qualifications are required. First, while all deliberative theorists agree that democratic systems should reserve a central place for reasoned discussion about matters of collective choice, they appeal to a broad range of values in order to defend this view. As the terms reciprocity and publicity indicate, the approach that I take in this article is influenced by John Rawls's political liberalism. Other theorists, however, take a different approach. Some, such as James Bohman and Michael Rabinder James, treat equality as but one of a set of values that should govern democratic deliberation, whereas others, such as Jack Knight and James Johnson, argue that a more developed account of deliberative equality would need to incorporate both distributional and capability considerations.³⁴

The point of this article is not to take a stance on which deliberative reading of the requirements of political equality is the best or most appropriate. Instead, it is to show how situating moderation and inclusion within a deliberative framework allows us to make important recommendations about questions of institutional design. Put another way, the aim here is not to enter into a new debate with deliberative theorists (although that will need to take place at some point), but rather to engage in a debate that is already ongoing within the comparative literature.

Secondly, there are important differences between reciprocity and publicity: again, as we will see in more detail in just a moment, reciprocity is concerned with the question of how to justify collective decisions, whereas publicity is concerned with the scope of those justifications. But although the two are therefore analytically discrete, they should nevertheless be understood as mutually reinforcing. This last point should be stressed. In so far as the requirement of reciprocity is only concerned with the question of how to justify

³² See Peter Jones, 'Political Equality and Majority Rule', in David Miller and Larry Siedentop, eds, *The Nature of Political Theory* (Oxford: Clarendon Press, 1983), pp. 155–82, at pp. 156–60.

³³ For a useful introduction to the topics of reciprocity and publicity, see Robert E. Goodin, *Motivating Political Morality* (Oxford: Blackwell, 1992), chaps. 2 and 7.

³⁴ James Bohman, *Public Deliberation: Pluralism, Complexity, and Democracy* (Cambridge, Mass.: The MIT Press, 1996); James, *Deliberative Democracy and the Plural Polity*; Jack Knight and James Johnson, 'What Sort of Political Equality Does Deliberative Democracy Require?' in James Bohman and William Rehg, eds, *Deliberative Democracy: Essays on Reason and Politics* (Cambridge, Mass.: The MIT Press), pp. 279–319, at pp. 295–9.

collective decisions, it does not distinguish a deliberative from an elite-driven, liberal approach – groups of any size may, in principle, be capable of meeting this requirement.³⁵ Consequently, it is only when reciprocity and publicity are bound together that we see what is so distinctive about the particular account of political equality that deliberative democracy provides. Although publicity is indeterminate with respect to the content of justification, it is, as we will see, richly determinate with respect to the scope of justification. Publicity places demands on ethnic leaders and other elected representatives that go far beyond the limits of the liberal model. Accordingly, while the following discussion of ‘moderation as reciprocity’ is pitched at a somewhat general level, the full implications of a deliberative treatment of political equality do not become clear until combined with ‘inclusion as publicity’.

Moderation as Reciprocity

As I have already said, moderation can be treated as a basic requirement of political equality – because each of my fellow citizens has a political standing that is equal to my own, I should, in principle, be willing to moderate my preferences in the face of their different and competing views and positions. Once set within the context of deliberative democracy, that requirement can translate into a requirement to offer reasons for our preferences that others can accept, along with a corresponding requirement to listen to and consider opposing views. In other words, it can translate into a requirement of reciprocity.³⁶ The reasoning here is this.

Political equality requires us to be ready to moderate our preferences in the light of the different views of our fellow citizens. However, we cannot assess the merits of those views without first listening to the arguments advanced in support of them. Of course, arguments can take many different forms.³⁷ But since our concern here is with the design of democratic institutions in deeply divided societies, appeals to basic principles will have a central role to play. Accordingly, deliberative democracy assumes that we will behave reasonably in our dealings with one another – that we will listen to one another with an open mind and be willing to shift positions in the light of the arguments we have heard and the principles upon which those arguments have been based. It further assumes that we will comply with whatever is eventually agreed. In so far as these assumptions hold true, the decisions reached will reflect not just our prior views and positions, but also the judgements that we make having reflected on the arguments made on all sides.³⁸

Set within the context of a deliberative reading of the requirements of political equality, moderation therefore translates into a readiness to transform our views and preferences in the light of principled argument. The question remains, however, as to whether the assumptions upon which a Rawlsian scheme of reasonableness of this sort is premised actually hold in deeply divided societies. John Dryzek argues that schemes of this sort should be rejected on the grounds that ‘mutual acceptance of reasonableness is exactly what

³⁵ Iris Marion Young, ‘Justice, Inclusion, and Deliberative Democracy’, in Stephan Macedo, ed., *Deliberative Politics: Essays on Democracy and Disagreement* (Oxford: Oxford University Press, 1999), pp. 151–8, at p. 155.

³⁶ John Rawls, ‘The Idea of Public Reason Revisited’, in John Rawls, *Collected Papers*, ed. Samuel Freeman (Cambridge, Mass.: Harvard University Press, 1999), pp. 573–615, at pp. 579–80.

³⁷ David Miller, ‘Is Deliberative Democracy Unfair to Disadvantaged Groups?’ in David Miller, *Citizenship and National Identity* (Cambridge: Polity Press, 2000), pp. 142–60, at p. 149.

³⁸ John Rawls, ‘The Idea of Public Reason Revisited’, pp. 579–80; Miller, ‘Is Deliberative Democracy Unfair to Disadvantaged Groups?’ p. 142.

is lacking' in such societies, especially when 'mutually contradictory assertions of identity' are at play.³⁹ Here, the suggestion is that those who advocate Rawlsian schemes of reasonableness fail to appreciate adequately just how difficult it can be to make political decisions in deeply divided societies, especially when those decisions become attached to issues of identity and are made the focus of the efforts of competing groups to gain control of the state and its resources. When identity conflicts are pitched at this level, Dryzek argues, the game becomes one of 'all or nothing'.⁴⁰

It is true that politicians seeking to represent ethnic groups in divided societies will often try to turn even the most mundane of decisions into struggles for the state.⁴¹ However, to claim that 'mutual acceptance of reasonableness is exactly what is lacking in divided societies' is wide of the mark. Groups caught up in a civil war can certainly be described as lacking reasonableness; under such conditions, there may be little point in insisting that those groups advance and respond constructively to principled arguments. Indeed, there may be no opportunity for them to do so. But in cases where there is a general acceptance of the need to bring a violent conflict to an end, principled arguments become highly important. Indeed, 'mutual acceptance of reasonableness' is a central feature of any successful and enduring democratic transition. To be sure, most, if not all, peace agreements begin life as pragmatic bargains.⁴² However, if those bargains are to provide a platform for sustainable peace, they must reflect something more than mere mutual advantage. In particular, they must also reflect a commitment to basic principles. This is not simply because bargains of this sort are prone to instability as balances of power shift. It is also because peace agreements are binding on citizens in general and hence, if they are to be considered democratically legitimate, must be justified on terms that everyone can broadly accept.

For example, the 1998 Belfast Agreement clearly rests on a pragmatic bargain, 'derived from diametrically conflicting hopes about its likely long-run outcome'.⁴³ At bottom, Irish nationalists endorsed it because it held out the promise of achieving a united Ireland, whereas British unionists endorsed it because it held out the best opportunity of reconciling nationalists to the union.⁴⁴ The important point about the agreement, however, is that both sets of aspirations are underpinned by a shared commitment to principles of self-determination, democratic equality, tolerance and mutual respect.⁴⁵ It is those principles that give the agreement legitimacy, in the eyes of both ordinary citizens and the international community, and that sustain the hope for enduring peace and stability.⁴⁶

³⁹ John Dryzek, 'Deliberative Democracy in Divided Societies', *Political Theory*, 33 (2005), 218–42, p. 219.

⁴⁰ Dryzek, 'Deliberative Democracy in Divided Societies', p. 226.

⁴¹ Spoilers, who seek to destroy a peace process in order to advance their own political ambitions, are a particularly insidious variant of this phenomenon. See Stephen Stedman, 'Spoiler Problems in Peace Processes', *International Security*, 22 (1997), 5–53.

⁴² William Zartman, 'Dynamics and Constraints in Negotiations in Internal Conflicts', in William Zartman, ed., *Elusive Peace: Negotiating an End to Civil Wars* (Washington, D.C.: The Brookings Institution, 1995), pp. 3–29.

⁴³ Brendan O'Leary, 'The Nature of the Agreement', *New Left Review*, 233 (1999), 66–96, p. 68.

⁴⁴ For a more complete description of the nature and details of this bargain, see O'Leary, 'The Nature of the Agreement', pp. 90–1.

⁴⁵ See, for example, the 'Declaration of Support' with which the Belfast Agreement begins (*Agreement Reached in the Multi-Party Talks* (Belfast: HMSO, 1998)).

⁴⁶ None of this implies that every aspect of a negotiation process should be conducted solely in terms of basic principles. For example, just like some deliberative theorists, some conflict scholars have stressed the need to incorporate narrative and other forms of communication in programmes to manage and resolve conflict. See, for example, Vamik Volkan, *Blood Lines: From Ethnic Pride to Ethnic Terrorism* (Boulder, Colo.: Westview Press,

Even if we grant this much, we might nevertheless wonder whether there is any real difference between a deliberative understanding of the value of moderation and the understanding of that value presupposed by the incentives-based approach to conflict resolution advocated by Horowitz. Both approaches are concerned with promoting and securing the kinds of conciliatory attitudes that might enable people who disagree at some fundamental level to compromise on contentious political issues. Indeed, we might even be inclined to conclude that the two approaches are wholly complementary: while deliberative democracy provides us with an egalitarian justification for those attitudes, the incentives-based approach provides us with an institutional mechanism through which they can be encouraged and sustained. Such a conclusion is, however, far too hasty.

In essence, the deliberative requirement of reciprocity requires people to hold their views in full consciousness that they are just one among many and to aspire to justify them accordingly.⁴⁷ Correspondingly, it calls for a set of institutional mechanisms that make each position on the political spectrum take account of every other.⁴⁸ By contrast, Horowitz's electoral prescriptions are more narrowly focused on promoting one particular position on that spectrum. Of course, this may mean that, once institutionalized, deliberative democracy will also end up favouring the moderate middle, since the extremes are hardly likely to meet the requirement of reciprocity. However, the point of insisting that people should consciously strive to provide principled reasons for their proposals is not that of ensuring that some positions will fare better than certain others. Rather, the point, once again, is to give expression to our standing as political equals.⁴⁹ It is this concern for equality that justifies imposing a requirement of reciprocity, and that sets it apart as a distinctive interpretation of the value of moderation.

Still, we might continue to ask why any of this should matter: surely, all that counts is moderation, irrespective of how it is achieved? Up to a point, it is hard to demur. But past that point, there are at least two crucial reasons why it really does matter. First, it is not at all clear that the incentives-based approach to moderation really can guarantee stability in the way that Horowitz's assumes. By favouring the moderate middle, we risk excluding the extremes. The incentives-based approach suggests that this need not matter since those in the moderate middle can govern on their own. There is, however, a great deal of uncertainty with regard to how the extremes might react upon finding themselves marginalized in this way. Horowitz might be right. The extremes may come to recognize 'the benefits of compromise' and begin to move increasingly closer to the moderate middle.⁵⁰ But equally, the sense of disenfranchisement that they would feel if AV was deliberately introduced to weaken their support might just as easily lead them to give up on democratic politics altogether and return to violence.⁵¹ By contrast, the fact that deliberative democracy is concerned in the first instance with equality means that it is committed to providing space for as many political positions as possible, although no one of them is automatically entitled to get its way. In providing that space, there is, in theory,

(*F'note continued*)

1997); Mark Howard Ross, 'Psychocultural Interpretations and Dramas: Identity Dynamics in Ethnic Conflict', *Political Psychology*, 22 (2001), 157–78.

⁴⁷ Rawls, *Political Liberalism*, p. 60.

⁴⁸ I suggest what those institutions could look like in the final section.

⁴⁹ Cf. Miller, 'Is Deliberative Democracy Unfair to Disadvantaged Groups?', pp. 154–5.

⁵⁰ Horowitz, 'Explaining the Northern Ireland Agreement', p. 193. See also Reilly, *Democracy in Divided Societies*.

⁵¹ McGarry and O'Leary, *The Northern Ireland Conflict*, p. 25.

reason to think that a deliberative approach is much more likely to foster stability than an incentives-based approach, since the former does not actively set out to marginalize the extremes.⁵²

The second reason why all of this matters (a reason, I might add, that is largely absent from the conflict literature) has to do with the quality of democracy. By insisting that each position on the political spectrum take account of every other, deliberative democracy offers a broader view of what political engagement ideally ought to involve – one that is concerned not just with making space for the claims of competing ethnic groups in the name of stability, but that also seeks to make space for other voices in society in the name of equality. Crucially, the more that people can consider themselves free to think about the political organization of their society in non-ethnic terms, or the more that the political system itself helps reduce the political saliency of ethnicity, the more likely it is that their society will succeed. In this sense, the quality of democracy can itself be an important source of political stability.

To appreciate the full implications of this last point, we need to consider what the value of inclusion might look like when viewed from a deliberative perspective. Let us begin, though, by briefly reviewing just why it is that moderation and inclusion must be regarded as mutually reinforcing.

Inclusion as Publicity

In so far as a deliberative understanding of the value of moderation is only concerned with how to justify political proposals, it might, as I have already suggested, underpin the decisions of a small and highly exclusive group of ruling elites just as easily as it might underpin the decisions of a large and highly representative legislative assembly. But then it would seem that moderation alone is too weak to support the basic assumption upon which all forms of democracy ultimately rest: that all those who are bound by a decision should be included on equal terms in its making. Any convincing deliberative view of democracy must therefore appeal to the value of inclusion, just as it appeals to the value of moderation. Otherwise, there is always the chance that the process by which binding political decisions are made will privilege some members of society over certain others and hence fail to treat them all as equals.

In order to see what inclusion might look like once situated within the context of deliberative democracy, let us return to Dryzek's work on deeply divided societies. As I indicated above, Dryzek is pessimistic about the scope for deliberation within power-sharing institutions, since at that level decision making will often become enmeshed in seemingly intractable issues of identity. His solution 'involves partially 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'.⁵³ In the public sphere, deliberation is not directly tied to decision making, and so it is possible for ordinary citizens to debate policy issues without ending up in a deadly contest for the state. Of course, those debates might, in some instances, serve to deepen the sense of animosity that

⁵² To be clear: unlike Horowitz and his followers, deliberative democracy does not start from the assumption that the middle of the political spectrum is the correct or most desirable position. Rather, it insists that, wherever we are situated on the political spectrum, we seek to defend that position in ways that recognize others as political equals.

⁵³ Dryzek, 'Deliberative Democracy in Divided Societies', p. 220.

the members of competing ethnic groups feel towards one another. But, 'from the point of view of promoting dialogue in divided societies', the fact that the 'engagement of discourses in the public sphere' is not directly linked to decision making 'may be positive because it provides a space for exploratory interchange across difference'.⁵⁴

The point here is an extremely important one, all the more so because it has received insufficient attention within the conflict literature.⁵⁵ Creating a public space within which the citizens of a divided society can engage with one another across group lines is crucial not just in terms of conflict management, but also in terms of the larger goals and purposes of social transformation. Dryzek's argument is, however, incomplete. Deliberation in the public sphere can result in 'social learning' and hence may help groups in conflict to soften or moderate their positions. But while democratic legitimacy can 'be secured through responsiveness of public policy to the relative weight of discourses in the public sphere', it can only be so under the right sorts of institutional conditions. Dryzek is right to worry that consociational institutions are insufficiently responsive to events in the public sphere.⁵⁶ But what he fails to do is to explain precisely what kinds of power-sharing institutions might be more responsive. Without an answer to this question, we have no guarantee that 'the relative weight of discourses in the public sphere' will not itself become a matter of deep division when debated by elected representatives prior to making a decision.

If deliberative democracy is to provide meaningful guidance for deeply divided societies, it must therefore take questions of institutional design extremely seriously, no matter how difficult these questions prove in practice. However, since most deliberative democrats express the concern that all those who are bound by a decision should be included in the discussions that lead up to it, we might wonder how representative institutions can be squared with that concern. As James points out, much of the problem here stems from the fact that the relationship between representative and citizen is asymmetrical, because representatives will normally have 'access to legislative and policy information beyond the reach of most citizens'.⁵⁷ What is more, representatives and citizens will rarely deliberate together. Yet while this means that the level of inclusion that can be achieved under representative institutions will fall short of the deliberative ideal, deliberative theorists have sought to reduce that asymmetry by insisting on a requirement of publicity (even if that requirement sometimes appears to cover a range of analytically distinct notions like accountability, transparency, openness, responsiveness, and so forth).⁵⁸

The classic definition of the requirement of publicity is Immanuel Kant's 'transcendental formula of public law', which basically states that if the reasons underpinning a policy cannot be openly stated without defeating its aim, the policy should be rejected. Of course, Kant's transcendentalism is notoriously problematic, not least of all because it seems to govern little more than the conduct of thought experiments.⁵⁹ However, we can get a clearer and more immediately pertinent sense of this requirement by reflecting on Mill's

⁵⁴ Dryzek, 'Deliberative Democracy in Divided Societies', p. 230.

⁵⁵ But see, for example, Ashutosh Varshney, *Ethnic Conflict and Civic Life: Hindus and Muslims in India* (New Haven, Conn.: Yale University Press, 2002).

⁵⁶ Dryzek, 'Deliberative Democracy in Divided Societies', pp. 222, 238.

⁵⁷ James, *Deliberative Democracy and the Plural Polity*, p. 145.

⁵⁸ See, for example, Gutmann and Thompson, *Democracy and Disagreement*, chap. 3.

⁵⁹ For a discussion, see David Luban, 'The Publicity Principle', in Robert E. Goodin, ed., *The Theory of Institutional Design* (Cambridge: Cambridge University Press, 1996), pp. 154–98, at pp. 155–6.

well-known argument that the most important function of a democratic legislature is to act as a ‘Congress of Opinions’, by which he intended

an arena in which not only the general opinion of the nation, but that of every section of it, and as far as possible of every eminent individual whom it contains, can produce itself in full light and challenge discussion; where every person in the country may count upon finding somebody who speaks his mind, as well or better than he could speak it himself – not to friends and partisans exclusively, but in the face of opponents, to be tested by adverse controversy; where those whose opinion is overruled, feel satisfied that it is heard, and set aside not by a mere act of will, but for what are thought superior reasons.⁶⁰

Viewed in this way, publicity requires representatives to take seriously not just the interests of their own ethnic group, but also moderate cross-cutting interests, if and when those interests emerge. Moreover, it requires them to do so in as open and transparent a manner as possible, because otherwise ordinary citizens will not be able to judge whether they, too, would have arrived at the same decisions by a similar process of reasoning.⁶¹ Citizens who are denied this knowledge cannot know that their views have been ‘set aside not by a mere act of will, but for what are thought superior reasons’ and hence may well consider themselves effectively excluded from the democratic process.

As far as representative institutions are concerned, inclusion can therefore translate into a requirement of publicity (whatever else it may translate into). Crucially, this deliberative understanding of inclusion stands in stark contrast to the much more restricted understanding that we typically find in the conflict literature, and especially in the literature on consociational democracy, which tends to focus almost exclusively on ethnic groups and their leaders. If we start from a concern for stability, the reason for this narrow focus is understandable enough. The difficulty is, however, that it tends to overlook a point of cardinal importance: that democratic decisions are binding not simply on the members of ethnic groups, but also on those who cannot be, or who do not wish to be, so neatly classified.

Thus, publicity requires those charged with designing power-sharing institutions to think not just in terms of stability, but also in terms of equality. Before considering what those institutions might actually look like, however, there is an obvious issue that needs to be addressed. Against publicity, it may be objected that any viable political system must allow for secrecy, at least in some contexts.⁶² In a deeply divided society, secrecy might, for example, enable ethnic parties to negotiate a peace agreement without having to worry at every turn how the compromises that they will inevitably have to make will be received by their supporters. And yet the trouble is that once negotiations have been concluded, parties often struggle to sell an agreement to their supporters, especially when that agreement has been presented to them as a done deal.⁶³ The Dayton Accords stand as a

⁶⁰ John Stuart Mill, ‘Considerations on Representative Government’, in John Gray, ed., *John Stuart Mill: On Liberty and Other Essays* (Oxford: Oxford University Press, 1991 [1861]), pp. 203–467, at p. 282.

⁶¹ It almost goes without saying that publicity, so conceived, is crucially important to the development of trust in a deeply divided society. See Gutmann and Thompson, *Democracy and Disagreement*, p. 97.

⁶² For discussions of this objection, see, for example, Sissela Bok, *Lying: Moral Choice in Public and Private Life* (London: Quartet Books, 1980), pp. 165–81; Gutmann and Thompson, *Democracy and Disagreement*, pp. 101–26; Jon Elster, ‘Deliberation and Constitution Making’, in Jon Elster, ed., *Deliberative Democracy* (Cambridge: Cambridge University Press, 1998), pp. 97–122, at pp. 109–10.

⁶³ Peter Harris and Benjamin Reilly, eds, *Democracy and Deep-Rooted Conflict: Options for Negotiators* (Stockholm: International Institute for Democracy and Electoral Assistance, 1998), p. 85.

classic (or notorious) example of what is at issue here, and in particular of the resentment that secret negotiations can all too easily breed.⁶⁴

While particular details may be negotiated in secret, conflict scholars caution that it may be necessary to take frequent breaks in order to let citizens know how the negotiations are progressing and to seek critical feedback from them.⁶⁵ Of course, once an agreement has been signed and implemented, publicity remains problematic. In the present context, one particular issue is of signal importance. According to Simone Chambers, most deliberative theorists argue for publicity on the grounds that having to defend a position in public forces representatives to appeal to 'public reason'.⁶⁶ However, as Chambers also shows, publicity can also result in what she terms 'plebiscitory reason'. Here the appeal is still to, for example, basic principles of the sort alluded to above. But in seeking to please as many people as possible or to appear firm and decisive in the eyes of their supporters, representatives may end up offering arguments in support of those principles that are shallow, spurious or manipulative.⁶⁷ And so the irony is that, although publicity is meant to reduce the asymmetry between citizen and representative (and hence to help realize the value of inclusion), it may end up deepening that very problem.

Plebiscitory reason is commonplace in deeply divided societies. In particular, representatives will often appeal to basic principles, not to arrive at decisions that are genuinely inclusive, but to advance their own sectional interests. One thinks, for example, of arguments for democratic equality couched in terms of simple majority rule. In seeking to respond to the dangers of plebiscitory reason, Chambers points to charismatic figures like Nelson Mandela, who have used rhetoric as a means of taking their listeners 'sympathetically into account' rather than as a means of manipulating them. What is more, they have also justified their positions with carefully articulated principles and supporting arguments that clearly treated other points of view with due consideration.⁶⁸ Unfortunately, as Chambers rightly concludes, there are no institutional guarantees that only the Mandelas of this world (rather than, say, the Milosevics) will hold sway.⁶⁹ Nevertheless, the careful design of democratic institutions can help direct representatives away from the use of plebiscitory reason towards appeals that are genuinely inclusive in intent. More generally, institutional choice crafted in the light of the requirement of publicity can help reduce the asymmetry between representatives and citizens, thereby ensuring greater inclusion for all.

DELIBERATIVE DEMOCRACY AND INSTITUTIONAL CHOICE

It is worth stressing once again that my intention is not to disparage the contribution that scholars such as Lijphart and Horowitz have made to the study of deeply divided societies. Those scholars are right to draw our attention not only to the importance of moderation and inclusion to political stability, but also to the need to find institutional mechanisms

⁶⁴ Arguably, the accords were not negotiated at all, but imposed by Richard Holbrooke. See David Chandler, *Bosnia: Faking Democracy after Dayton* (London: Pluto Press, 1999), p. 43.

⁶⁵ Harris and Reilly, eds, *Democracy and Deep-Rooted Conflict*, p. 85. Cf. Gutmann and Thompson, *Democracy and Disagreement*, p. 115.

⁶⁶ Simone Chambers, 'Behind Closed Doors: Publicity, Secrecy, and the Quality of Deliberation', *Journal of Political Philosophy*, 12 (2004), 389–410, p. 390.

⁶⁷ Chambers, 'Behind Closed Doors', pp. 393–4.

⁶⁸ Chambers, 'Behind Closed Doors', pp. 391, 398–405.

⁶⁹ Chambers, 'Behind Closed Doors', p. 404.

that might facilitate those values. Deliberative theory suggests, however, that there are good reasons to be concerned about the democratic quality of both the consociational and incentives-based approaches. It suggests that neither approach does enough to reconcile the values of moderation and inclusion – or at least that neither does enough when viewed from the broader deliberative notion of equality. Up to a point, of course, there is no substitute for empirical research. As Robert Goodin points out, we ‘choose policies hoping to produce certain kinds of results, and we must know how the system is wired in order to know which lever to pull’.⁷⁰ But as Goodin also argues, we ‘need to know not only which results follow from which policies but also which results we should prefer and strive to achieve’.⁷¹

In order to make a decision of this latter sort, we need to appeal to a larger theory of value of the sort that deliberative democracy provides. But at the same time, we should not ignore the fact ‘that questions about what can feasibly be achieved in a certain area are just as central to normative concerns as questions about what is desirable in that area’.⁷² In short, normative theorizing should not be so far removed from empirical reality that it fails to offer meaningful practical guidance. And yet this is precisely the worry that attaches to deliberative democracy. Even among its supporters, the suspicion has always been that, although deliberative democracy may be an attractive political ideal, it asks far too much. I therefore want to show that deliberative democracy really does have important institutional implications for divided societies – or, otherwise put, that deliberative democracy is institutionally feasible and hence can provide for stability. To this end, I want to sketch how a deliberative democratic understanding of moderation and inclusion might inform our thinking about electoral systems, legislatures and governing coalitions.

Choosing an Electoral System

As we have seen, those who favour the consociational approach argue that the primary goal in choosing an electoral system should be to return a legislature that is as inclusive as possible, whereas those who favour an incentives-based approach argue that the primary goal should be the creation of an inter-ethnic coalition of the moderate middle. In contrast to both of these approaches, deliberative democracy suggests that the aim in choosing an electoral system should be to satisfy both values, inclusion and moderation, since this is what our standing as political equals requires. This is a considerable demand, however.

Since no two deeply divided societies are the same, an electoral system that performs well in one context may fail spectacularly in another. In principle, it is therefore possible that AV will produce the kinds of results that Horowitz anticipates. It may succeed in lending a ‘centripetal spin’ to the political system as a whole, ‘by providing electoral incentives for broad-based moderation by political leaders and disincentives for extremist outbidding’.⁷³ In so far as AV does succeed in enticing extremists in from the margins, and in engaging them in a competition for the moderate middle, we need not be unduly

⁷⁰ Robert E. Goodin, *Political Theory and Public Policy* (Chicago, Ill.: The University of Chicago Press, 1982), p. 4.

⁷¹ Goodin, *Political Theory and Public Policy*, p. 7.

⁷² Robert E. Goodin and Phillip Pettit, ‘Introduction’, in Robert E. Goodin and Phillip Pettit, eds, *A Companion to Contemporary Political Philosophy* (Oxford: Blackwell, 1993), pp. 1–4, at p. 1.

⁷³ Sisk, *Power Sharing and International Mediation*, p. 43. See also Reilly, *Democracy in Divided Societies*, p. 11.

concerned about its implications for inclusion – as long as (and this is a fairly crucial proviso) their supporters also seek to move in a similar direction. Under such conditions, we might not even be unduly concerned about questions of legislative design – as long as (another crucial proviso) the assumption holds that moderates will be moderates, irrespective of the institutions under which they have to operate.⁷⁴

All of this is plausible. However, AV arguably applies only in societies that are not especially divided. A scenario in which politicians are prepared to move towards the middle simply because this is where the electoral system tells them that they ought to go, and in which there is a corresponding willingness on the part of their supporters to do likewise, does not seem to capture the reality of political life in a great many divided societies. John McGarry and Brendan O'Leary have raised a similar concern, arguing that 'AV would never be agreed to by hardline parties entering a constitutional settlement if they believed it would be likely to undermine their electoral support'.⁷⁵ By way of illustration, they draw our attention to the fact that, since the Belfast Agreement was dependent upon the inclusion in the negotiations of parties representing the radical extremes, 'it would have been perverse for their leaders to agree to an electoral system that minimized their future prospects'.⁷⁶ Presumably, it would be even more perverse for them to accept it now.

On the face of it, this worry also creates serious difficulties for deliberative democracy. For example, in response to the view that elections are purely strategic events, James shows that electoral systems can, in fact, encourage deliberation. But if, as James also argues, deliberative democracy is best served by electoral systems like AV 'that provide incentives favoring candidates who appeal across group boundaries', we must doubt the relevance of deliberative democracy to deeply divided societies.⁷⁷ An electoral system that favours moderates may well result in exclusion, since those who hold positions on the extremes of the political spectrum may simply be unwilling to move towards the middle. Under such circumstances, the threat of a return to violence can mean that the promotion of moderation will have to give way to the necessity of inclusion, at least as far as choosing an electoral system is concerned. Under such conditions, some form of PR may be the only realistic choice.

Now, James may be correct to question the 'deliberative potential' of PR systems in comparison to systems like AV.⁷⁸ But although his analysis of the extent to which different electoral systems do or do not promote deliberation is otherwise instructive, what he fails to see is that 'electoral engineering is not enough, because there is so much more to politics than elections'.⁷⁹ Since deliberative democracy is not wedded to either the consociational or the incentives-based approach, it can, on pragmatic grounds, transpose the aim of balancing moderation and inclusion from the electoral system to the legislature and governing coalition. Otherwise put, it can save the prospects for moderation from the threat of violence. Here, the underlying thought is that, although there is clearly a need for a

⁷⁴ See Brian Barry, 'The Consociational Model and Its Dangers,' *European Journal of Political Research*, 3 (1975), 393–412, pp. 405–6.

⁷⁵ McGarry and O'Leary, *The Northern Ireland Conflict*, p. 30.

⁷⁶ McGarry and O'Leary, *The Northern Ireland Conflict*, pp. 30–1.

⁷⁷ James, *Deliberative Democracy and the Plural Polity*, p. 70. See also Dryzek, 'Deliberative Democracy in Divided Societies', p. 228.

⁷⁸ James, *Deliberative Democracy and the Plural Polity*, pp. 166, 175.

⁷⁹ Dryzek, 'Deliberative Democracy in Divided Societies', p. 228. James confines his analysis to electoral systems and hence does not discuss consociational or other legislative designs.

mechanism that fosters moderation, such a mechanism should be placed within the central decision-making institutions rather than within the electoral system. It is at this level that the deliberative requirements of reciprocity and publicity can best be satisfied.

Legislatures and Governing Coalitions

I have argued that the deliberative requirement of publicity requires us to think about inclusion in the broadest possible terms. In particular, it calls for a form a representative government that allows space not just for the interests and concerns of conflicting ethnic groups, but for the full diversity of opinion in society. In some societies, this goal may be achievable only under a PR system. Yet although this means that the balance will sometimes have to tilt more towards inclusion than moderation, there is no principled reason why institutional designers should not seek to redress that balance within the legislature or governing coalition. It is true that Barry, Horowitz and a host of other critics have argued that consociational institutions simply do not promote moderation but instead tend to deepen existing divisions.⁸⁰ There is certainly plenty of evidence to suggest that they are right. One thinks, for example, of cases like Belgium, Bosnia and Herzegovina and Macedonia. However, there is no principled reason why PR must be paired with consociational institutions. Bulgaria, Romania and Slovakia all use some form of PR, are all governed by multi-ethnic coalitions but have not opted for consociational-style institutions.⁸¹

Although the standard consociational blueprint with which we have been dealing in this article stipulates that parties are entitled to a place in the governing grand coalition in proportion to the seats that they hold in the legislature, this way of framing the value of inclusion provides coalition members with no particular reason to behave as a collective decision-making body, or to engage in the kind of reciprocal behaviour that deliberative democracy demands.⁸² Coalition partners could, of course, decide of their own free will to commit themselves to the wider public interest; but they might just as easily use their position solely to pursue their own particular interests. In response, advocates of the consociational approach have argued that since a governing grand coalition provides parties with a stake in the system, and hence affords them the opportunity to transform that system from within, there is reason to think that consociational democracy will encourage a more conciliatory, collective view.⁸³ Such arguments rely, however, on questionable assumptions about politicians' motivations, and are certainly no substitute for clear, well-specified institutional mechanisms that reward moderation and sanction extremism.

The challenge, therefore, is consciously to arrange the process by which an inter-ethnic coalition government is formed so that those who are most willing to engage reciprocally will be rewarded. One way in which this might be achieved is to make government-formation depend on inter-ethnic agreement rather than on automatic appointment, with government ministers having to secure weighted-majority support from across the legislature as a whole (akin to the Lebanese Council of Ministers).⁸⁴ Such a system could make moderation extremely rewarding. But it could also lend greater value to the votes

⁸⁰ But see McGarry and O'Leary, *The Northern Ireland Conflict*, pp. 32–6.

⁸¹ Wolff, 'Electoral Systems Design and Power-Sharing Regimes', p. 63.

⁸² See Robin Wilson and Rick Wilford, *Northern Ireland: A Route to Stability?* (Birmingham: ESRC/The Devolution Papers, 2003), p. 8.

⁸³ McGarry and O'Leary, *The Northern Ireland Conflict*, p. 25.

⁸⁴ See Wilson and Wilford, *Northern Ireland*, p. 10.

of others in society, since it is at least possible that in some instances, their support will be vital to a candidate's chances of success in the race for executive office. This added weight is in keeping with a deliberative understanding of inclusion as publicity, and may also serve to narrow the scope for plebiscitory reason.

Admittedly, this suggestion is open to at least one fairly obvious objection. Above, I suggested that, when it comes to choosing an appropriate electoral system, inclusion may have to trump moderation. Otherwise, the result may be a legislature that is both exclusionary and unstable. But now it seems that I have simply replaced a (potentially) exclusionary electoral system (AV) with a (potentially) exclusionary government-formation process (weighted majority). This objection overlooks a crucial distinction, however. Excluding via the electoral system denies some political positions the right to political representation, thereby denying them the opportunity to engage in reasoned discussion at the decision-making level. Otherwise put, excluding via the electoral system falls foul of the requirement of publicity in that it means that proposals and policies need only be justified to some but not all of those who stand to be affected by them. However, constraining extremists within the legislature is based on an altogether different logic.

Within the legislature, representatives already have some degree of political power: they can engage in reasoned or reciprocal discussion about matters of collective choice, and are free to try to convince others to accept their proposals. The only real objection is that they are not guaranteed seats in government. It is not clear, however, that there is much to this objection. Claiming that parties should not be guaranteed a place in government is very different from claiming that they should be denied a place in government. The latter claim is unjustifiably exclusionary. The former claim, however, is exclusionary only to the extent that parties must convince potential coalition partners from across the ethnic divide of their willingness to moderate. If we start from a concern for equality, there is nothing unjust about this way of constraining the process of government formation. There is, moreover nothing unusual in such constraints, since, in a great many political systems, the right to engage reciprocally does not automatically translate into the right to govern. Indeed, the fact that some representatives find themselves outside of government – and hence in opposition – may well be vital to the health of the democratic process. To this extent, those who are not included in the governing coalition can continue to play an important role in shaping policy and can, moreover, help ensure that another key deliberative requirement, publicity, is more fully satisfied.

CONCLUSION

Of course, those who are wedded to either the consociational or the incentives-based approach may still not be convinced. Advocates of the consociational approach, for example, will probably object that extremists are just as likely to destabilize the political system for being denied a place in the governing coalition as they are for being denied a place in the legislature. As a purely empirical matter, the point can be disputed. In many power-sharing democracies, extremist parties do not have a place in government, but the political system remains stable nonetheless. In Belgium, for example, the Vlaams Blok was boycotted by other political parties because of its racism and xenophobia, whereas in Lebanon, Hezbollah was not included in government in the past because of its unwillingness to slough off its militia. But in a sense, empirical arguments of this sort simply miss the point of applying a normative perspective to divided societies.

If a political system is to succeed, it must match the society in which it is embedded. But it must do more than match the prevailing conditions. It must also hold up standards and ideals against which the progress of that society can be measured. Much of the conflict literature is concerned with regulating relations between ethnic groups. Starting from a concern for democratic equality, as opposed to stability, changes all of that. It requires us to realize that ultimately, groups simply do not have the right to demand their own way, without caring about the space allowed to others to shape their own relation to the polity. However we might feel about this last claim, the fact remains that, as far as the debate with which this review article has been concerned goes, no progress can be made as long as those who are engaged in it remain rigidly committed to either moderation or inclusion. On the contrary, progress is dependent upon both sides accepting that there is, in principle, no argument to be had. This is all the more important since there are no empirical grounds on which to prove the other side definitively wrong. When all is said and done, Lijphart and Horowitz are committed to achieving the same political outcome: stability. However, as this review article has argued, deliberative democracy explains just why it is that stability is more likely in the longer run if we take equality to be the fundamental guiding principle of democratic engagement.

