INCLUSION, VOICE, AND LOUDNESS: INSTITUTIONAL DESIGN IN DIVIDED SOCIETIES

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When newly democratizing countries engage in processes of decision-making, a great deal rests upon the kind of inclusion that the state grants to different groups. This is of particular concern in states characterized by deep division where inclusive participation is crucial to the pursuit of political equality and stability. The way in which decisions are made not only sets the stage for the resolution of future conflicts, it also plays a role in determining who is a member of the political community and thus who is entitled to standing as a political equal. Who belongs is thus in large measure determined by who gets included.

While there are numerous different ways in which democracy may be institutionalized in situations of deep division (among them, majoritarianism, integrationism, and centripetalism), we argue for a specific democratic manifestation that draws from deliberative and consociational democracy and that takes seriously the question of inclusion. We take as our starting point that deliberative democracy offers the best account of democratic legitimacy. Viewing consociational democracy through this lens will, we argue, increase the inclusiveness, legitimacy, and stability of consociational democracies (cf. O'Flynn, 2007; Dryzek, 2005).

Both consociational and deliberative democracy are motivated by a concern for inclusion but conceive the notion in different and potentially contradictory ways. A consociational democracy incorporates four key institutional mechanisms—a grand coalition in government (executive power-sharing), proportionality, minority vetoes, and segmental autonomy. The theory assumes that political stability and democratic legitimacy are best brought about by elite-level cooperation between the representatives of the different segments (Lijphart, 1977). Consociationalism is recommended for societies deeply divided along ethnic, religious, linguistic, or other group lines in response to a concern that majoritarian democracy may result in majority dictatorship and may lock minority groups out of power, thereby depriving them of a political voice. The model aims for plural inclusion through the explicit recognition of segmental cleavages and by turning these segments "into

constructive elements of stable democracy" (Lijphart, 1977: 42). On this conception inclusion is broad but the emphasis upon clearly-defined segments also tends to make it thin.

Deliberative democracy also begins with an assumption about the merits of inclusion, but conceptualizes it in a different way. The call for deliberation is the result of a growing acknowledgement that we cannot speak of legitimate democratic discourse unless the process is more substantively inclusive. Deliberative democracy is a response to aggregative conceptions of democracy which reach decisions by counting people's preferences; contrary to this approach where formal inclusion is sufficient to meet the requirement of democratic legitimacy, the deliberative process requires the exchange of public reasons. The legitimacy of the decision turns upon the mutual acceptability of the outcome in a process where: 1) all affected are included; 2) there is substantial political equality; and 3) there is free and open exchange of information and reasons (Bohman, 1997: 16).

In addressing the links between deliberation and consociation, we divide our paper into three parts. First, we offer a normative account of deliberation in deep division. As we ask if deliberative consociationalism can work in deeply-divided societies we look to the lessons that have emerged from pluralist critiques, paying particular attention to the ways that requirements of reason-giving impact marginalized people. Second, we look at institutional mechanisms that offer opportunities for voice and examine the relationship between agenda-setting, deliberation, and decision-making. As we identify problems with different strategies for inclusion we focus upon problems of process and examine the obstacles that arise when we look at extending them to contentious groups. In the third section, we apply a deliberative lens to consociationalism. Revisiting our call for loudness, we suggest institutional mechanisms and deliberative framings that deliberative consociationalism ought to adopt in order to accommodate majority/minority relations while at the same time extending substantive inclusion to minorities within minorities.

Processes of deliberation and decision-making are of central importance. We argue that the success of deliberative consociationalism in fostering political stability depends upon the kind of deliberative lens that that we apply to consociationalism. Context matters a great deal, and it is only through a focus on the "how" of deliberation that we can begin to answer questions of who belongs and who decides.

NORMATIVE CONSIDERATIONS OF DELIBERATION IN DEEP DIVISION

At first glance, deliberative democracy and consociationalism seem an unlikely pair; indeed, John Dryzek goes as far as to say that consociationalism precludes the role of public deliberation and is not very democratic (Dryzek, 2000: 51). Despite the intuitive disjunct between the conditions of deliberative reason-giving and the precarious position of newly democratizing states, Ian O'Flynn highlights important normative connections between consociational and deliberative democracy and develops an account of "deliberative consociation" (O'Flynn, 2007; forthcoming). O'Flynn turns to deliberative democracy to revisit the disagreements between consociationalists and centripetalists over the best institutional approach to questions of political stability. Instead of asking deeply divided societies to choose between inclusion and moderation, O'Flynn offers a normative argument for reconciling the tension between them; reframing the question, he argues that both values are important because of their concern for political equality. Significantly, he finds that a deliberative consociational emphasis on political equality has greater potential for states that are working toward political stability (O'Flynn, 2007: 738-740).

The work that O'Flynn does to bridge deliberative democratic theory and consociationalism makes a valuable–and timely–contribution to both. From a deliberative perspective it pushes theorists to strengthen the links between deliberative processes and institutions, and from a consociational perspective it raises important questions about democratic legitimacy and the kind of inclusion that is desirable. The "deliberative lens" that O'Flynn applies to consociationalism, informed by this emphasis upon political equality, leads him to suggest institutional designs that take a more substantive account of inclusion.[1] Strengthening the basis and scope of inclusion has the benefit of allowing deliberative consociationalists to look past short-term conflict management and develop democratic foundations that can deal with long-term conflict resolution (O'Flynn, forthcoming: 2), thus strengthening the process of democratization in deeply divided societies.

While we agree that O'Flynn's normative argument for reframing questions of institutional stability in terms of the value of political equality is sound, the question remains as to how plausible it is for people in deeply divided societies to deliberate as political equals. Can deliberative consociationalism work in deeply divided societies? Before we elaborate upon a tentative yes, we set out important normative attributes of deliberative democracy that are particularly applicable to this context of deep division.

One of the clear strengths of deliberative democracy is its ability to deal with disagreement. There is reason to deliberate even in cases of fundamental disagreement. When people are divided over values that cannot themselves be reconciled, knowing why some people hold particular positions leaves deliberants better equipped to formulate policies that address areas of mutual concern (Gutmann and Thompson, 1996: 9, 89). Reciprocity requires that all deliberants make claims on terms that others can accept in principle, and this accessibility of arguments is a key requirement of deliberation; with a normative basis in mutual respect its purpose is to establish fair terms of social cooperation, justly excluding people who refuse to deliberate using publicly accessible (not metaphysical) public reasons (Gutmann and Thompson, 1996: 58).

Part of the reason why deliberative democracy does not collapse under strong fundamental disagreements is due to the larger context in which deliberants share a political bond. This bond, if it exists, is fragile in deeply divided societies – indeed, "mutual acceptance of reasonableness is exactly what is lacking" (Dryzek, 2005: 219). While it may seem counterintuitive, this tenuous sense of community is exactly why deliberation is important in cases of deep division. This bond, or the lack thereof, is at the crux of the normative case for deliberation in deeply divided societies because the kind of inclusion that is necessary for stability requires deliberative engagement across differences.

The merits of consociationalists adopting a deliberative lens depend in large part on the *kind* of deliberative lens that we have in mind. Since the "deliberative turn" some 20 years ago deliberative theorists have, by and large, dropped expectations of deliberative unanimity, critiqued the exclusionary effects of a "common good," and have done much to take pluralist challenges seriously. As a result, deliberative democracy now offers a more substantive account of inclusion. One important lesson that emerges from these changes is that talk of an ideal theory is not only impractical, but can be normatively counterproductive. Take, for example, early deliberative talk of the ideal deliberative process. Here deliberants were to come together in a political community and exchange reasons in the hopes that force

[1] O'Flynn (forthcoming) looks at "what deliberative democracy has to say about how consociational institutions should be realized" (p. 16); here he looks at the four institutional characteristics that define a consociation (pp. 15-25).

of the better argument would prevail; underscoring this was the expectation that all deliberants would share an understanding of the political community's goals. The problem, however, is that this common good favours pre-existing power structures; assumptions of what is good for the community are caught up in preconceptions of what rational arguments ought to look like and the "correct" ways to make them (Young, 1996: 399). On this account, contributions outside the scope of calm, dispassionate reason-giving do not fit, and the resulting judgment of "unreasonableness" has a disproportionate negative impact on marginalized groups who may communicate their arguments in non-traditional ways (Young, 2000).[2] As Iris Marion Young notes, when deliberative democrats assume that "difference itself is something to be transcended, because it is partial and divisive" they sustain inequality (1996: 122-126). Until deliberative democrats change their account of reason-giving to take social difference into account, marginalized people risk effective exclusion. When this happens deliberative legitimacy is incomplete (Williams, 2000: 125-126).

There have been significant conceptual changes to deliberative democracy in response to pluralist critiques. Notably, Young advocates communicative democracy in which there is "an equal privileging of any forms of communicative interaction where people aim to reach understanding" (1996: 124-125). Meant as a supplement to – not a replacement for – the exchange of deliberative reasons, it encourages wider participation. In this account difference is a resource, not a liability, and helps differently-situated people to avoid the unfair implication that they are unreasonable (Dryzek, 2000: vi). As she rejects the common good, Young notes that the basic background connection necessary for deliberations is thinner than some deliberative theorists suggest (2000: 81-83, 110). On this account, the deliberative community must be built from the input of the deliberants themselves. Anything else risks the imposition of power and will sustain marginalization.

While deliberative theorists agree that legitimacy follows from the substantive inclusion of all affected, what is less clear is the form that this inclusion should take when it comes to decision-making. Inclusion does not necessarily have to entail that all affected people participate in making the actual decision; indeed, some theorists ground their discussion of deliberative democracy in state institutions and give this role to representatives Gutmann and Thompson, 1996).[3] Others accept representatives as decision-makers, but look to the larger citizenry to influence the decision. These further-reaching accounts of deliberation, however, still fail to address the question of institutionalization that connects the substantive inclusion of citizens with the people who have legislative power. Even Habermas's account – where the basis of deliberative legitimacy depends upon the relationship between formal decision-making bodies and the informal discourse that occurs in the public sphere – suffers from the question of its institutionalization. Without a richer institutional account of the way that Habermas's "circulation of power" engages marginalized people – instead of effectively silencing them when their arguments fail to convince the majority of citizens – his move to establish a thick account of inclusion is unsuccessful (1996: 386).

Deliberative theorists need to do more work on the role of decision-making. Without developing the connections between deliberation, citizens, and decision-making

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[2] Young notes that: "the ideal of disembodied and disembedded reason that [impartiality] presupposes is a fiction" and argues that the rhetoric that deliberative democrats are quick to denounce in favour of impartial reasons is in fact an aspect of all discourses (2000: 63-64).

[3] Gutmann and Thompson's focus in *Democracy and Disagreement* is to develop principles that deliberants can use to assess the institutional design of deliberative democracy (1996: 358).

deliberative democrats' claims to legitimacy are vulnerable (Squires, 2002: 153). Importantly, these connections need to keep in mind that the process of deliberation is of normative significance, and any institutional mechanisms–whether they be decision-making mechanisms or (deliberative) systems of representation–must be careful that they do not undermine the substantive inclusion that deliberative processes generate. There is a tension between a system of representatives – qualified elites who try to find the "best" solutions to complex problems–and the democratic legitimacy found in popular support. Because deliberative democrats must ultimately rely upon a decision-making mechanism, and because a deliberative system may require representatives, this tension has important implications. If deliberants' interests do not factor into deliberative decisions, and if these interests are not the product of inclusive deliberations (if the quality of deliberations in the public sphere is not substantively inclusive), then representatives–however deliberative they may be in their decision-making process–will offer an inadequate account of legitimacy.

Public reason is necessary because of the parameters that it sets in terms of what people can reasonably expect from each other; this question of limits, however, poses a potential danger to marginalized groups who are already vulnerable to exclusion. If the kind of inclusion that deliberative democracy requires involves the substantive participation of all affected, then we need to make sure that any constraints on deliberation do not undermine this democratic aspect. As he expresses a concern for the democratic character of deliberative democracy, Daniel Weinstock critiques the use of public reason on the grounds 1) that it makes unfair demands on people–particularly marginalized people–to translate their actual reasons into the language of public reason, and 2) because it (and not people's deliberations) does the work in attempting to address disagreement, it frustrates mutual understanding, makes compromise difficult, and in doing so undermines people's autonomy (Weinstock, 2001: 82). These are serious charges, and especially so for people in divided societies. Two interrelated question follow from this public reason problem. First, to what extent does public reason burden marginalized people? And, second, does public reason unjustly exclude groups through unreasonably demanding criteria?

The charge that excluding fundamentalist beliefs is "an act of power, of peremptory exclusion and dismissal" and is ultimately a way of (wrongly) keeping particular beliefs and arguments off the deliberative agenda could cut short any talk of deliberative consociationalism (Fish, 1999: 95-96).[4] Any attempts to limit the agenda in a way that specifically rejects particular groups will be met with deep suspicion by both deliberative democrats and consociationalists–by deliberants because toleration is an important part of what it means to treat people as political equals,[5] and by consociationalists because the inclusion of all groups, be they moderate or extreme, is of particular significance to questions of both short- and long-term political stability.

As we address unjust exclusion it is important to remember, as Joshua Cohen argues, that it is "the background conception of citizens as equals that sets limits on permissible reasons that can figure in the deliberative process" (1996: 106). Approaching the question of what to allow in deliberations can only be answered in this light. The benchmark for democratic legitimacy rests upon the extent to which people's beliefs impose upon others. It is one thing, as Jonathan Quong argues, to fundamentally object to a particular practice, and

[4] Fundamentalist arguments are those that always appeal to inaccessible arguments – "because God said so."

[5] Toleration, of course, has its limits. Insofar as deliberative democrats endorse the value of toleration (as it facilitates the ability to treat all people as equals by respecting their choice of the good life), democratic toleration must still meet minimal normative requirements.

another to prevent other people from engaging in it. There is an important distinction between recognizing people's beliefs (acknowledging their importance to people) and giving beliefs institutional support. This distinction rests upon the political justification that is necessary to treat all people as equals. Political equality negates the imposition of beliefs (Quong, 2002: 318). Although constraints on the kind of reasons that deliberants can offer will limit the substantive outcomes of the process (Cohen, 1996: 101), these limitations are warranted.

The requirement of justification also helps offer a response to consociationalists concerned with political stability–particularly so because justified exclusions may deny participation to extremist groups. Responding to the charge that civic priority and reasonable pluralism "seem to pull in opposite directions," Quong looks to public reason as a way to connect the two; defending a conception of "citizenship as reasonableness" he argues: "the only thing that citizens need to share is a commitment to public justification" (2004: 142). This emphasis upon participation also leads him to argue that it is important to look not only at who deliberates or how they do so, but also *how* this debate ought to occur (Quong, 2004: 156). Justified exclusions do not automatically extend to extremist groups, but rather turn upon questions of process that are central to the project of deliberative consociationalism.

Even though fundamentalist arguments are inconsistent with public reason, we argue that an account of deliberative consociationalism that takes seriously the need to justify exclusions–and makes good faith efforts to include people–needs to be particularly sensitive to of the dangers of preemptory and unjust exclusions, especially those that fall along group lines. It makes more sense, then, to take a two-stage approach to deliberations. There is both a normative and practical appeal in letting people present their concerns even though they may not use public reasons. As Monique Deveaux notes, "particularly where norms of rationality and reasonableness are stipulated as *criteria for inclusion* in public deliberation, they can have a tremendously exclusionary effect" (Deveaux, 2005, 344, emphasis in the original). We may not like some of the arguments that this allows – indeed, extremists might seriously offend other deliberants–but part of what it means to take democratic deliberation seriously is to give people's arguments a fair hearing. People should not be excluded on the basis of an initial belief that their arguments either do not or cannot meet criteria of public reason; if we do this then we jeopardize substantive equality and political legitimacy. Of course, the arguments that factor into deliberative decisions need to meet criteria of mutual justification, but this two-stage approach gives people a space where they can try, with the help of deliberative processes and tools (mediators, relevant questions, etc) to articulate their arguments as public reasons. Space to do this helps to address issues of translation, as Quong notes when people who pursue identity claims work through their arguments until they are able to frame their claims as public reasons (2002: 312-315).

DEMOCRATIC DECISION-MAKING AND INCLUSION

The period of democratization represents a critical institution-building juncture. It is also a particularly contentious period because it is at this point that everything gets put on the table. At stake is the design of the state itself: executive-legislative relations, the extent of decentralization, electoral systems and party systems, and other key institutional features are all for the taking. Because there is a degree of path dependence at work, the sort of institutions that get adopted at this key transitional moment will have an important bearing on the scope of inclusion proffered over the long-term. Given the central importance of agenda-setting at this stage, there are inevitably a large number of individuals and groups

who have a stake in how decisions are made and who seek inclusion. At this point one of the key goals should be to enhance what we may reasonably call "loudness," or the idea that we need to hear as many voices as is possible in order to be broadly and substantively inclusive.

Because the democratization process evokes a series of questions about inclusion (who gets included? How do they get included? Who is a member of the political community?), it requires a richer account of the constituent segments of the polity. Consociational theory is particularly concerned with how these questions play out between majority and minority segments. Yet, given the extent of variability that exists within groups, it is important to vocalize marginalized perspectives and experiences, both between and within segments. This process of giving voice ought to ensure that segments do not silence internal dissent and should take into account minorities within minorities, and the relations between moderates and radicals and between elites and citizens/civil society. Where we set the volume (i.e., how many of these voices actually get heard) matters a great deal. It is crucial that consociationalism's broad inclusion is also loud inclusion – and that the various groups speak for themselves and in their own language. Segmental representatives play an important role, particularly in terms of addressing marginalization that carries over from the last regime; at the same time, substantive inclusion warns against letting elites drown out the multiplicity of group voices within the segments. In this section, we discuss mechanisms of inclusion that provide citizens as well as political parties with opportunities for voice.

Consociational theory admittedly says little about citizen involvement, assuming as it does an unproblematic relationship between leaders and followers. To the extent that it does address the participation of citizens, it does so as part of the electoral process. Periodic elections serve, in consociational systems, as the key vehicle for democratic legitimation. This is in part because consociational theory assumes that followers will fall in line with leaders and also because it assumes that leaders are more likely to compromise. From a deliberative standpoint, this is problematic because elite deliberations do not include the full range of interests within the citizenry, and leaders end up speaking for what they think–but cannot reliably know–best serves their constituency. The narrow view of legitimacy-as-electoral-expression proffered by consociationalists is thus insufficient for deliberative democrats whose concern is to find "greater space for citizens of divided societies to shape their own relation to the polity" (O'Flynn, 2007: 733). As Dryzek argues, democratic legitimacy must also be "secured through responsiveness of public policy to the relative weight of discourses in the public sphere," and this may require expanding consociational strategies (2005: 238).

One potential strategy for opening up political space for citizen engagement in divided areas is the use of referendums and plebiscites, which both give some important decision-making power to citizens. Yet, with the exception of Switzerland, the relationship between a majoritarian institution like the referendum and consociational politics is a tenuous one. Not only does it risk "grossly oversimplifying a complex problem into an either/or choice," the referendum may also lead to the "radicalization of opinion", provide groups with "another grievance to nurture," and in so doing set the stage for intergroup violence (Mac Ginty, 2003: 3-4). It is also problematic from a democratic standpoint because its design "putatively provide[s] little incentive to deliberate and [does not] encourage compromise" (Eisenberg, 2005: 3). The series of referendums held in Yugoslavia prior to its collapse and the 1999 plebiscite in East Timor give some credence to this position. On the other hand, such strategies have enhanced political stability in places like Northern Ireland, South Africa, and Burundi.

At issue is whether the referendum is an effective way of incorporating citizens into the decision-making process and whether it increases legitimacy. The content and timing of referendums and plebiscites is key here. In the former cases, the referendums were held "*before* basic issues of politics [had] been aired and discussed" (Reilly, 2003: 179). The referendums in Yugoslavia and East Timor dealt with whether or not to remain part of the political community. In the latter cases, however, citizens were asked to give consent to what was in essence already a done deal, culminating in a lengthy process of negotiation and deliberation between political elites. The first approach does more to engage citizens in the decision-making process but runs a very real risk of political instability and violence. The second approach curtails citizen involvement but is much more likely to bring about political stability. It is also in line with the consociational view of legitimacy-as-electoral-expression (Lijphart, 2004: 106). Having citizens vote on peace deals or post-deal constitutions is a limited form of voice, and keeps real decision-making in the hands of elites. In this sense, it serves only as a 'quick fix' for garnering ex post facto public legitimacy. Given the limited scope of inclusion they entail, there is good reason to be wary about the utility of referendums in cases of deep division (cf. Reilly, 2003: 180).

Another innovative strategy for engaging citizens in the democratic process is the use of deliberative polling. Such polls bring together a random representative selection of the population for deliberation on key issue-areas. Evidence from such experiments, as with such contested issues as education policy in Northern Ireland and Aboriginal reconciliation in Australia, reveals considerable social learning. The strategy allows for citizens to engage more with important political issues, which, it is hoped, will raise the tone of politics generally (Ackerman and Fishkin, 2005: 38-9). Importantly, such experiences may open some space for shifts in opinion after deliberation and may also encourage participants to frame issues in terms of public reason. To the extent that participation in the deliberative poll serves to inform participants' opinions, it may translate into a loose form of electoral reciprocity. Citizens who leave the deliberative poll with a changed attitude may vote for a different party than they would had they not participated in the poll – this may open up the floating vote and in so doing impact which parties get elected, and thus which policies get adopted. Here the electoral process remains the primary bridge between the outcome of the deliberative poll and decision-making and so in this sense, deliberative polls mirror the legitimacy-as-electoral-expression conception prominent among consociationalists. The deliberative polling strategy increases citizen awareness and social learning but ultimately does not do enough to connect the deliberative process directly to the decision-making and policy-making process (Goodin and Dryzek, 2006). As Ackerman and Fishkin contend, the primary goal of deliberative polling is not to make decisions, "but to think about what is at stake" (2005: 36). Thus while it represents a step in the right direction, it does not go far enough.

Both referendums and deliberative polls suffer from a problem of process. Neither approach does enough to facilitate citizens' inclusion or incorporate marginalized voices into the decision-making process. This is most obvious with the referendum, which narrows complex decision-making into an either-or framework. In so doing, the referendum endorses a conception of formal equality that is problematic in deeply divided societies because it requires decisive majority will (Eisenberg, 2005: 17-18). The deliberative poll doesbetter in terms of incorporating marginalized voices into the deliberative process, but is less effective at filtering the outcomes of deliberation into the decision-making process. In both cases, deliberative polls and referendums are insufficiently inclusive as mechanisms in their larger political environments. Whether the problem is the distance between deliberation and

decision-making, or holding referendums without sufficient pre-vote deliberation or minority protections, the lesson that we draw from these institutions is that context matters.[6]

Representative forms of democracy, like consociationalism, are decidedly party-centric. This raises the question of the sort of parties that should be included in the decision-making process. While many new democracies enact ethnic party bans (e.g., Bulgaria, Nigeria, Afghanistan), this is an unduly restrictive mechanism. In line with consociational theory, we argue that the formation of such parties can simultaneously increase voice while diminishing prospects of exit, or extra-constitutional forms of expression (Ishiyama, 2009: 56). Echoing sentiment shared by deliberative democrats, Adeno Addis argues, "there cannot be a fair scheme of cooperation when some voices are not heard" (2009: 80). Yet the inclusion of ethnic parties raises concerns about political stability. The issue is twofold. First, ethnic parties tend to have a cumulative effect: once one ethnic party is formed, others quickly follow suit (Horowitz, 2000: 306). Second, it may also lead to "the institutionalization of intra-ethnic competition," or the idea of extremists outbidding moderates for community support (Mitchell, Evans, and O'Leary, 2006: 6). Outbidding is not "inevitable," as Mitchell et al demonstrate in the case of Northern Ireland. But where it does occur, as it has in Sri Lanka, moderates may need to step up their promotion of the ethnic group in order to retain community support and may need to sacrifice their willingness to engage in cross-community deliberation in order to do this. In such a setting, polarization or deep division results. A primary concern, then, is whether participation can and should accommodate both moderates and radicals.

An initial response might be to limit inclusion to moderates, who are more willing to engage in constructive cross-group deliberation and to frame issues in terms of reciprocity. This is the approach followed by centripetalists who recommend institutions, including majoritarian-preferential voting and centrist coalitions, that are meant to reward moderation (Horowitz, 2008: 1216-8); the approach, as described by Donald Horowitz, aims to "support moderates against extremists" (2008: 1217). Indeed, it may seem intuitive to limit the ability of extremists to participate in democratic decision-making. Many extremist parties actively seek instability and tend to make even moderate parties more radical. In post-conflict situations, their inclusion may also have serious moral implications. The leaders of many extremist parties often have unsavory pasts as warlords, murderers, and the like; when this is the case inclusion risks lending political legitimacy to illegitimate political behaviour (cf. Tull and Mehler, 2005).

At the same time, however, it would be premature to limit their participation. In terms of political stability, engaging extremist parties in the democratic process may serve to temper their extremism (McGarry and O'Leary, 2006: 262). Inclusion may prove tumultuous, at least initially, but in the end it provides incentives for system maintenance. Decision-making access provides an avenue for extremists to address grievances without the resort to violence, enabling them to "press their case with ballots rather than bullets" (Reynolds, 1995: 92). This has been the experience of Sinn Féin in Northern Ireland. Its inclusion in the negotiations leading to the Belfast Agreement and its participation in constitutional politics has facilitated a move to a more moderate platform. Exclusion at either stage, by contrast, would have allowed it to become more extreme, as it would have

[6] Eisenberg draws similar conclusions in her article, noting "the project, then, is not to eliminate referendums but to regulate them in ways that counteract and compensate for their propensity to favour values, such as formal equality and majority rule, that bias proceedings against groups that seek or appear to be seeking distinctive status and rights" (2005: 19).

little incentive to promote the stability of the Agreement (McGarry and O'Leary, 2006).

The exclusion of extremists is also problematic from the consociational standpoint of legitimacy-as-electoral-expression. In many divided places, the centre is liable to be quite small. That is, in such places, it is generally the extremists who enjoy the bulk of popular support. Elections in Bosnia, Fiji, Sri Lanka, and Northern Ireland, among others, remind us of this fact. In all these cases, extremists were more popular amongst the electorate. To exclude the parties democratically chosen by the voters not only denies large portions of the population authentic representation and formal inclusion, it also actively supplies the excluded groups with incentives to promote political instability. It is difficult to see why extremists would contribute to the political stability of a system from which they have been purposively excluded – excluding extremists does not address the question of their extremism in institutional channels, and this leaves only extra-constitutional forms of voice (Addis, 2009: 72). It is also problematic in terms of deliberative legitimacy; designs that limit the participation of extremists are likely to lead to "a truncated deliberative process" because certain voices are not heard (Addis, 2009: 68). Restricting deliberative channels to those who are already moderate fails to include all those who are affected by the decision-making process; this includes radicals as well as moderates, and any preemptive barriers that center upon a group's constituency – rather than the reasons put forth by people within that group–fail on grounds of political equality.

DELIBERATIVE CONSOCIATION IN CONTESTED POLITIES

The question of substantive inclusion, be it citizens or representatives, connects to our concern for the institutional process of decision-making. Taking our inspiration from O'Flynn's articulation of deliberative consociationalism, we suggest ways to make consociational decision-making more deliberative in scope. We also identify ways to turn up the volume within institutions and, in so doing, point to ways to reconcile questions of stability with those of substantive inclusion.

The crux of the consociational argument for broad group inclusion rests with executive power-sharing, which entails the participation of all major segments in the executive decision-making process, and with the proportionality principle, which is meant to facilitate group representation electorally as well as in civil service appointments and in the allocation of financial resources. Deliberative democrats have reservations about the kind of thin inclusion that these strategies foster. The representative system raises questions of democratic legitimacy via the fear that particular voices–such as minorities within minorities – will find themselves excluded by virtue of their submersion within the larger group. This being said, the spirit of inclusion that the grand coalition and the proportionality principle foster is certainly something that may signal the beginning of a broader kind of inclusion as conflict management transitions into conflict resolution.

Given the tension between the necessity of power-sharing in newly-democratizing societies and the reservations of particularly marginalized groups, we argue that a productive way to approach inclusion in the grand coalition is through a call for a specific kind of deliberation. The kind of disagreement that deliberative democrats focus upon can make a significant difference to the ability of both segments and marginalized people to participate as equals. The standard deliberative response to conflict is to find a principled solution via a process of rational, moral argumentation in which people try to convince others of the shared normative principles that underlie particular claims. Deveaux takes issue with this and calls for a different framing, arguing that cultural conflicts "are primarily political in

character, and while they include normative dimensions, they do not necessarily entail deep disputes of moral value" (2006: 6). We think that this framing is valuable for deliberative consociationalism since dropping the more demanding requirement that deliberants need to reach agreement on moral principles automatically opens up a wider space for the accommodation of difference. Deveaux argues that: "strategically focussed deliberation – in which participants seek political compromise – is oftentimes a better solution . . . both normatively and practically" (2006: 6). This political approach, in which she praises the contributions of negotiation and compromise, is surprising coming from a deliberative democrat. As Deveaux notes, negotiation and compromise are not part of the deliberative vocabulary. Their familiarity in a consociational context, however, supports our call to adopt this framing. Moving from a discussion of moral arguments to a discussion of strategic interests, Deveaux's motivation is to highlight power relations; this strengthens the position of vulnerable deliberants who then have a greater chance of drawing attention to unjust power structures (Deveaux, 2006: 101). Although necessarily subject to the normative constraints of non-domination, political inclusion, and revisability (Deveaux, 2006, 114), thus keeping her approach squarely within deliberative norms, there is a great deal of potential to be found here, as evidenced in the achievements of the constitutional negotiations in South Africa (Deveaux, 2003). The use of referendums, deliberative polls, and other institutional strategies that facilitate the articulation of public reasons in deliberative consociationalist settings may also benefit from the adoption of this political approach.

As a key consociational institution, the mutual veto performs an important function for inter-group inclusion. Mutual vetoes facilitate reciprocity "by inclining ethnic groups to develop and offer reasons for their commitments and positions that are acceptable to other ethnic groups and that take their interests and concerns into account" (Addis, 2009: 81). This can sustain cooperation as groups negotiate the line between 1) exchanging public reasons to convince others to accept proposals on their merit – both to the state and to the individual groups – and 2) negotiating mutually-beneficial arrangements. The degree of power that the mutual veto bestows works nicely with the deliberative reframing proposed by Deveaux and which we endorse. Because mutual vetoes are in large part about power, the shadow of the veto encourages groups to be explicit about what is at stake; in exposing interests and making power visible, it protects minorities from its abuse.

We also agree with O'Flynn that segmental autonomy can play an important role in deliberative consociationalism. Because segments take the recognition of group difference as their starting point for the design of constituent units, and because the intent is to empower minority groups, the attention to difference shares important qualities with deliberative democracies that use difference as a resource. When the existing state grants segments some degree of self-rule, it provides them with a sense of security. The downside, as O'Flynn notes, is a fear of segments giving rise to enclaves and doing little to address division in the larger political community (O'Flynn, forthcoming: 17; cf. Sunstein, 2002: 117).

O'Flynn's main concern with segmental autonomy is that it may tend to work against reciprocity – which is, of course, central to the deliberative consociational project. This fear is due to the "law of group polarization," a phenomenon coined by Cass Sunstein that occurs when like-minded people group together and "predictably move toward a more extreme point" in their views as a result of intra-group deliberation (2002: 176). Or, in this case, as a result of self-rule that requires little engagement with other groups in the consociation. O'Flynn's proposal to build protections for reciprocity into segmental autonomy is to organize it so that segments are voluntary (the logic being that this encourages people to look outside their own groups) (forthcoming: 18). This, it seems,

leaves a lot to chance.[7] Surprisingly, O'Flynn overlooks an important part of Sunstein's argument. Although he notes the dangers of group polarization, Sunstein does not reject enclave deliberation. There are benefits to intra-group dialogue. Enclave deliberation provides a physical and conceptual space that underlies deliberations with other groups and can help people to develop arguments that might otherwise be silenced. Groups are able to develop their own position from the safety of the enclave and can then go on to use the group as a base from which they can amplify their voices in larger (general) deliberative exchanges (cf. Fraser, 1997: 81-83; Sunstein, 2002: 177). Having this space, and the accompanying chance to strengthen their arguments, may support a willingness to engage with other groups. Instead of rejecting enclave deliberation, Sunstein argues that group polarization does not have to occur (2002: 190). Ultimately, Sunstein concludes that the democratic value of enclave deliberation depends greatly upon social context and argues that people can avoid the potentially dangerous effects of group polarization with alterations in institutional arrangements (the addition of moderators, etc) (2002: 195). Since segments will always have some reason to engage with other groups – if not directly, then through the grand coalition – it makes sense to encourage links between segments. These links need not be ones that encroach upon a basic level of autonomy, since institutional arrangements can be small and still make a significant difference (Sunstein, 2002: 195). Potential institutional mechanisms could include moderators, a conception of deliberation that speaks to group difference, and ways of regulating deliberation in the grand coalition that reinforce segmental autonomy whilst encouraging reciprocity.

A two-stage approach to the exchange of reasons in deliberations is a particularly important form of regulation. This process works as long as we separate criteria of inclusion from questions of evaluation. The arguments that factor into deliberative decisions, after all, need to meet criteria of mutual justification in order to meet the deliberative requirement of legitimacy. If, however, we have a wider scope for inclusion then people will have a space where they can articulate their positions and concerns, thus receiving a fair hearing and avoiding charges of pre-emptive exclusion. If these initial arguments are not reciprocal, then inclusion at this first stage lets people try, with the help of deliberative processes and tools (mediators, relevant questions, etc) to then articulate their arguments as public reasons. Because public reason is a necessary limit on decision-making, deliberative consociationalists must exclude arguments that undermine political equality. Waiting until the second stage to do this allows us to balance the need for reciprocity with the real concern that people in divided societies might have a difficult time framing their claims in ways that do not conflict with other people's standing as political equals.

The understanding of group polarization as an activity that takes place among "like-minded-people" raises an additional concern as the false assumption that segments consist of like-minded people poses an obstacle to substantive inclusion. While there is certainly an important common thread uniting people within a segment–with good reason given longstanding disputes between majority and minority groups in divided societies–this assumption is particularly troubling for minorities within minorities. The tension between the recognition of majority/minority relations, and minorities within minorities reinforces why the concept of loudness is important for substantive inclusion. Turning up the volume within segments enriches internal agenda-setting and deliberation and helps to combat the inherent elitism of the grand coalition, where there is a tendency for representation to favour the group's dominant voices.

[7] To be fair, O'Flynn notes the problem of institutional indeterminacy at work here (forthcoming: 18).

Segmental autonomy can offer an institutional response to several of the problems of exclusion that we identify. It can offer a space where both minorities within minorities and extremists can engage in loud and potentially messy debates without exposing internal dissent to other segments (who may use any signs of instability to their advantage). Amplifying deliberation within segments, where arguments are limited by the requirements of reciprocity and an approach to deliberation that makes power visible, helps to encourage deliberation across differences. The ability to deal with deep division must necessarily entail the recognition of intra-group differences that get lost in consociationalist discussions of segments. If inter-group conflict comes from trying to outbid other groups for support, then deliberative consociationalism, as it replaces the zero-sum competition in aggregative democracies with the requirement that groups can only reach decisions after an exchange of reasons, is better situated to focus on this thicker kind of group inclusion.

OLD CONFLICTS, NEW LENSES

Drawing upon new work in the area of deliberative consociationalism, we have considered two broad questions: does consociationalism have enough political space for deliberation? And is deliberation feasible within consociational space? These questions arise in response to O'Flynn's search for a way to approach institutional proposals to achieve political stability in divided societies via a re-examination of the values of inclusion and moderation. We find his normative focus on political equality as a way to bridge inclusion and moderation promising, and we take this as a starting point to pursue questions about substantive inclusion in deliberative consociationalist processes. Returning to our two overarching questions, we argue that in both cases the answer is "yes," but with important qualifications. Of central importance to the viability – and legitimacy – of deliberative consociation is this question of deliberative process. We find that it matters a great deal what kind of deliberative lens we apply to consociationalism.

The conception of inclusion lies at the heart of attempts to negotiate a deliberative consociational space. Focusing upon the "how" of deliberation in divided societies we argue for the application of a deliberative lens that appeals to a wider range of perspectives. Supporting a broader scope of reason-giving, we endorse Young's use of difference as a resource as a way to extend substantive inclusion to marginalized groups and of facilitating cross-group dialogue. This broader scope of deliberative participation also leads us to endorse a two-staged approach to deliberation. A concern for substantive inclusion cautions us against constructing any preemptory mechanisms of exclusion in terms of who can speak in the initial stage of deliberation. A concern for political equality supports this initial expansive account of inclusion, but it also requires that decision-making only takes into account those arguments that meet the criteria of public reason. In order to protect marginalized groups we call for the adoption of Deveaux's political approach that exposes power differences and makes them work to the (relative) advantage of marginalized groups.

As we apply this specific deliberative lens to consociational institutions we find that consociationalism is receptive to deliberative lessons. Consociational institutions, insofar as they offer ways to regulate decision-making between segments, can help deliberative democrats to develop links between deliberation and decision-making. At the same time, pluralist critiques of deliberative democracy help consocationalists to assist minority groups as they seek substantive inclusion. There is a surprising amount of overlap between consociational and deliberative strategies of inclusion. The different but complementary strengths of consociational and deliberative democracy in dealing with deep divisions offer

an incentive for newly-democratizing societies to move to deliberative consociationalism. Once established, we hope that efforts to sustain consociationally deliberative processes will provide the momentum for newly democratizing societies to expand their conception of inclusion even further when political processes indicate a movement to long-term stability. Looking at problems of political stability, inclusion, and decision-making through a deliberative lens lays the groundwork for examining the implementation of such institutional strategies, which lends itself to further empirical (and normative) investigation.

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