DELIBERATIVE DEMOCRACY V. POLITICS OF IDENTITY

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Abstract: The defenders of deliberative democracy insist in the idea that for searching political truths is necessary to use values as universality, rationality and fairness. The defenders of the politics of identity distrust from this deliberative approach because, the interests of the powerful groups of the society are often behind those values. The common approach of deliberative democracy misunderstands the proper role, language, expression and actual interests of the members of the minorities.

Deliberative democracy isn't really compromised with pluralism –social, cultural, ethnic, racial...–because it is more compromised with formal and substantial rules of decision that finally determine the result of the deliberation. Minorities claim for a new understanding of the democracy from the difference, from the identity. Thus, democracy is the result of a dialogue, not from abstractions, but from the particularity. In this sense, it is important the notion of ethics of alterity as a moral effort to understand the Other. This exercise excludes all kind of alterophobia (misogyny, xenophobia, racism, homophobia...) and it is against relativist approach. An identity is legitimate in the way it includes the alterity. The minorities claim to think, other time, topics as democracy from the dynamics between identity/alterity, inclusion/exclusion, equal dignity/differentiated identity.

Keywords: Democracy, Deliberation, Minorities, Politics of Identity.

Contents: I. On Deliberative Democracy; II. A version of deliberative democracy; III. Identity, Difference, Recognition and Politics; IV. A more inclusive democracy; V. Politics of Presence v. Politics of ideas; VI. Conclusion.

I. ON DELIBERATIVE DEMOCRACY

It could be said that there is now a 'deliberative turn'. In this respect, Dryzeck writes: "the final decade of the second millennium saw the theory of democracy take a strong deliberative turn" (Dryzeck 2000: p. 1). The implications of these deliberative approaches are not yet quite clear, especially within the institutional domain.

In recent literature, there are different conceptions of democracy that emphasize in more formal or substantial aspects. These conceptions have diverse views surrounding the role of the citizens, representatives and the objective of politics. These perspectives also have different philosophical backgrounds regarding concepts such as rationality, persuasion, interests, virtue and so on.

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The current representative institutions are supported by a *pluralist, liberal, aggregative* or *realist* conception of democracy. There is a political market in which every option competes for voters in every election. This vision is inspired in Social Choice Theory. The implications of this conception are that voters should search for their private interests in the political elections. In this line, Shumpeter, Dahl and Posner have defended some versions of the *pluralist* conception of democracy (Shumpeter 1987) (Dahl 1989) (Posner 2003)

There is an alternative vision that is called *discursive* or *deliberative* conception of democracy. Some authors have argued that it is needed to increase the deliberation and participation necessary for a democracy of quality. This view affirms that is possible to arrive at an agreement if the participants follow certain rules of public debate. In this position it is important that participants can persuade others and be persuaded by others. The final outcome is a product with the participation of all in equal conditions. There are some authors who have exposed these ideas, some of whom fall under the label of republicanism (Cohen 2002) (Gutman Thompson 2000) (Michaelman 1998) (Sunstein 1987-1988) (Nino, 1996) (Dryzek 2000) (Bohman Rehg 2002) (Pettit 2001a).

The proponents of deliberative democracy have exposed their views based on values and presuppositions, which are not always explicit and well discussed. There are implicit values and structures under the mechanisms of deliberative democracy.

There is a line of criticism of deliberative democracy with regard to its treatment of minorities. Some positions have stressed that there are strong assumptions in deliberative models that, in some cases, exclude or undermine the views of minorities. The models of deliberative democracy are generally not sensitive to differences and, in some cases, seek to minimise differences in order to achieve the ideals of impartiality or common good.

The objective of this paper is to analyse the relationship between deliberative democracy and politics of identity. Some conflicts between them exist. However, politics of identity could be a way of improving deliberation for a more inclusive democracy based on, and not devoid of, differences.

II. A VERSION OF DELIBERATIVE DEMOCRACY

There are several models of deliberative democracy. Most of them share some defining characteristics. Cohen outlines- some features of deliberative democracy:

D1 A deliberative democracy is an on-going and independent association, whose members expect it to continue into the indefinite future.

D2 The members of the association share (and it is common knowledge that they share) the view that the appropriate terms of association provide a framework for the results of their deliberation. For them, free deliberation among equals is the basis of legitimacy

D3 A deliberative democracy is a pluralistic association. The members have diverse preferences, convictions and ideals concerning the conduct of their own lives.

D4 Because the members of a democratic association regard deliberative procedures as the source of legitimacy, it is important to them that terms of their association nor merely be the results of their deliberation, but also be manifest to them as such. They prefer institutions in which the connections between deliberation and outcomes are evident to those in which the connections are less clear.

D5 The members recognize one another as having deliberative capacities, i.e. the capacities required for entering into public exchange of reasons and for acting on the result of such public reasoning (Cohen 2002: p. 346).

Under this perspective, Cohen explains the main principle of deliberative democracy: "outcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals" (Cohen, 2002, 347).

Developing this idea, Cohen exposes what are the conditions for deliberative democracy:

Il Ideal deliberation is *free* in that it satisfies two conditions. First, the participants regard themselves as bound only by results of their deliberation and by the preconditions for that deliberation. Their consideration of proposals is not constrained by the authority of prior norms and requirements. Second, the participants suppose that they can act from the results, taking the fact that a certain decision is arrived at through their deliberation is sufficient reason for complying with it.

I2 Deliberation is *reasoned* in that the parties are required to state their reasons for advancing proposals, supporting them or criticizing them. They give reasons with the expectations that those reasons will settle the fate of their proposal.

I3 In ideal deliberation, parties are both formally and substantively *equal*. Everyone with the deliberative capacities has equal standing at each stage of the deliberative process. The participants are substantively equal in that the existing distribution of power and resources does not shape their chances to contribute to deliberation, nor does that distribution play an authoritative role in their deliberation.

I4 Finally, ideal deliberation aims to arrive at a rationally motivated *consensus*—to find reasons that are persuasive to all who committed to acting on the results of a free and reasoned assessment of alternative by equals (Cohen 2002: pp. 347-348).

It seems that deliberative democracy has some conditions that guarantee the legitimacy of the process as freedom, reasoning, equality, consensus. But the point is that this vision quite often misrepresents the views of minorities and makes them almost invisible for the deliberation and final outcome.

III. IDENTITY, DIFFERENCE, RECOGNITION AND POLITICS

During recent years, the relevance of identity has grown in both the Political Theory and political agendas of constitutional democracies. The discourse regarding

minorities has represented a challenge for some theoretical and practical approaches to politics. The questions of "Who am I?" "Where do I belong?" have become central aspects of some perspectives in public deliberations.

This has been labelled as the 'struggle for recognition'. In an influential essay, Taylor explains that there are two ideals, which are sometimes in conflict with each other. The first one is the equal dignity of all human beings. This entails politics of equality and non-discrimination, and is the common reading of Enlightenment heritage. But Taylor exposes that there is another relevant ideal, also with a universal basis: the recognition of the differentiated identities of every human being. The relationships between the two ideals are complex and not always harmonious. In some cases, each ideal leads to a different solution.

The 'struggle for recognition' means to move part of the political agenda from an 'equal dignity' ideal to a 'differentiated identity' ideal. This movement seems difficult in the context of deliberative democracy. As Goldstein and Rayner point out, "the negotiating process in identity disputes is often typified by denial and mystification, and its outcome is frequently ambiguous: no matter what I get (what interest are satisfied), I may continue to wonder if what I get really recognizes who I am" (Goldstein and Rayner 1994: p. 367).

Based on this perspective, the question is 'Who is included/excluded from the discussion?' In her work *Inclusion and Democracy*, Young offers critiques of the deliberative democracy model from the perspective of minorities. She identifies exclusion as a problem of democracy, though in the deliberative model. Her vision denounces the subtle ways in which minorities fail to fully participate, express opinions or be influential or decisive. Young exposes that there are *external* and *internal* forms of exclusion in the deliberative model of democracy.

External exclusion, Young explains, names the many ways that individuals and groups that ought to be included are purposely or inadvertently left out of fora for discussion and decision-making (Young 2002: pp. 53-54). This is subtle because democracy usually speaks the language of equality and inclusion, but at the same time this also means an implicit mechanism of exclusion.

The values of political culture and media messages are dominated by powerful groups within society. Effective access to media and real political participation by minorities is discouraged by the dominant groups. Consequently, difficulties in participating are encountered by individuals who are members of a minority. For Young, the most pervasive and insidious form of external exclusion is the ability of economically or socially powerful groups to exercise political domination (Young 2002: p. 54).

This means that politics is conceived as the territory of the dominant groups or, more exactly, the territory of the ideas and values of the dominant groups. Young argues that it is not simply a question of exclusion of ideas but rather a matter of modes of expression. This is related to *internal* exclusion, which Young defines as the ways in which people lack effective opportunity to influence the thinking of others even when they have access to fora and decision-making procedures (Young 2002: p. 55).

The argument from politics of identity, as Gutmann explains, is "what counts as reasonable or unreasonable for matter of social justice cannot be specified independently of social understandings" (Gutmann 1993: p. 201). It could be a social understanding from a politics of identity of what is *reasonable* in a specific case. Or it is quite clear that the social understanding under majority values of reasonability undermines minority perspectives.

The model of deliberative democracy affirms the view that deliberation ensures a fair result. However, sometimes this is not true in an inclusive deliberation, but rather in a predesigned outcome. It is implicit in the deliberative model that consensus on uniform rules is always hypothetically possible (Wheatley 2003: p. 518). This consensus is based on some ontological, philosophical or political notions that have strong meaning and implications from the minority members' perspectives.

Young suggests that, in circumstances of social and economic inequality between groups, the definition of the common good often devalues or excludes some of the legitimate frameworks of thinking, interest, and priorities in the polity. A common consequence of social privilege is the ability of a group to convert its perspective on some issues into accepted authoritative knowledge without being challenged by those who have reason to see things differently (Young 1997: p. 399)

Under the question about the forms of deliberation, some kind of implicit political and social exclusion is underlined. Young states that the label 'articulateness' privileges the modes of expression typical of highly educated people. Those who exhibit such articulate qualities of expression are usually socially privileged (Young 2002: p. 38-39). In this sense, Young affirms "disorderly, disruptive, annoying, or distracting means of communication are often necessary or effective elements in such efforts to engage others in debate over issues and outcomes" (Young 2002: p. 50).

Implicit in this view is the idea of the covert exclusion of the views of the minorities, imposing a norm of order in political deliberation. Sometimes minorities express their views as a part of a social protest or with demonstrations or activist actions. These are also part of politics according to social needs. In the view of Young, "I aim to challenge the identification of reasonable open public debate with polite, orderly, dispassionate, gentlemanly argument" (Young 2002: p. 49).

IV. A MORE INCLUSIVE DEMOCRACY

The criticism made in support of politics of identity towards deliberative democracy claims that democracy must mean more inclusion in the public sphere. Basically, the criticism is that the model of deliberative democracy is an implicit form of exclusion of the views, values and forms of expressions of the minorities. There is some tendency to erase differences by appealing to such ideals as impartiality, reasonability, universality and common good. But these ideals could have a negative result for minorities.

Part of the battle for a more inclusive democracy is the recognition of the differences (or social perspectives, to use Young's term). Democracy, then, is not synonymous with the elimination of differences, but rather democracy comes from

differences from a 'situated self'. Under this perspective, Young describes conditions for an inclusive democracy:

- a) Plurality of perspectives motivates claimants to express their proposals as appeals to justice rather than expressions of mere self-interest or preference;
- b) Confrontation with different perspectives, interests, and cultural meanings teaches individuals the partiality of their own, and reveals to them their own experience as perspectival;
- c) Expressing, questioning, and challenging differently situated knowledge adds to social knowledge. While not abandoning their own perspectives, people who listen across differences come to understand something about the ways that proposals and policies affect others differently situated. (Young 1997: pp. 402-403)

There are some tensions between deliberative democracy and politics of identity, but both want to improve the quality of public decisions. To study these tensions, several issues are analysed: *a) Incommensurability argument*; b) *Civilizing force of hypocrisy*; c) *Ethics of alterity*; d) *Politics of ideas v. Politics of presence*

IV.1. Incommensurability argument

There is an important metaethical classification of moral truths which distinguishes between monism, pluralism and relativism. Beyond relativism, there are no moral intrasubjetive values —in the strong sense— or there are moral values only within a society or culture—in the weak sense. Beyond monism, there is a unique hierarchy of moral values for every case, of which human beings can be aware. Beyond pluralism, there are moral values, but they are objectively plural. They are in conflict, in the sense of incommensurability (Perez de la Fuente 2005).

The real structure of values, for pluralism, is complex, agonistic, and sophisticated. This means that some times, theory has epistemic limits to compare one value to another. This view was defended by Berlin. The consequence is that politics is conceived as conflict rather than unanimity. An application of this view is the proposal of *agonistic* democracy by Mouffe.

The force behind this argument for deliberative democracy is showing the implicit methaetical premise on moral values behind some models. These are closer to a monist conception that for every case there is only one right solution. But it is possible to defend a methaetical premise of value pluralism. The intuition of this second view better reflects the complex reality and supposes a better outcome for minorities.

The argument of value pluralism is an interesting point, but it also has some dangers. The main problem is confusing value pluralism with relativism, in the strong or weak sense. In the first case, it would not be appropriate to interpret that what value pluralism means for deliberative democracy is something similar to *anything goes*. This means that, for pluralism, there are moral values, and deliberation could be a good means to find them. The issue is that the answer could be more complex than for monism.

In the second case, relativism in a weak sense, it is important to properly distinguish between moral incommensurability with cultural incommensurability. While

the difficulties of comparing art works from different cultures is familiar, it is clear that radical cultural incommensurability means that it is impossible to morally judge the values of a culture outside of them. Value pluralism does not negate universality, but surely it is a more complex universal conception of monism.

The incommensurability argument supports the belief that deliberation has a theory behind it. This might seem obvious, but it is a more general reflection on the role of Theory and Practice in the philosophical approach. If Theory always gives the solution, deliberation becomes useless. If deliberation ought to arrive at the answer that is derived from existing Theory, the actual deliberation has minimal real importance. If the outcome of an deliberation is always judged by its correspondence to theoretical, predetermined values, deliberation as a process to finding moral truths is implicitly discounted and devalued.⁴

Following Cohen, "outcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals" (Cohen 2002: p. 347). How does incommensurability thesis concord with this statement?

A monist presupposes that he knows the truth and the way to achieve it. If he has a coherent reasoning, he also thinks that others can achieve it and if they don't, they are mistaken. A monist vision of deliberative democracy could be understood as a collective way to arrive at the truth. Under this perspective, 'consensus' is accompanied by resounding words such as *impartiality*, *universality* and so on However, if the final outcome do not coincide with the monist's 'truth', then for him deliberative democracy is mistaken and he denies its validity. It is the domain of tolerance –or the *second-best* preferences.

Underlying this is the view that there are two sources of legitimacy for truth. The first one is the monist view, with its way of arriving at the truth. The second one is the process of deliberative democracy to arrive at an agreement. The two views do not necessarily coincide. A monist who deliberates must be capable of being persuaded by others' arguments, but as such he is being incoherent with his particular truth.

It seems that deliberative democracy needs to compromise with some premise of value pluralism. If a person thinks that deliberation improves the outcome and the quality of democracy, that person, to be coherent, should hold that values are plural and objective. This means that democracy is conceived as a struggle between differing views all of which are valid. In consequence, democracy is something agonistic, as a tragedy, as a dilemma... In this context, deliberative democracy could be a good tool for every option to expose these views and better arguments. Deliberation could be something decisive, in pragmatic terms.

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⁴ Michelman exposes that "a deliberative style of politics may be confrontational, contestative, and fully compatible with pluralistic political sociology. It is true that notions of deliberative politics *may* be framed as presupposing the existence of objectively discoverable, transcendentally right or best answers, or as demanding of participants the submergence of their individualities and conflicts in a collective being or common good. But aspirations to deliberative politics *need* not carry such strongly solidaristic baggage" (Michaelman 1989: p. 448).

Monism and value pluralism offer different relationships between theory and practice. Monism has strong theoretical content and is averse to forgoing it. Then deliberative democracy can confirm its views or, if not, democracy is mistaken. Value pluralism is a pragmatic option. There is no theoretical answer to the question if a value is better than another. Then the solution could be a deliberation to search the best arguments.

Generally speaking, monist views –near universality and impartiality– are less responsive to minorities' claims than value pluralism. Describing values as coherent and harmonic usually uncover the majority's interests and values. Describing values and democracy as competitive and in struggle usually reflects better the vision of minorities.

IV.2. Civilizing force of hypocrisy

One of the theoretical elements behind deliberative democracy models is human nature. The first relevant notion is rationality understood as individual self-interest, sometimes expressed as maximization of utility. The second notion is reasonability understood as the individual capacity of a moral sense of justice. This is commonly interpreted that, at times, some relevant considerations of justice suppose a renouncement of individual self-interest.

The aggregative model of democracy has human beings as rational and self-interested. The deliberative model of democracy has human beings as rational and reasonable. This second approach is developed in Rawls' works. In the model of deliberative democracy, one can be persuaded by the reason of others and can change his or her preferences. He or she can be sensible to arguments, not only self-interest.

In an interesting work, Elster has defended the *civilizing force of hypocrisy* in deliberative contexts. He analyses two constitutional assemblies and focuses on two activities in the assemblies: debating and bargaining. He emphasizes the strategic use of impartial arguments and compares them with the bargaining alternative. Elster then summarizes his argument in four steps:

- 1.- There are real penalties attached to naked assertion of self-interest.
- 2.- Impartial claims that correspond perfectly to self-interest will in fact be perceived as naked assertions of self-interest.
- 3.- Because it may be difficult to decide whether a claim corresponds perfectly or imperfectly to self-interest, the second premise is necessarily more shaky.
- 4.- *Sometimes* the need to adopt an arguing rather than bargaining stance makes a difference (Elster 2000: p. 421).

The conclusion in Elster's view is that it is better to adopt an impartial argument if it is a part of a strategy, rather than bargaining. This supposes that the translation of the claims to the language of justice, even strategically, based on self-interest, could work in favour of the weak. This is a good point but it could potentially be interesting to explore consequences from the perspective of minorities.

In order to understand the *civilizing force of hypocrisy*, it is relevant to appeal to Rawls' notion of *duty of civility*. He defines it as: "the ideal of citizenship imposes a moral, not a legal, duty –the duty of civility– to be able to explain to one another on

those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason. This duty also involves a willingness to listen to others and a fair-mindedness in deciding when accommodations to their views should be reasonably be made" (Rawls 1993: p. 217).

If deliberative democracy searches for the best argument, there is a need to justify each person's own claims in terms acceptable to all. The translation from interests to justice, from rationality to reasonability is, according to Elster, a bit hypocritical, but preferable to bargaining.

From the minorities' approach, Elster's argument could be interpreted in different terms. The strategic use of impartiality in deliberation by majority members could be brought into question when it corresponds clearly to their self-interest. Essentially, the denouncing aspect of the politics of identity approach is that majority values are seen as neutral and normal, but minority values are seen as inferior and deviant. When the majority uses impartial arguments in deliberative democracy situations, they could be defending their own values.

The minorities have, roughly speaking, two alternatives: also to be hypocritical or to denounce the strategic use of the argument. The first possibility implies constructing impartial arguments that in fact coincide with minority members' interests. This leads to difficulty when the difference is perceived as a stigma, as multiculturalism denounces. Minority arguments need then a special kind of justification that could come from a meta-impartiality level, or could mean, as a condition for impartiality, the recognition of differences.

The second possibility is to denounce that, behind the impartiality arguments of majority members, there might exist a strategic use because it in fact coincides with the majority's self-interest. The point made by Elster is that the use of impartiality arguments could be beneficial for the weak. In these situations, minority members have to determine whether an impartial argument is good for their interests and identities. They can then accept the argument or construct a better argument according to their views.

The force of the best argument is still better than the force of bargaining. This might be particularly clear for minorities due to social inequality and unequal distribution of political power. Usually minority members have little bargaining power. There may potentially be some exceptions.

There is a somewhat pessimistic point in Elster's argument that brings up a kind of sophistic approach. Sophism teaches citizens in Athens polis to convince using argument in order to defeat rivals, without special moral considerations. The point is that if the deliberative democracy model is an exercise in hypocrisy and every participant only in fact searches based on their self-interest, deliberation could mean a kind of disguise for interests with arguments.

This is not necessarily bad from a minority members' perspective if they use arguments that are based on their interest and identities to achieve justice, and make strategic use of the strategic utilization of impartial arguments made by majority members.

IV.3. Ethics of alterity

In a globalized world, the discourse surrounding identities must be adapted to new realities. There is a discussion between cosmopolitan and nationalist visions that has different dimensions. Both sides have good arguments. I defend the view that the best way to understand cosmopolitanism is as moral virtue (Perez de la Fuente 2006b) This cosmopolitan virtue has two elements: a) Ethics of alterity; b) Redefinition of solidarity connections.

The ethics of alterity is inspired by the works of Aranguren and Levinas. This view is in opposition to both relativism and any form of alterophobia (misogyny, racism, xenophobia, homophobia, antiSemitism ...). It is based on the notion of reciprocity under the *golden rule* of humanity: *do to others as you would have them do to you*. This golden rule is reflected in the norms of several religions.

The main point of the ethics of alterity is that an identity will be legitimate within the conditions of inclusion of its alterity. This does not mean renouncing ones own values, but rather seriously undertaking the task of understanding the other individual and learning from the differences. This should be considered an ethical exercise. This moral attitude has been called as *positive tolerance* by Thiebaut and Eusebio Fernandez (Thieubaut 1999: p. 59) (Fernandez Garcia 1995: p. 98)

The adequate development of ethics of alterity could be a good mechanism for improving deliberative democracy. There is an insistence on the relevance of identity, but it could be interesting to *turn* to the relevance of alterity. This is particularly useful in deliberative contexts. In English, there is an interesting expression: *putting yourself in someone else's shoes*. It precisely reflects the exercise of adopting the other's point of view. The point in ethics of alterity is that we can learn from this exercise and it is, indeed, a positive ethical exercise.

In an inclusive democracy of deliberation, the ethics of alterity would be a way of convincing the majority to change the stigmatizing meaning of difference. Story telling by minorities would be a way of sharing experiences of oppression, discrimination, and marginalization as a part of a day-to-day understanding of their situations.

It would also serve to demonstrate the impact of some majority-held –apparently neutral—values on the minority's situation. This is essentially the exercise of recognizing the differences as morally relevant. This is the first step towards accepting their claims as legitimate and for achieving the political empowerment of minorities.

It is possible to think that ethics of alterity for deliberative democracy is a naive vision. One of the premises for deliberation is that individuals are capable of being persuaded by the reasons and visions of others. If individuals only follow their own self-interest, they do not really want to deliberate for real; instead, they bargain. The purpose of ethics of alterity is to try to legitimately understand the reasons of others and learn from this.

V. POLITICS OF PRESENCE V. POLITICS OF IDEAS

One interesting point on the minority's perspective is the approach, defended by Phillips, on the necessity of a *politics of presence* in the decision-making process (Phillips 1995). This means that the outcome of a deliberation depends upon *who* participates in arriving at the decision. The composition of assemblies is not so neutral as might be supposed; it influences the decision-making process. Then *politics of presence* requires that representatives of the minority be part of the organs that decide. For example, the policy of quotas for women in politics. Or, more recently, the claim for equality amongst both sexes in a democracy.

This question is polemic, especially in political contexts. There are well known arguments for and against reverse discrimination, which are commonly repeated. It is relevant to note that an important claim made by minorities is a collective right of representation as a minority. This means being represented as a minority in Government organs. This is the case of indigenous representatives in Latin American parliaments.

In a deliberative democracy context, it would mean the necessity of plurality in the composition of fora, or channels of participation whereby members of minorities must be included. Minorities must be included not only when the decision affects them directly but also in all decisions regardless of their impact on them.

The presence of other visions, especially those of minority groups, is a good condition for ethics of alterity. Otherwise, some neutral and impartial members decide based on supposing how the other might think or what would be in the other's best interest This is clear for example when a Supreme Court decides a case on abortion without any women amongst the judges who hear and decide the case.

However, the politics of presence has its weak points. The presence of a member of a minority does not guarantee that he or she will defend the interests or perspectives of the minority. This is related to the question of essentialization of identities. There are relevant differences between minorities. There are multiple identities amongst minorities and the individual self-definition incorporates various levels.

Another weak point is the application of the dilemma of difference. When the image, language or claims of the minority group instead have an emancipatory interpretation *a connotation of emancipation from dominant-held views*, it reinforces the tendency of the majority to stigmatise and belittle the minority. The question then is whether, to arrive at a more inclusive democracy, there should be a change to the rules of 'political correctness': accepting the difference as a usual part of the political agenda and considering ridicule and depreciation of minority speech as suspicious.

Although this vision may have weak points, the conclusion is that it might be necessary to combine the *politics of ideas* and the *politics of presence*. Minorities must be represented in decision-making. It is also true that the majority can, in an exercise similar to ethics of alterity, learn to appreciate adequately the view of others. The key point is that the presence of minority members in decision-making organs can facilitate satisfactory democracy in the process.

VI. CONCLUSION

Democracy must speak the language of inclusion. However, there are some implicit rules and values that serve to exclude the views of minorities. Deliberative democracy and politics of identity both seek to improve the quality of public decision-making. They both search for a more just society, yet the two visions in some aspects are contradictory.

There are ontological, philosophical and political issues with both approaches that are usually not analysed. The interrelation between deliberation and identities is not commonly analysed due to the tendencies of individualism and assimilation. The weight of the fundamental view in deliberative democracy models that the way to attain the common good is to minimise differences has led to this absence of analysis.

The challenge is to develop a deliberative democracy model that is more inclusive yet embraces and accommodates difference. Politics, then, is not the domain of unity or unanimous decisions, but rather the sphere of struggle, value pluralism and confrontation. This does not mean there is not a solution, but it is potentially plural and agonistic. The outcome must incorporate all relevant social perspectives and suppose an *ethics of alterity* exercise.

The *incommensurability argument* is relevant for minorities because the emphasis on monism is behind some deliberative democracy models. The monist unique hierarchy of moral values usually corresponds to majority values, considered as normal and neutral. Behind values such as impartiality or reasonability, there is a subtle form of exclusion of the views of minorities.

Under the *civilizing force of hypocrisy* argument, there is an interesting view on the strategic use of argument in deliberative contexts. The point is that, instead of deliberation developing in terms of reasonability or impartiality, in fact every participant is calculating interests and using strategies. Minorities must be on their guard against this strategic use of argument by the majority and need to devise the best counter strategy in deliberation.

Deliberating just solutions for social problems, in an inclusive way, needs both to get away from identities and to develop an ethic exercise based upon *ethics of alterity*. This supposes deliberation must incorporate all relevant social perspectives and must learn from the inclusion of alterity in terms of reciprocity. This excludes relativism and all forms of alterophobia. The main ethical issue is the relationship with the Other and there is a great learning on this. The rules and values of deliberative democracy need to adopt adequately the argument of *ethics of alterity*.

Minorities must defend with moderation the *politics of presence*. Whilst there are also a few dangers with this view, It generally shows positive points with respect to the minority. The best solution is a combination between the politics of presence and the politics of ideas. It is easy to perform an *ethics of alterity* exercise if the minorities are present in the deliberative organ. But it is also true that this presence does not necessarily guarantee the outcome, and it is possible for majority members alone to perform this ethical exercise. Obviously, the politics of presence facilitate this.

A definition of democracy, from classical origin, says it is the government of 'free and equal' citizens. Although there is an emancipatory meaning on these democratic ideals, from its origins, democracy is also synonymous with exclusion of women, foreigners and slaves. The different forms of exclusion have changed, but persist in several ways. The point is that deliberative democracy models have a tendency of privileging some points of view and types of arguments, and excluding minority members' perspectives. The improvement of collective decision-making requires a more inclusive concept of democracy.

BIBLIOGRAPHY

- Appiah, K. A. (2006) "The politics of identity", Daedalus, num. 135, vol. 4, pp. 15-22.
- Baker, E. (1989) "Republican liberalism: Liberal rights and republican politics", *Florida Law Review*, núm. 41, pp. 491-544.
- Barber, B. R. (1984) *Strong democracy: participatory politics for a new age.* Berkely: University of California Press.
- Chambers, Simone (2003) "Deliberative democratic theory". *Annual Review of Political Science*, num. 6, pp. 307-326.
- Cohen, J. (2002) "Deliberation and democratic legitimacy". In: Bohman, J. and Rehg, W. (eds.) *Deliberative democracy*. Cambridge Mass: MIT Press, pp. 67-92.
- Dahl, R. A. (1989) *Democracy an its critics*. New Haven: Yale University Press.
- Dryzek, J. S. (2000) *Deliberative democracy and beyond. Liberals, critics, contestations*. Oxford: Oxford University Press.
- Elster, J. (1997) "The market and the forum. Essays on reason and politics". In: Bohman, J. and Rehg, W. (eds.) *Deliberative democracy. Essays on reason and politics*. Cambridge (Massachussetts), London: The MIT Press. pp. 3-33.
- Elster, J. (2000) "Arguing and bargaining in two constituent assemblies". *Journal of Constitutional Law*, vol, 2, num. 2, pp. 345-421.
- Fernández García, E. (1995) Filosofía política y derecho. Madrid: Marcial Pons.
- Goldstein, J. and Rayner, J. (1994) "The politics of identity in late modern society". *Theory and Society*, num. 23, pp. 367-384.
- Gutmann, A. (1993) "The challenge of multiculturalism in political ethics". *Philosophy & Public Affairs*, vol. 22, num. 3, pp. 171-206.
- Gutman, A. and Thompson, D. (2000a) *Democracy and disagreement*. Cambridge Mass: Harvard University Press.
- Forst, R. (2001) "The rule of reasons. Three models of deliberative democracy", *Ratio Iuris*, vol. 14, núm. 4, pp. 345-378.
- Freeman, S. (2000) "Deliberative democracy: a sympathetic comment". *Philosophy & Public affairs*, vol. 29, núm. 4, pp. 371-418.
- Michaelman, F. I. (1989) "Conceptions of democracy in American constitutional argument: Voting rights". *Florida Law Review*, núm. 41, pp. 443-490.
- Michaelman, F. (1988) "Law's Republic". *The Yale Law Journal*, vol. 97, num. 8, pp. 1493-1537.
- Mouffe, C. (1992) Dimensions of radical democracy: pluralism, citizenship, community. London: Verso.
- Nino, C. S. (1996) The Constitution of deliberative democracy. Yale University Press.
- Parekh, B. (2008) A new politics of identity. New York: Palgrave MacMillan.
- Patteman, C. (1999) Participation and democratic theory. Cambridge University Press.

- Pérez de la Fuente, O. (2005a). *Pluralismo cultural y derechos de las minorías*. Madrid: Dykinson.
- Pérez de la Fuente, O. (2005b) *La polémica liberal comunitarista. Paisajes después de la batalla*. Madrid: Dykinson.
- Pérez de la Fuente, O. (2006a) "Inclusión, redistribución y reconocimiento: Algunas paradojas sobre los inmigrantes". In Campoy, I. (ed.), *Una discusión sobre la universalidad de los derechos e inmigración*, Madrid: Dykinson., p. 239-270.
- Pérez de la Fuente, O. (2006b) "Algunas estrategias para la virtud cosmopolita". Derechos y Libertades, num. 15, pp. 65-100.
- Pérez de la Fuente, O. (2008) "Mujeres gitanas. De la exclusión a la esperanza", Universitas, ISSN 1698-7950, num. 7, pp. 109-146.
- Pérez de la Fuente, O. (2010) "Sobre las virtudes cívicas. El lenguaje moral del republicanismo". *Derechos y Libertades*, num. 23, pp. 145-182.
- Pérez de la Fuente, O. (2011) "Escalas de justicia y emancipación: inclusión, redistribución y reconocimiento". *Astrolabio, Revista internacional de filosofía*, num. 11, pp. 378-391.
- Pettit, P. (2001a) "Deliberative democracy and the discursive dilemma". *Philosophical Issues*, num. 11, pp. 269-299.
- Pettit, P. (2001b) "Deliberative democracy and the case for despoliticising government". *UNSW Law Journal*, num. 24 vol. 3, pp. 724-736.
- Phillips, A. (1998) The politics of presence. Oxford: Oxford University Press.
- Posner, R. (2003) Law, pragmatism and democracy. Harvard University Press.
- Rawls, J. (1993). Political liberalism. New York: Columbia University Press.
- Sandel, M. (1982) Liberalism and the limits of justice. Cambridge University Press.
- Schumpeter, J. A. (1987) *Capitalism, socialism and democracy*. London: Unwin Paperbacks.
- Sunstein, C. (1987-1988) "Beyond the republican revival". *Yale Law Journal*, num. 97, pp. 1539-1590.
- Thiebaut, C. (1999) De la tolerancia. Madrid: Visor.
- Young, I. M. (1997) "Difference as a resource for democratic communication". In Bohman, J. and REHG, W. (eds.) *Deliberative democracy. Essays on reason* and politics. Cambridge (Massachussetts), London: The MIT Press, pp. 382-406.
- Young, I. M. (1990) Justice and politics of difference. Princeton University Press.
- Young, I. M. (2002) Democracy and inclusion. Oxford University Press.