

Libertas

Revista de Pesquisa em Direito da UFOP

ISSN: 2319-0159

DELIBERATIVE DEMOCRACY AND CULTURAL PLURALISM

DEMOCRACIA DELIBERATIVA E PLURALISMO CULTURAL

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ABSTRACT:

The globalization process is not reducible to its international dimension, i.e., to international, or even, to transnational relationships. In many states, it also consists of domestic phenomena, such as an increasing cultural pluralism, that does not result solely from a domestic and gradual evolution, but, to a significant extent, either from migrations or from radical changes of mind made possible by cultural globalization. This kind of cultural pluralism is what one can call multiculturalism, in the descriptive sense of the characteristics of a multicultural society (as distinguished from the normative meaning, i.e., from the policies that aim at either maintaining or promoting multiculturalism in the descriptive meaning). This paper aims to discuss the articulation between deliberative democracy and cultural pluralism.

RESUMO:

O processo de globalização não pode ser reduzido a sua dimensão internacional, ou seja, a relações internacionais, ou ainda transnacionais. Em muitos países, ela também consiste em fenômenos domésticos, como um pluralismo cultural crescente que resulta, em uma extensão significativa, de migrações ou mudanças radicais de pensamento, tornadas possíveis pela globalização cultural. Este tipo de pluralismo cultural é o que se pode chamar de multiculturalismo, no sentido descritivo das características de uma sociedade multicultural (diferenciado de seu sentido normativo, ou seja, das políticas que visam manter ou promover o multiculturalismo no sentido descritivo). O presente texto visa abordar a articulação entre os conceitos de democracia deliberativa e pluralismo cultural.

KEYWORDS: Democracy Deliberative. Cultural Pluralism. Multiculturalism. Theory Of Justice.

PALAVRAS-CHAVE: Democracia Deliberativa. Pluralismo Cultural. Multiculturalismo. Teoria Da Justiça.

1. Defining multiculturalism and deliberative democracy.

The globalization process is not reducible to its international dimension, i.e., to international, or even, to transnational relationships. In many states, it also consists of domestic phenomena, such as an increasing cultural pluralism, that does not result solely from a domestic and gradual evolution, but, to a significant extent, either from migrations or from radical changes of mind made possible by cultural globalization. This kind of cultural pluralism is what one can call multiculturalism, in the descriptive sense of the characteristics of a multicultural society (as distinguished from the normative meaning, i.e., from the policies that aim at either maintaining or promoting multiculturalism in the descriptive meaning). Furthermore, this kind of pluralism is perceived as being more problematic than a cultural diversity that has either grown domestically and slowly over time, or resulted from a crisis that segmented what was initially the same culture, as occurred, for instance, with the Reformation. In fact, in those cases, society is perceived by its members as having developed cultural pluralism by itself. In our Western societies, this experience is already long-standing, going back to early Modern time. On the contrary however, multiculturalism is seen as a sudden event occurring from the outside, or even as a kind of undesired problem.

Democracies relied on an acceptance of cultural pluralism, and used to emphasize this feature in contrast with many (but not all) pre-democratic regimes. However, democracies *per se* are neither multicultural, nor always promoting multiculturalism (see the former indigenous status of republican colonial powers, the Australian ‘white-only’ immigration policy that existed until the early seventies, the introduction of immigration quotas in the United States a century ago, etc.). Now, *deliberative* democracy has specific features, partly due to its late emergence as a remedy against deficits of classical democracy, and its relationship with multiculturalism is specific too. *On the one hand*, deliberative democracy commits itself to not rely on a unique cultural tradition – or set of local cultural traditions –, so that it claims to welcome cultural pluralism, wherever its originates. *On the other hand*, the relationship between deliberative democracy and parts of cultures is problematic.

Deliberative democracy does not content itself with a majority rule as a procedure aggregating preferences in order to make decisions in controversial matters. Rather, deliberative democracy is committed to the search for a consensus on each public decision. This consensus should result from a deliberation that consists not only in developing one’s own view, but also in either accepting the views and the objections of the other members of society, or arguing against these views and objections, in order to ultimately reach a shared conviction:

[...] deliberative democracy aims to arrive at a rationally motivated consensus—to find reasons that are persuasive to all who are committed to acting on the results of a free and reasoned assessment of alternatives by equals. Even under ideal conditions there is no promise that consensual reasons will be forthcoming. If they are not, then deliberation concludes with voting, subject to some form of majority rule (Cohen 1997: 75).

The means by which a majority comes to be a majority is the more important thing: antecedent debates, modification of views to meet the opinions of minorities [...] The essential need, in other words, is the improvement of the methods and conditions of debate, discussion and persuasion (Dewey 1954: 207f.; quoted by Habermas 1996: 304).

Unlike Rawls’ overlapping consensus, deliberative democracy does not refer only to a consensus on the principles for the basic structure of society. Instead, deliberative democracy concerns *each public decision* and strives for a *consensual* decision based on *shared convictions* on each issue.

The problematic character of the relationship between deliberative democracy and multiculturalism is analyzed and dealt with in different ways at both the descriptive and the normative level. At the descriptive level, one may either assert the existence of a problem that makes deliberative democracy impossible or ignore that there is any problem, or – a third possibility – provide the elements for explaining the source of the problem and its seriousness, while denying that this problem is lethal. At the normative level, one may either make a plea for multicultural institutions outside of the realm of democratic procedures or subordinate descriptive multiculturalism to the democratic majority rule, or accept the multicultural burdens of deliberative democracy. Obviously, there are connections between both levels, which I will try to present in the following.

2. The incompatibility thesis and the denial of any problematic relationship.

What multiculturalism in the normative (not in the descriptive) sense casts doubt on is that the “modification of views to meet the opinions of minorities”, which is required by deliberative democracy, actually takes place and is capable of happening, in the case of cultural minorities that do not share enough common ground with the majority to be duly taken into consideration by the majority. And, for this reason, multiculturalism asks for some specific minorities to be granted exemptions (i.e., privileges in the Hohfeldian meaning) from the rules adopted according to the majority principle. Resolute opponents of normative multiculturalism, such as Brian Barry, do not primarily challenge this premise of normative multiculturalism, but instead reject the privilege that normative multiculturalism requires because of one of its anti-democratic implications:

Many multiculturalists [...] maintain that each cultural group within a polity constitutes a source of values for its members, and that the values of different groups are incommensurable. On this view, a society with a single set of values applying to all its members is bound to be oppressive to cultural minorities, because the rules will simply reflect the culture of the majority. The very possibility of arguing that some rules have more to be said for them than that they articulate majority values is simply dismissed in advance as a piece of sophistry. [...] For the whole point of the ‘politics of differences’ is to assert that the right answer is for each cultural group to have public policies tailored to meet its specific demands (Barry 2001, 299f.).

According to Barry, two aspects of this multiculturalist claim are wrong. *First*, it allows cultural groups to decide both on “matters that affect them directly” and on which matters affect them directly, so that it ignores that “whether or not some issue affects only the members of a certain group is itself a matter of controversy, and [that] that controversy is itself one on which everyone can properly take a position” (Barry 2001, 303). In Hohfeldian words, normative multiculturalism grants those groups not only ‘privileges’, but ‘powers’ over the remaining part of society, which contradicts the very idea of democracy. Barry formulates the *second* objection in a confusing way, referring to the suggestion of a “veto power” made by Iris Marion Young:

It is also puzzling that Young talks about a veto in cases involving generally applicable public policies. For a veto [...] simply blocks change, thus perpetuating the status quo. Since the groups to be granted veto power are, by stipulation, ‘oppressed or disadvantaged’, having a veto would enable them only to prevent changes that would be deleterious to their perceived interests (Barry 2001, 302).

Barry is wrong about the object of this controversy. Normative multiculturalists complain not only that society currently follows the norms inherited from the cultural majority but also that the cultural majority is unable to take into due consideration, as required by deliberative democracy, the arguments of the new cultural minorities. Thus, radical multiculturalist scepticism does not refer to the status quo, but to the forthcoming democratic decision that is allegedly likely to be as discriminatory as the present status quo. Yet, one could modify the objection made by Barry through drawing attention to the consequences of normative multiculturalism for cultural minorities themselves. Kymlicka’s theory offers a clear example of the deleterious consequences of such a veto power. In fact, Kymlicka recommend for Canada’s aboriginal reservations not only the exemption from the Canadian and provincial ordinary legislation, but also the enforcement of traditional rules that are not intended to be modified by any legislative procedure (see Kymlicka 1995, Tully 1995, for a critique: Merle 1998) and that include norms extremely restrictive of individual freedoms. Kymlicka does not conceive of those reservations on the model of the newly established province of Nunavut, which has a legislative assembly and also is represented in the Canadian House of Commons. Thus, what such a veto power implies is that the members of these cultural groups enjoy deliberative democracy neither in society at large nor in their community.

From the objections against normative multiculturalism raised by Barry, one may draw the following conclusion: because the cultural majority is allegedly unable to truly observe the rules of deliberative democracy towards new cultural minorities, these minorities should keep their traditional rules at the expense of deliberative democracy and of democracy at all for *both* the cultural majority *and* the new cultural minorities.

Now, Barry does not offer a solution or alternative option; he only denies the existence of the problem pointed out by the normative multiculturalists, i.e., he denies any obstacles to the exercise of deliberative democracy between the cultural majority and new cultural minorities:

Those who wish, on the basis of minority religious beliefs or cultural norms, to engage in practices that would be illegal in the absence of a special exemption should be free to join in the public debate and do their best to convince as many of their fellow citizens as they can of the merits of their case (Barry 2001, 304).

3. How are cultures able to evolve? Observations on comprehensive doctrines in Rawls.

Besides denying any problem and asserting a lethal problem implementing deliberative democracy in a multicultural context, there is a third possible diagnosis: the existence of a non-lethal problem. John Rawls’ *Political Liberalism* seems to me to provide some of the elements for justifying such a diagnosis, although he does not draw the appropriate conclusion from it. Rawls affirms that citizens have “two kinds of commitments and attachments—political and nonpolitical—”, „**Arten von Bindungen und Zugehörigkeiten – politische und nicht-politische –**, (Rawls 1998, 100) (Rawls 1993: 31). By the latter, Rawls understands their individual project of life and their “moral doctrine,” the latter he also calls a comprehensive conception of the good. He famously draws a boundary between the comprehensive conceptions that are compatible with democracy and those that are not. He characterizes the latter as developing the following view on politics:

We can imagine a society (history offers many examples) in which basic rights and recognized claims depend on religious affiliation and social class. [...] It lacks a conception of equal citizenship, for this conception goes with that of a democratic society of free and equal citizens (Rawls 1993: 30).

According to Rawls, such a conception of politics is unreasonable, which means that its proponent is not ready to democratically cooperate with persons who do not share this conception in order to establish democratic institutions in which each member will be considered as free and equal. In other words, they cannot reach a consensus with them on such basic institutions, which includes the democratic procedures for ordinary public decision-making. The individuals who hold such an unreasonable conception can be only tolerated – provided that they do not endanger the democratic institutions – and one may hope that enjoying the advantages of this toleration will eventually move them to abandon their unreasonable conception. I will go back to this point later. However, first, let us look at how Rawls sees the different kinds of cultural groups that can actually participate in the democratic deliberation.

[...] I shall use a model case of an overlapping consensus [...]. It contains three views: one affirms the political conception because its religious doctrine and account of free faith lead to a principle of toleration and underwrite the fundamental liberties of a constitutional regime; while the second view affirms the political conception on the basis of a comprehensive liberal moral doctrine such as those of Kant and Mill. The third, however, is not systematically unified: besides the political values formu-

lated by a freestanding political conception of justice, it includes a large family of nonpolitical values. It is a pluralist view, let us say, since each subpart of this family has its own account based on ideas drawn from within it, leaving all values to be balanced against one another, either in groups or singly, in particular kinds of cases. [...] The third view is only partially comprehensive but holds, with political liberalism, that under reasonably favorable conditions that make democracy possible, political values normally outweigh whatever nonpolitical values conflict with them. (Rawls 1993: 145).

Rawls defines the “reasonable comprehensive doctrines” as follows:

They have three main features. One is that a reasonable doctrine is an exercise of theoretical reason: it covers the major religious, philosophical, and moral aspects of human life in a more or less consistent and coherent manner. It organizes and characterizes recognized values so that they are compatible with one another and express and intelligible view of the world. Each doctrine will do this in ways that distinguish it from other doctrines, for example, by giving certain values a particular primacy and weight. In singling out which values to count as especially significant and how to balance them when they conflict, a reasonable comprehensive doctrine is also an exercise of practical reason. Both theoretical and practical reason (including as appropriate the rational) are used together in its formulation. Finally, a third feature is that while a reasonable comprehensive view is not necessarily fixed and unchanging, it normally belongs to, or draws upon, a tradition of thought and doctrine. Although stable over time, and not subject to sudden and unexplained changes, it tends to evolve slowly in the light of what, from its point of view, it sees as good and sufficient reasons (Rawls 1993: 59).

How is the ‘slow evolution’ of comprehensive doctrines to be understood? “Slowly” does not make any sense except in comparison to what is less slow. Obviously, unreasonable conceptions are not considered by Rawls to evolve, because they rely on an absolute foundation. Thus, what is less slow can be nothing but the “partially comprehensive” conception. Since Rawls never mentions the possibility of persons holding no comprehensive conception, i.e., not even a partially comprehensive one, and since he considers his own theory of justice as relying on a comprehensive conception, partially comprehensive conceptions are the quickest one. Now, the ability to evolve “in the light of [...] good and sufficient reasons” is precisely the capacity needed for participating in deliberating democracy, and the more – or the quicker – a person is able to evolve in this way, the better she can contribute to deliberative democracy.

Another feature of comprehensive conceptions is noteworthy: They are “doctrines” in a strong meaning, because they are an “exercise of theoretical reason.” Since each comprehensive doctrine “covers the major religious, philosophical, and moral aspects of human life,” it corresponds to what the multiculturalists and Barry call “culture.” Thus, for Rawls, cultures are doctrines,

i.e., they are not only (i) structured “in a more or less consistent and coherent manner,” but (ii) each person who holds a comprehensive conception is also fully aware of this systematic organization of it’s the culture’s values that motivate her actions. The “subparts” composing the partially comprehensive doctrines are themselves doctrines. However, a partially comprehensive doctrine is a doctrine that is “less consistent and coherent” than a fully comprehensive one and in which the values are “balanced

against one another either in groups or singly, in particular kinds of cases.” In short, partially comprehensive doctrines possess a triple independence: independence of the aspects of life from one another, independence of the values from one another, independence of the particular kinds of cases from one another.

We can make the following observations.

(i) The triple independence provides quicker democratic and deliberative evolution and the consistency slows such an evolution. Let us remember that unreasonable conceptions are not merely slow to evolve, but totally unable to evolve, because they are not only consistent, but also have an absolute foundation. Hereby, Rawls clearly thinks of fundamentalism, for instance, religious fundamentalism, to which he opposes liberal religious views such as Mario Cuomo’s, who, at the same time, professes Catholicism *and* supports the right to abortion under certain conditions (see Rawls 1996: lvii, Pogge 1994: 138f.).

(ii) Rawls’ analysis does not distinguish between beliefs and practices, since he assumes the full awareness of one’s own consistent system of motivating values. This contrasts with the results of social and human sciences that view cultures as structured, but not as fully logically consistent nor fully aware to the persons who live in them. Rawls seems to forget that the awareness of the structures, reasons and causes of one’s cultural determinations requires a reflexive process that requires the experience of other cultures. The contacts between cultures are not primarily a confrontation of doctrines. Rather, such a reflexive process also entails a critical relationship with one’s own cultural determinations, within each individual as well as within each cultural group. Admittedly, depending on the development of such a reflexive process, cultures possess the aforementioned independence to a larger or narrower extent, and are accordingly able to evolve in interaction with other cultures to a larger or narrower extent. Furthermore, even members of a culture claiming an absolute foundation may not be consistent with it in all their beliefs, moral intuitions, actions, emotions and relationships, and many aspects of their culture may gradually and imperceptibly evolve, while some other aspects may keep only a loose connection with the other ones. In his *Elementary Forms of the Religious Life* (1947), Emile Durkheim mentions that fragments of past religions may survive, disconnected and not understandable for those who still keep these fragments as part of their beliefs and their practices. This structured – but somehow loose – connection is similar to the aforementioned triple independence. (Interestingly enough, apart from religious comprehensive doctrines, the only examples of (reasonable) fully comprehensive doctrines provided by Rawls are not cultural groups, but mere philosophical theories: Kant’s, Mill’s and his own *Theory of Justice*.) The triple independence makes it easier to modify one’s

own view on single issues under the influence of other participants' arguments, than if revising one's own view on a particular issue required modifying a whole comprehensive doctrine.

4. Conclusion.

These considerations about the triple independence and the wrongness of the approach of cultures as doctrines provide an explanation for the difficult, although not impossible, relationship between deliberative democracy and the cultural minorities addressed by normative multiculturalism. Admittedly, cultural groups that the globalization process quite suddenly brings into close contact within the same society are the most likely to be perceived by one another as fully comprehensive doctrines, or even as unreasonable comprehensive doctrines, especially if they include clear religious foundations and significant references to sacredness. In fact, the impression of strangeness is not counterbalanced by any common past experience of gradual evolution on both sides. On the one hand, this leads to the radical multiculturalist thesis criticized by Barry "that the values of different groups are incommensurable." On the other hand, this excludes in the short term the possibility, invoked by Barry, for such cultural groups to have a real chance "to convince as many of their fellow citizens as they can of the merits of their case," and even of the worthiness of arguing for any elements of their culture with the cultural majority. In fact, the fears and passionate oppositions arising in a significant part of democratic societies against a descriptive multiculturalism resulting from the globalization process, as well as the replies to these fears and oppositions, always address the question whether the new cultural groups can be "integrated" – although no longer 'melted' or 'assimilated', as it was expected a few decades ago – into the rest of society. In this public debate, there is no mention of what can be either learned or overtaken from the cultural particularities of those minorities. The relationship is conceived by the cultural majority as one-sided, i.e., as an opportunity for the new cultural groups to reach the ability of democratic deliberation. The multiculturalist claim for privileges and for a veto power uses this one-sidedness as a justification.

This one-sidedness is an erroneous perspective. Indeed, even if it were true that there is nothing to learn or to adopt from these new cultural minorities, if all their opinions and arguments on any single issue of the public debate were false, and even if the cultural majority always found and adopted the right views for the right reasons – all premises that are both unlikely and uncertain because of the **(Bürden des Urteils, Rawls 1998, 127) Rawlsian** 'burdens of judgment' –, examining the certainly wrong opinions and arguments of the new minorities and answering them still would be useful for the cultural majority for at least *three* reasons.

First, let us remember of John Stuart Mill, for whom recognizing the freedom to express not only controversial, but also false opinions, benefits the society at large that recognizes this freedom. Indeed, according to Mill, refuting once again views that the cultural majority considers as false compels it to keep aware of the reasons why its own judgment is true. This allows not only a control of the rightness of its own position, but also to develop further fruitful consequences of these reasons. Indeed, not doing this leads to a situation in which

[...] not only the grounds of the opinion are forgotten in the absence of discussion, but too often the meaning of the opinion itself. The words which convey it cease to suggest ideas, or suggest only a small portion of those they were originally employed to communicate. Instead of a vivid conception and a living belief, there remain only a few phrases [...] (Mill 1956: 48).

In the same way, for instance, it is not only a situation that is "becoming quite rare in the contemporary world," as Daniele Archibugi observes, but it is also, and first of all, an illusion to think "that a monoreligious or monoracial community or a community in which all the individuals have the same educational or income level facilitates political participation" (Archibugi 2008: 257).

One may object that discussing views and arguments that one considers as obviously wrong – and therefore as backwards and causing a loss of time – may be useful, yet not as useful as discussing opinions on the truth or falseness of which there are serious doubts. Yet, a *second* reason is the comparison of the effects of a refusal to the effects of an acceptance of such a discussion. Not doing the effort to carefully examine the points of new cultural minorities and argue about them (i.e., either simply rejecting them as not being our societies' way of life or 'respecting' them as a privilege granted to those minorities because "the values of different groups are incommensurable") would provide a strong justification for the multiculturalist claims of a veto power, the implications of which would be seriously damaging for deliberative democracy in society at large, as we have seen. As Rawls observes, "sometimes a modus vivendi might develop into an overlapping consensus of reasonable doctrines" (Rawls 1996: xliii), as has gradually become the case after the religion wars of in early modern Europe. The same might apply to a gradual evolution to real democratic participation, and then to deliberative democracy. A *third* reason is that, even if one succeeded in separating cultural groups so that there were allegedly culturally homogeneous constituencies, deliberative democracy would still be required by global justice. Indeed, several circumstances would make it necessary. *First*, a large and increasing part of the social primary goods, in the Rawlsian sense, could not be produced without an increasingly global and complex division of labor. *Second*, a large and increasing part of the domestic public decisions have a regional or global impact. Since the very principle of democracy requires that one can participate in decisions about what affects her, the international, transnational and global involvement in the deliberative and democratic decision-making is and will be increasingly required by global justice. Global justice consists not only in making substantially right decisions. The 'right decision' does not exist *per se*, but only as the *result* of the right – i.e., fair – procedures. In addition to being a strong objection against many traditional cultural determinations, it is also a normative demand intrinsically linked to the very idea of deliberative democracy.

The main reasons for the fallacious theses of either the incompatibility of multiculturalism and deliberative democracy or the unproblematic relationship between both of them is that multiculturalism, culture, and deliberative democracy are considered as intellectual contents, both at the descriptive and at the normative level. Cultures are considered as 'doctrines' that

are more or less 'consistent', deliberative democracy as being about discovering the right answer rather than about arguing and convincing. This fallacy let us forget the Rawlsian inspiration. Global justice is primarily about a society of free and equal persons that all possess a capacity of judgment about the norms and the ends, the development of which should be promoted.

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