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Deliberative Democracy, the Public Interest and the Consociational Model

Ian O'Flynn

Newcastle University

One of the most basic charges levelled at the consociational model is that, although it may provide for conflict management, it fails to provide for the longer term goal of conflict resolution. This article seeks to respond to this charge by viewing the consociational model through a deliberative democratic lens. In particular, I argue that deliberative democracy provides normative standards that can inform the design of consociational institutions in ways that encourage political leaders to focus on the interests of everyone in society, rather than merely on the interests of their own ethnic group. Insofar as consociational institutions, deliberately conceived, can have this effect, there is in principle no reason why they might not also provide for conflict resolution.

Consociation is the dominant institutional approach to managing conflict in societies deeply divided along ethnic lines (e.g., Lijphart 1977; O'Leary 2005). That approach supposes that if political stability is to be maintained, institutions must be created that enable political leaders from all of the main ethnic groups in society to share power within a 'grand coalition' government, that promote proportionality throughout the public administration, that enable groups to exercise control or 'segmental autonomy' over their own internal affairs, and that enable them to veto political decisions that impinge upon their most vital interests. Yet despite the dominance of this approach, the consociational model has been criticised on many grounds (e.g., Horowitz 1991, 2001; Taylor 2006). Of those criticisms, perhaps the most basic charge of all is that although consociationalists have had much to say about how ethnic conflicts can be managed, they have had far too little to say about how those conflicts might eventually be resolved.

Consociationalists have responded to this charge by arguing that, while conflict resolution is the ultimate goal, the realities of life in many ethnically divided societies are such that conflict management must come first (e.g., O'Leary 2005, pp. 8-12). On one level, it is hard to argue with

this response; maintaining political stability is obviously important. But, on another level, it must be remembered that how conflicts are managed in the short run will have implications for whether or to what extent they can be resolved in the long run. Certainly, some consociations develop in extremely positive, democratic directions. Switzerland is an obvious example, as is the case of Northern Ireland in more recent times. Yet the fact remains that consociationalists have not spent any great amount of time explaining how a consociation ought to develop or which larger democratic purposes it should pursue in the longer run.

There is, however, no reason why consociations should not be designed with at least one eye on the goal of conflict resolution. After all, the basic institutional characteristics that define a consociation can be, and have been, realised in different ways and in the light of different normative considerations (cf. Lijphart 2004, pp. 99ff). In this article, I therefore propose to take a fresh look at the consociational model by viewing it through a deliberative democratic lens. Central to this deliberative perspective is the idea that political leaders should seek what is best in the public interest rather than merely what is best in the interest of their own ethnic group. In showing how a set of consociational institutions can be shaped by this idea, it is possible to see how political leaders might be encouraged or even induced to think about the good of society at large, and hence to see how the consociational model might provide for conflict resolution.

Admittedly, the fact that there is disagreement about almost every political decision has led some people to be sceptical of the idea of the public interest. But as I argue in the opening section of this article, something can be in the public interest while still arousing opposition from some. The challenge, however, is to get people to think not just about how a decision might affect them in some private capacity, but how it might affect them in their capacity as a member of the public. In the second section, I show how a deliberative conception of democracy can enable us to meet this

challenge. More specifically, I show how, by requiring us to convince rather than merely outvote or outmanoeuvre one another, deliberative democracy leads to decisions that are, in a meaningful sense, in the public interest. In the final section, I take up the challenge of showing how deliberative democracy can shape the design of consociational institutions and in particular the structure of political incentives on offer within them. As we will see, although some aspects are more tractable than others, deliberative democracy can inform the overall design of a consociation so that it can, in principle, pave the way for future conflict resolution.

Before proceeding with this argument, it is perhaps worth stressing just why it makes sense, or rather just why it is necessary, to read consociation through a normative lens of the sort that deliberative democracy provides. Consociationalists typically use the phrase ‘consociational democracy’ rather than ‘the consociational model’ or some such phrase. But ‘consociation’ and ‘democracy’ are not the same thing: whereas consociation is an empirical theory that (among other things) seeks to explain in institutional terms how a deeply divided society can nevertheless be politically stable, democracy is a normative theory that (among other things) enables us to make evaluative judgements about the various forms that consociational institutions might conceivably take (cf. Lustick 1997, pp. 108-109). Of course, democracy itself comes in many forms. But the fact remains that a specifically *democratic* consociation cannot be defended solely from within the bounds of consociational thinking. After all, there can be both democratic and non-democratic consociations (e.g., Yugoslavia under Tito had consociational structures for governing at the federal level).

In fairness, some consociationalists do recognise this much (e.g., Lijphart 1995; cf. O’Leary 2005, pp. 9-10). But, in the main, consociationalists have not spent any great amount of time explaining what they mean by ‘democracy’ or defending the particular version of it they prefer. They might, of

course, think that it is up to the members of a divided societies to decide for themselves what their democracy ought to look like, or how it ought to develop over the course of time. But the trouble with piecemeal approaches of this sort is that it makes it very hard to plan for the future or to provide deeply divided societies with the social, political and even moral direction they so badly need (Goodin 1982, pp. 3-4).

The public interest

On a deliberative understanding of democracy, political decisions turn not merely on the force of numbers, but on what Jürgen Habermas has termed ‘the force of the better argument’ (Habermas 1984, p. 25). Later in this article, I will explain how this deliberative understanding might shape the design of consociational institutions so as to promote thinking in terms of the public interest. But first I wish to explain what I mean by the idea of the public interest and why its use is justifiable, even in the case of a deeply divided society.

‘The public interest’ is a perfectly familiar idea from everyday political life. To say that a decision is in the public interest is simply to say that it is in the interest of everyone in society (Barry 1964, p. 1; Douglass 1980, p. 104). Yet while many people tend to think that the public interest is of decisive importance in choosing policies, very often the thing that is said to be in the public interest is not, on the face of it, in the interest of some people. For example, while the government may say that a ban on the public display of certain ethnic flags and emblems is in the public interest, that ban is not in the interest of those who want to express their ethnicity on such terms. Or while the government may say that a ban on ethnic protests or parades is in the public interest, that ban is not in the interest of those who want to politically mobilise or express their culture in those ways.

Disagreements of this sort are not unique to deeply divided societies. They can attach to the adoption of almost any public policy in any democratic state—so much so that some people have been quite sceptical of the idea of the public interest (e.g., Dahl 1989, p. 280ff). In particular, some pluralists have argued that the public interest is an incoherent idea that blinds us to the fact that our political world is mainly comprised of conflicting private (or special or sectional, as opposed to public) interests, whereas others have argued that it is little more than a smoke screen used by government to cover the fact that most political decisions are biased in favour of the more powerful in society.

If those arguments were correct, they would damage, if not altogether undermine, the case for deliberative democracy (Shapiro 2003, pp. 21ff). After all, many deliberative democrats characterise their position in terms of a contrast between a politics of pluralistic competition, in which people seek to advance their own private interest, and a politics of the common good, in which people seek what is best in the public interest (e.g., Elster 1986; Cohen 1989). Needless to say, it would also prove extremely damaging to the prospects for conflict resolution in deeply divided societies. If statements about the public interest turned out to be nothing more than hollow rhetoric, there would be little point in encouraging the members of conflicting ethnic groups to take the broader view or to think of the good of society as a whole. Of course, each side may come to accept the need for cooperation for reasons of their own. But if there were no public interest to pursue, the fact that everyone benefitted would be merely incidental (Diggs 1973, p. 287).

In his early, but arguably unsurpassed, essay on the public interest, Brian Barry tackled the sceptics head on (Barry 1964). In particular, he sought to explain conflicts between the public interest and

the interests of particular individuals or groups in terms of a conflict between different social roles or capacities. A ban on the public display of ethnic flags and emblems, or on ethnic protests and parades, does not appear to be in the interest of those who find such things important. But, as Barry points out, appearances can be deceptive. In my capacity as a member of an ethnic group, I may have little to gain from such a ban. But, in my capacity as a member of the public, I stand to gain with all the rest from living in a society in which civil order is maintained or in which the risk of civil unrest is reduced (Barry 1964, pp. 14-15).

In drawing our attention to the different roles or capacities in which we sometimes find ourselves, Barry shows that there is nothing incoherent about saying that a decision can be in the public interest even when it is opposed by some people. Of course, his argument does not suppose (nor need it suppose) that there must be a public interest on *every* issue. Obviously, on some issues people simply have conflicting interests and some end up winners and others losers. Indeed, it is probably as foolish to say that there must be a public interest on every issue as it is to say that there is never a public interest on any issue. But in any event, the point remains that the idea of the public interest does not have to exclude the possibility that some people whom a public interest encompasses may have private interests that conflict with it.

Even so, Barry's argument takes us only so far (cf. Pettit 2004, pp. 157ff). In particular, it leaves unexplained why people should be willing to give priority to the public interest, or how they might be encouraged to think more like members of the public and less like private individuals or groups. Again, the problem here is not unique to deeply divided societies, although it can be especially acute in such societies. In agreeing to share power, ethnic groups agree to live together under a common political framework. Self-interested considerations may loom large. But there is no principled reason why the agreement should not also involve a concern for the public interest,

however fragile or tentative that concern may be. After all, there would be little point in ethnic groups agreeing to live together unless they were committed, at some level, to the good of society as a whole. Yet when the public interest conflicts with the interest of some particular ethnic group, circumstances are often such that the public interest may seem to matter very little. This is particularly so at times of heightened insecurity or uncertainty, when people are deeply worried about the future of their group. They might recognise that civil peace is in the interest of everyone in society. But they might nevertheless conclude that flying their flags or engaging in ethnic protests and parades is more important to them, and hence have a net interest in opposing the ban.

In such cases, it is tempting to conclude that the public interest has to be balanced against the special interests involved and cannot therefore be followed exclusively for fear of destabilising the political system. This, in effect, is where Barry leaves us in his discussion of the public interest (Barry 1964, p. 16). Yet it is far from clear that we must settle for this conclusion or accept that a concern for conflict management must simply outweigh any more principled concern for the public interest. Barry takes interests as given: people want certain things, whatever those things happen to be, for whatever reason they happen to want them. But this approach is far more suited to private decisions than it is to public decisions, because our views about our own interests can never be decisive in the public realm in the way they can be in the private realm. Since our political preferences have implications for other people, and since other people have a political standing that is equal to our own, we should be prepared to take their interests into account when deciding matters of common political concern (Gutmann and Thompson 1996, p. 53). In other words, we should be prepared to think about the public interest, no matter what sort of democratic society we live in, divided or otherwise.

And so, when it comes to decisions that bind us all, the challenge is how to get people to behave

less like private individuals and more like members of the public (or, when it comes to consociational structures for governing, how to get political leaders to behave not just as the guardians of special interests but also as statesmen devoted to the public interest). As I will argue in the next section, deliberative democracy seeks to meet this challenge by structuring the terms of political engagement, first and foremost, around a requirement of reciprocity. Insofar as that requirement can be successfully realised, it can encourage people to couch their arguments in terms that are accessible to everybody and could in principle be accepted by anyone. As a result, the decisions that are reached will reflect not simply their prior interests, but the judgements that they make having reflecting on the arguments made on all sides (Miller 2000, p. 142). In some cases, people may come to realise that their share in the public interest is more weighty than it seemed. It may even lead them to conclude that the public interest must come first, even at the cost of their own private interests—not simply because that is what the pragmatics of the case require, but because that is what our standing as political equals entails.

Deliberative democracy

As I mentioned earlier, deliberative democracy is based on the idea that political decisions should turn not on the force of numbers but on the force of the better argument. To this end, arguments about matters of common political concern must be couched in terms that are accessible to everybody and could in principle be accepted by anyone (Gutmann and Thompson 2004, pp. 3-4; Barry 2006, p. 22). Thus, for example, we cannot simply claim that a decision is justified because it is what God wants, because that argument will not be rationally acceptable to those who do not share our faith, even if it is intelligible to them. Instead, the arguments that we make should be couched in terms of values and standards that are broadly shared—or should refer to reasons that are public rather than private in character and inclusive rather than exclusive in scope (Cohen 1996,

pp. 99-100).

Of course, one might question whether this ‘requirement of reciprocity’, as it is often called, is unique to deliberative democracy or whether it can be used to distinguish a deliberative conception of democracy from other conceptions (Weale 1999, p. 37). Since in practice all democratic governments must explain at least some of their decisions on terms that are accessible and acceptable to all of those who are bound by them, all plausible democratic models must make room for reciprocity. Or, alternatively, one might question whether a deliberative conception could be uniquely concerned with reciprocity. Even if people make a sincere attempt to meet this requirement, they may still end up disagreeing, and indeed sometimes disagreeing more profoundly than they did before (Waldron 2000, p. 219). Consequently, any plausible deliberative account of the institutional conditions under which political decisions should be made must make room for a range of other activities, such as bargaining and voting, in order to deal with the differences that remain once deliberation has run its course.

Deliberative democrats do not deny that reciprocity is common to other democratic conceptions (e.g., Gutmann and Thompson 2002, pp. 155-156). Nor do they deny that deliberative democracy must make room for bargaining, voting and so forth (e.g., Habermas 1996, pp. 165-166). However, what marks deliberative democracy out as a distinct conception of democracy is the primacy that it affords to reciprocity. In a deliberative conception, reciprocity is not merely one component of democracy, or one principled requirement among many, but shapes the meaning of other political principles and colours the design of political institutions (Gutmann and Thompson 1996, p. 53; but see Weale 2007, p. 81). Where we position the various requirements of democracy and the relative weight that we afford to them will distinguish one model of democracy from the next. But, insofar as our preferred conception of democracy makes the requirement of reciprocity the touchstone of all

else, that conception may properly be described as ‘deliberative’ (Cohen 1996, pp. 99-101).

Admittedly, questions of practical feasibility will temper this last statement somewhat, a point to which I will return in just a moment. First, though, I wish to explain how reciprocity promotes thinking in terms of the public interest. As Joshua Cohen argues, by ‘requiring reasons acceptable to others, the deliberative view suggests an especially compelling picture of the possible relations among people within a democratic order’ (Cohen 1996, p. 101). The starting point for that picture is the fact that, in any free society, people will tend to view the world in different and sometimes conflicting ways. For deliberative democrats, this variation in human outlook is perfectly natural. But it carries with it important normative implications for how we should relate to one another as fellow democrats. On a deliberative understanding, recognising others as equals in political argument means recognising that those others can have reasons to hold their views as firmly as we hold ours. Accordingly, if we do not make a serious effort to deliberate with them and try to find reasons that they could in principle accept, we fail to respect their standing as political equals.

Thus, on this picture of the terms of democratic engagement, the requirement of reciprocity promotes thinking in terms of the public interest because the particular account of political equality with which it is bound up admonishes us to treat each member of society as someone worth convincing rather than as someone whom we simply need to outvote or outmanoeuvre (Cohen 1996, p. 101; Dworkin 2006, p. 132-133). In other words, the particular account of political equality with which it is bound up admonishes us to try to see things as others see them and hence to take their views into consideration when thinking about our own. We may ultimately conclude that our particular view of things is best or that, on balance, our arguments were better supported by the values and standards that are common to us all. But insofar as the conclusions that we reach take the views of others into account, those judgements can be viewed as authentic, or at least

informed and mutually respectful, expressions of the public interest (cf. Pettit 2004, p. 163).

In this way, then, deliberative democracy, and in particular the requirement of reciprocity that is central to it, seeks to encourage people to approach matters of common political concern in their capacity as members of the public, and not just in their capacity as private individuals. As such, deliberative democracy not only coheres with Barry's argument in defence of the public interest discussed in the last section of this article, but extends that argument in important ways. Whereas, in the end, Barry seems pessimistic about getting people to think in public interest terms, deliberative democracy suggests a far more optimistic view. Admittedly, deliberative democracy is an ideal; and, as with any normative ideal, the crucial test is whether it can provide sound practical guidance in a given empirical context. So what reasons might there be for thinking that a conception of democracy that places reciprocity at its centre must fail this test when confronted by the challenges of decision making in a deeply divided society? There are two obvious possibilities.

First, one might think that the common values and standards upon which reciprocity depends will be largely absent in such societies. But this is not the case. While it may be true that most peace agreements are the product of a bargain struck between political leaders seeking the best terms possible for their own ethnic group, they also reserve a special place for common political values (Noel 2006, p. 421). For example, whereas Irish nationalists endorsed the Belfast Agreement because it held out the promise of achieving a united Ireland, British unionists endorsed it because it held out the best opportunity of reconciling nationalists to the union (O'Leary 1999, p. 68). But unionists and nationalists also expressly committed themselves to 'partnership, equality and mutual respect as the basis of relationships within Northern Ireland' and 'to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all' (Agreement 1998, 'Declaration of Support', paras. 2-5). In other words, they committed

themselves to the sort of common values and standards that are at issue here.

Secondly, one might think that even if certain values and standards are widely shared, they will give rise to interpretative disputes that are bitter enough to induce further political instability (Horton 2003, pp. 14-21). This need not be taken to mean that the members of a divided society are more unreasonable than anyone else or that they inherently lack the right kinds of democratic dispositions. It may simply mean that the experience of protracted conflict has left them deeply suspicious of one another, with each side interpreting the arguments made by the other simply as covers for its own sectional interests. This point is well taken. Yet although the members of a deeply divided society may have little confidence in one another, they may have significantly more confidence in the political institutions under which they have agreed to live—if, that is, those institutions have been designed so that each person has good reason to believe that the interests of his or her group are being treated with equal consideration.

Once situated within a deliberative conception of democracy, this last claim translates into the claim that political institutions should be designed so that each of us has good reason to believe that the requirement of reciprocity has been met. There may be any number of more or less relevant considerations here (e.g., questions concerning the role of money, judicial review, civil society, freedom of the press and the prevailing balance of power more generally). But for deliberative democrats, one crucial consideration is whether political institutions have been designed so that their internal workings will be open or transparent—not just so that those of us on the outside will be able to make informed judgements about what goes on within them, but so that those on the inside will be forced to couch their arguments or defend their decisions in terms of common values.

The driving assumption here is that there are certain arguments that simply cannot be stated publicly. In an open political debate, it is pragmatically impossible to argue that a given solution should be chosen just because it is good for oneself, since to do so would excite ridicule and contempt (Goodin 1992, pp. 124, 132; cf. Elster 1998, pp. 109-111). Curiously, deliberative democrats have not paid much attention to the fact that this assumption may hold only insofar as institutions are arranged so that the positions of those who work within them are made to depend in appropriate ways not just on the perceptions of their own supporters, but on the views and opinions of society at large (cf. Chambers 2004, p. 404). If political leaders do not have to care about what people in general think, they may be not in the slightest concerned about the fact that everyone can see what they are up to (e.g., Slobodan Milošević did not care too much about how he was perceived by Bosnian and Kosovar Muslims, presumably because he thought he did not have to). Of course, in practice, it can be difficult to arrange political institutions not just so that they are open, but open in ways that can be realistically expected to improve political behaviour (an issue to which I return frequently in the next section on the design of consociational institutions). But insofar as they can be arranged in such a way, there is reason to think that they will foster reciprocity and hence focus debate on the public interest.

Again, this ‘requirement of publicity’ is not unique to deliberative conceptions of democracy. Publicity is a cornerstone of democracy generally and of representative democracy in particular. However, in a deliberative democracy, the special place and value afforded to publicity derives from the contribution that it makes to promoting reciprocity. Insofar as political leaders will not want to be seen making naked appeals to private interest or prejudice in political debates, publicity will force them to couch their arguments in terms of common values. Of course, publicity cannot guarantee this, since, as John Stuart Mill pointed out, ‘Publicity ... is no impediment to evil nor stimulus to good if the public will not look at what is done’ (Mill 1991 [1861], p. 228). Nor is it the

case that publicity is necessary to reciprocity, since political leaders may already recognise a duty to promote the public interest. Still, experience suggests that, left to their own devices, political leaders may show concern only for the interests of their own supporters, if even that much, unless they can be made to behave otherwise.

Not all deliberative democrats treat publicity in this instrumental way. For example, Amy Gutmann and Dennis Thompson argue that it is morally wrong, in and of itself, to impose political decisions that were not made under conditions of openness or transparency (Gutmann and Thompson 1996, pp. 98-101). Yet one difficulty with arguing for publicity in this way is that it can make it hard to account for the fact that secrecy can also have an important role to play in promoting deliberation. We know from the conflict mediation literature that political leaders can find it very hard to back down from a position once they have stated it openly, for fear of appearing weak or indecisive in the eyes of their supporters (e.g., du Toit 2003, pp. 66-67). For this reason, mediation scholars argue that political leaders should conduct at least some of their deliberations behind closed doors, since doing so can allow them to speak candidly, to change position and to accept compromises without constantly worrying about what those on the outside might have to say (e.g., Harris and Reilly 1998, p. 85). However, if one takes a moral approach to publicity, then arguments of this sort seem to amount to a triumph of political expedience over political principle. Admittedly, Gutmann and Thompson argue that as long as the agreement that is reached is subsequently debated publicly or in full view, the problem here can be ameliorated. Nevertheless, the point remains that, from a principled perspective, 'retrospective' publicity is a second-best alternative.

By contrast, if one takes an instrumental approach, there is not the same difficulty here: if secrecy serves reciprocity better than publicity, then so be it. Of course, matters are not as simple as that. As I indicated above, publicity is a cornerstone of democracy because it gives us reason to think

that our views will be treated with equal consideration by those in political power. But since secrecy denies us that reason, the presumption should always be in favour of publicity. Precisely how that balance will need to be struck is an empirical question which cannot be answered from within the bounds of political theory (Chambers 2005, pp. 259ff; Thompson 2008, p. 510). However, empirical considerations do not change the basic fact that political theory has a vital role to play in shaping the design of political institutions and the direction in which they ought to move. Many details will need to be worked out on the ground. Yet if we really wish to see democracy flourish, we will need to have some idea of the goals and values our empirical endeavours are meant to serve.

The consociational model

The question, therefore, is whether consociational institutions can be designed so that political leaders are effectively required to think of themselves not simply as the representatives of their own ethnic group, but also as sincere and faithful representatives of the public interest. In other words, the question is whether consociational institutions can be arranged so that they change the way in which political leaders approach common problems and hence pave the way not just for conflict management but also, in the longer run, for conflict resolution.

As I mentioned in my introductory remarks, the four institutional characteristics that define a consociation (i.e., a grand coalition government, segmental autonomy, proportionality and mutual vetoes) can be realised in an indeterminate number of ways. For example, the grand coalition government can operate within a parliamentary (e.g., Macedonia) or a presidential (e.g., Afghanistan) system, segmental autonomy can be territorial (e.g., Switzerland) or functional (e.g.,

Lebanon), national elections can be run using, for example, party-list PR (e.g., South Africa) or PR-STV (e.g., Northern Ireland), and veto points can be formally enshrined at the constitutional level (e.g., Bosnia and Herzegovina) or operate by convention (e.g., Belgium). Conventionally, however, the choice of one particular form of institution over another has not been justified by appeal to an independently justifiable theory of democracy, but by appeal to what the empirical evidence suggests will work best in any given case. In saying this I do not mean to deny the importance of empirical research; any such denial would be silly. Rather, the point is that divided societies need not just sound practical advice, but also clear normative direction if they are to deal forthrightly and in depth with their most pressing problems.

So let us consider what deliberative democracy has to say about how consociational institutions should be realised. As we will see, the potential for deliberative democracy may be stronger at some points of a consociational system than at others. However, insofar as the system as a whole is driven by a concern for reciprocity, what results can be described as a ‘deliberative consociation’ (see Mansbridge 1999, p. 224).

Segmental autonomy

Segmental autonomy has an important role to play in managing ethnic conflicts. Since it gives groups the authority to govern their own internal affairs, especially in the areas of education and culture, it can help them to maintain their distinct ethnic identity. Moreover, since it delegates a certain level of power and resources to the political leaders of those groups, it encourages them to support the political system as a whole and hence helps to maintain political stability (Lijphart 2004, p. 97).

Yet although segmental autonomy can help to manage conflicts in the short run, the worry is that it can make it harder to resolve them in the long run (cf. Dryzek 2005, p. 222). In deeply divided societies, concerns about security will typically drive people to live within their own ethnic enclaves, to marry within their own traditions, to send their children to segregated schools, and so forth. As a result, they may go their entire lives without ever engaging in a serious conversation with someone from the other side. Clearly, the members of one ethnic group cannot be forced to talk to those of another. But the more segmental autonomy reinforces their sense that they are living and acting within discrete political systems, the more difficult it becomes to deal with common problems or to accept that sometimes it is important to think more as a member of the public and less as a member of an ethnic group.

Cast in deliberative terms, the worry is that segmental autonomy may do little or nothing to encourage people to meet the requirement of reciprocity. Indeed, far from encouraging group members to couch their arguments in terms that could be accepted by those outside the group, segmental autonomy may actually increase the chances that their deliberations will conform to what Cass Sunstein calls 'the law of group polarisation' (Sunstein 2002). That law refers to a statistical regularity which allows us to predict that when like-minded people meet to discuss an issue of importance to them, they will move toward a more extreme point in the direction indicated by the median point of their prior views and opinions (Sunstein 2002, p. 176). Of course, the mere fact of moving in a more extreme direction is neither good nor bad in itself. But if people only engage in political discussions with members of their own ethnic group, the chances are that they will become more entrenched in their views and hence less responsive to the views of others.

We cannot totally remove the threat that segmental autonomy poses to reciprocity or to the prospects for deliberative democracy more generally. But what we can do is ensure that segmental autonomy is organised in such a way that reciprocity becomes more likely. As we have seen, publicity can be an engine of reciprocity. So what does publicity imply for our thinking about segmental autonomy? It implies that segmental autonomy should be realised along voluntary rather than compulsory lines. The reasoning here is this. The more that segmental autonomy locks people into the groups to which they happen to belong (e.g., by compelling them to send their children to a certain type of school or by forcing them to speak a certain language), the fewer the chances they will have to engage with others in society or, indeed, to challenge group assumptions from within. By contrast, the more that people can treat segmental autonomy as a voluntary matter, the more comfortable they may feel about looking beyond the boundaries of their own ethnic group. But since that also means that those on the outside will have greater opportunities to see or hear what is going on within the group, everyone is pressed to meet the requirement of reciprocity.

Admittedly, there is a problem of institutional indeterminacy here. While openness and transparency may increase the level of social pressure on group members to care about what others in society think, it is not clear what the cost might be for someone who chose to ignore that pressure. Consequently, it is hard to specify the extent to which publicity will serve as an engine of reciprocity when segmental autonomy is realised along voluntary lines. What needs to be remembered, however, is that segmental autonomy must not be viewed in isolation from the other aspects of a consociational system: although the incentive to meet the requirement of reciprocity may be weak at certain points, it may be possible to compensate for those weaknesses at other points.

Proportionality

Proportionality rules can operate at various points throughout a consociation, governing, for example, the allocation of civil service appointments or questions of fiscal redistribution. Yet since many scholars argue that the most important choice facing constitution writers is that of a parliamentary electoral system, that is the aspect which we will focus on here (e.g., Lijphart 2004; Horowitz 2003; Reilly 2001).

The thinking behind all proportional representation (PR) systems is to produce a fairly close fit between votes cast and seats won, so that if a party wins, say, 35 per cent of the vote it should win roughly 35 per cent of the seats in parliament. In a deeply divided society, where voters tend to vote along ethnic lines, this effectively means that all significant groups will have a genuine stake in the political system and even the chance to reform it from within (Lijphart 2004, p. 99; McGarry and O'Leary 2004, p. 25). The question, however, is which of the many forms of PR one should choose? In the first instance, consociationalists answer this question by looking at what the empirical evidence has to say about the contribution different PR systems might or might not make to managing conflict; in the first instance, deliberative democrats answer this question by evaluating the extent to which different PR systems might or might satisfy the requirement of reciprocity (although empirical considerations will matter here, too, just as normative considerations will matter to consociationalists).

For example, some consociationalists favour party-list PR on the grounds that it 'can encourage the formation and maintenance of strong and cohesive political parties' (Lijphart 2004, p. 101). Yet although party cohesion may promote political stability, it may do little to promote thinking in terms of the public interest during the course of an electoral campaign. As I have just remarked, voters in

a deeply divided society tend to vote for their own ethnic parties. But since party-list allows them to vote for only one party, the parties themselves have no particular reason to worry about how they are perceived by those outside the group and hence no particular incentive to meet the requirement of reciprocity, no matter how open or transparent the election turns out to be. Indeed, the fact that voters can only vote for one party may actively discourage parties from couching their arguments in terms that outsiders could accept. Since elections tend to take place within groups rather than across them, parties must always be careful not to appear soft in the eyes of their supporters for fear of losing votes to hard-line rivals (Horowitz 1991, pp. 173-174; cf. James 2004, pp. 166-167).

By contrast, there is reason to think that the Single Transferrable Vote (STV) form of PR is much more in tune with the requirements of deliberative democracy. STV is a preferential system that operates in multimember constituencies. As such, voters vote for candidates rather than for parties; they also get to rank candidates in order of their preference (Taagepera and Shugart 1989, p. 27). Thus, while voters will normally tend to rank candidates from their own ethnic group first, they may be willing to place candidates from another ethnic group somewhere lower down the ballot. In marginal seats, where lower-order preferences may make the difference between winning and losing, candidates have a real incentive to care about how they are publicly perceived, not just by their the members of their own ethnic group, but by society at large. Hence, they have a real incentive to couch their arguments in terms that anyone could accept.

In practice, however, matters may not be as straightforward as this. STV can induce political leaders to meet the requirement of reciprocity and hence to behave more like statesmen concerned to advance the public interest and less like ethnic guardians concerned only to advance the interests of their own group. But, as I have just suggested, it may only do so in cases where constituencies are highly mixed or where seats are marginal. And even then the incentive may not be terribly

strong, since parties will need to consider how they are perceived over the whole territory, rather than in just one constituency. So, while STV does offer clear incentives for deliberation (or specific sanctions for not deliberating) in a way that voluntary forms of segmental autonomy arguably do not, the contingent nature of those incentives means that we must continue to look for opportunities to institutionalise the requirement of reciprocity at other points in a consociational system.

Grand governing coalition

Although the various elements of a consociation are mutually implicating, the special place afforded to the grand coalition within the consociational model stems not just from the fact that it is the primary site of political cooperation and decision making, but because its successful functioning is absolutely critical to political stability (Lijphart 1977, pp. 25-36). If political leaders representing the main ethnic groups in society fail to share power at the cabinet or executive level, there will be little or no hope for democracy in divided societies—little hope for conflict management and no hope for conflict resolution.

Given the uncertainties that attach to segmental autonomy and proportionality in the electoral system, it becomes all the more important to think about how the grand governing coalition might be designed so that it compensates for those uncertainties. One crucial consideration here is how a grand coalition is actually formed, and how that formation process affects subsequent political behaviour. Empirically, the formation process can vary from one consociation to another. In some cases, seats in government are reserved for particular ethnic groups (as in the case of the Bosnian House of Peoples), whereas in others, seats are automatically allocated to parties in proportion to the seats they hold in parliament (as in the case of the Northern Ireland Executive). However, the

fact that seats are allocated automatically means that parties have no particular incentive to care about how they are perceived by those outside their group (of course, they may care about what others think, but not because the formation process make them do so). Under such conditions, publicity may, as I have been suggesting, make little or no difference: although the formation process may be entirely open or transparent, it may not act as an engine of reciprocity or promote thinking in terms of the public interest.

The challenge, therefore, is to consciously arrange the process by which a grand coalition comes into being so that success or failure is made to depend on the views and opinions of society at large, rather than on those of some particular ethnic group. One way in which this might be achieved is to make government formation depend on voluntary agreement rather than on automatic appointment, with government ministers having to secure weighted majority support from across the parliament as a whole in order to guarantee power sharing (akin to the Lebanese Council of Ministers) (Wilson and Wilford 2003). Prospective coalition partners from across the ethnic divide might engage in a fair deal of bargaining behind the scenes, as they jockey for position within the executive, in search of key ministerial portfolios for themselves. But, just like any other coalition, they will also know that they will have to work together in order to function successfully and to protect themselves against the criticisms of opposition parties seeking to gain executive power for themselves. Under such conditions, positions of power really do depend on how political leaders are publicly perceived. Since any cracks or weaknesses will be exploited by rival parties, ministers have the strongest possible incentive to present a united front and defend their decisions on terms that anyone could accept.

Admittedly, it might be objected that this proposal might deny hardliners—who, almost by definition, will be unlikely to meet the requirement of reciprocity—the place in government that

they might have under an automatic appointment process. There might be serious issues of stability here, since it is not clear how they might react. Indeed, as conflict resolution scholars warn, hardliners will often try to ‘spoil’ a peace process from within, purely for reasons of personal gain (e.g., Stedman 1997; Zartman 2001). Yet, besides the fact that hardliners can be just as susceptible to institutional incentives as anyone else—and hence may be just as likely to meet the requirement of reciprocity if it has been adroitly realised—there is also the fact that this objection carries little in the way of normative weight (O’Flynn 2007, pp. 750-751). Claiming that political leaders should not be guaranteed a place in government is very different from claiming that they should be denied a place in government. The latter claim is unjustifiably exclusionary. The former claim is exclusionary only to the extent that political leaders must convince potential coalition partners from across the ethnic divide of their willingness to work together in the service of the public interest.

Mutual vetoes

On the face of it, mutual vetoes have an obvious role to play in maintaining political stability in a deeply divided society—knowing that their most vital interests will be protected from the threat of majority tyranny can give ethnic groups the confidence to engage politically with one another (Lijphart 1977, pp. 36-37). It is even possible to see how mutual vetoes might play their part in promoting thinking in terms of the public interest—mutual vetoes can encourage ethnic groups to think of themselves as forming a single democratic public, because, to borrow a phrase from Rousseau, ‘their nature is such that in fulfilling them we cannot work for others without working for ourselves’ (Rousseau 1973 [1762] p. 205).

The trouble, however, is that mutual vetoes may have no such effect. Instead of giving ethnic

groups the confidence to work together, they may instead invite minority tyranny or lead to political deadlock. By way of example, one might point to the case of Bosnia and Herzegovina, in which an extensive system of vetoes (in combination with an imbalance of power favouring the two regional or 'entity' governments over the central or federal government) has resulted in continuing problems of state paralysis which are frequently left to the Office of the High Representative of the international community to resolve. Far from promoting thinking in terms of the public interest, vetoes have arguably played into the hands of wartime nationalist leaders willing to play the ethnic card (Zahar 2004).

And yet examples of this latter sort simply reinforce the fundamental point driving this article. As I noted in my introductory remarks, some consociations develop in extremely positive, democratic directions. Yet, as I also stressed, if conflict resolution is to be a realistic goal, democratic flourishing should not be left to chance but should instead be directed in the light of clear normative standards. So let us see, then, how deliberative democracy might inform the design of mutual vetoes within a consociational system.

Earlier, I said that publicity can make it hard for political leaders to back down from a position once they have stated it openly, for fear of appearing weak or indecisive; by contrast, deliberating behind closed doors can make it easier for them to speak candidly, to change positions and to accept compromises; in other words, secrecy can sometimes facilitate reciprocity better than publicity. The point here applies all the more strongly to the use of vetoes. If it is hard to back down from a claim once it has been publicly stated, it must be doubly hard to do so in cases where a veto has also been invoked. Accordingly, if we take a concern for reciprocity and the public interest as our starting point, as deliberative democracy says we should, there is reason to think that vetoes should not be placed within parliament, where the openness of the forum might easily induce political deadlock

(but see Steiner et al. 2004, p. 120). Instead, they should be placed within the decision procedures of the grand governing coalition, to be used behind closed doors, where the danger of deadlock may be reduced.

This does not mean giving up on the requirement of publicity, however. On the contrary, the fact that secrecy and publicity are used ‘sequentially’ may, in fact, enhance the prospects for reciprocity and thinking in terms of the public interest (see Goodin 2005, p. 193). Placing vetoes within the decision procedures of the grand coalition allows government ministers from one side of the ethnic divide to veto decisions proposed by ministers from the other side. This much will be widely known. Accordingly, when a minister finally goes public with a decision, the justification that he or she provides to parliament will have to be couched in terms that could be accepted by all sides and that therefore takes the views and opinions of everyone in society into account. Otherwise, the members of one ethnic group will be bound to ask why their ministers did not veto the decision. A grand governing coalition that is made to operate in this way will be a coalition that meets the requirement of reciprocity, that serves the public interest and that furthers the cause of conflict resolution.

Conclusion

As B.J. Diggs has pointed out, the public interest is determined by finding equitable solutions to common problems ‘that arise from all members of society reasonably wanting various things, from their having to depend on one another to get them, and from each person’s being entitled, both as a person and as a citizen, to equal respect and consideration’ (Diggs 1973, p. 290). Stated thus, there is no clear distinction between the empirical concerns of consociationalism and the normative

concerns of deliberative democracy: the public interest is the product of both sorts of consideration. It is important, however, not to conflate the two.

Some consociations survive and prosper, with shared systems of government and agreed or integrated structures for the delivery of public services, whereas others barely move beyond the conflict management stage. It is not always easy to isolate what it is that makes the difference, or to take the lessons learned from one consociation and apply them to another. Empirical research certainly has a role to play in helping us on our way, as does practical experience more generally. We need to have some idea of which results will follow from which institutional proposals, which consociational institutions are more likely to remain stable in the given circumstances. But we also need to know which results we should prefer and strive to achieve in the first instance, since democracy must not be left to chance (Goodin 1982, pp. 4, 7).

Deeply divided societies need not just sound practical advice, but also clear normative direction. In this article, I have argued that deliberative democracy allows us to take a fresh look at the consociational model by holding up normative standards in light of which its basic institutional characteristics might plausibly be realised. Those standards focus our attention on promoting thinking in terms of the public interest. In so doing, they suggest how consociational institutions might be realised so that they provide not just for conflict management, but also, in the longer term, for a deeper sense of democracy and ultimately for conflict resolution.

References

Agreement (1998) *Agreement Reached in the Multiparty Negotiations*. Belfast: The Stationery

Office.

Barry, B. (1964) 'The Public Interest', *Proceedings of the Aristotelian Society*, 38 (supplement), 1-18.

Barry, B. (2006) 'Democracy Needs Dialogue and Deliberation—Not Political Blocs' in H. Afshar (ed), *Democracy and Islam*. London: Hansard, pp. 22-24.

Chambers, S. (2004), 'Behind Closed Doors: Publicity, Secrecy, and the Quality of Deliberation', *The Journal of Political Philosophy*, 12 (4), 389-410.

Chambers, S. (2005) 'Measuring Publicity's Effect: Reconciling Empirical Research and Normative Theory', *Acta Politica*, 40 (2), 255-266.

Cohen, J. (1989) 'Deliberative and Democratic Legitimacy' in A. Hamlin and P. Pettit (eds), *The Good Polity*. Oxford: Blackwell, pp. 17-34.

Cohen, J. (1996) 'Procedure and Substance in Deliberative Democracy' in S. Benhabib (ed), *Democracy and Difference: Contesting the Boundaries of the Political*. Princeton, NJ: Princeton University Press, pp. 95-119.

Dahl, R. (1989) *Democracy and Its Critics*. New Haven, CT: Yale University Press.

Diggs, B. (1973) 'The Common Good as Reason for Political Action', *Ethics*, 83 (4), 283-293.

Douglass, B. (1980) 'The Common Good and the Public Interest', *Political Theory*, 8 (1), 103-117.

Dryzek, J. (2005) 'Deliberative Democracy in Divided Societies: Alternatives to Agonism and Analgesia', *Political Theory*, 33 (2), 218-242.

Dryzek, J. and List, C. (2003) 'Social Choice Theory and Deliberative Democracy: A Reconciliation', *British Journal of Political Science*, 33 (1), pp. 1-28.

du Toit, P. (2003) 'Rules and Procedures for Negotiated Peacemaking' in J. Darby and R. MacGinty (eds), *Contemporary Peace Making: Conflict, Violence and Peace Processes*. Basingstoke: Palgrave Macmillan, pp. 65-76.

Dworkin, R. (2006) *Is Democracy Possible Here?: Principles for a New Political Debate*. Princeton, NJ: Princeton University Press.

Elster, J. (1986) 'The Market and the Forum' in J. Elster and A. Aanund (eds), *The Foundations of Social Choice Theory*. Cambridge: Cambridge University Press, pp. 103-132.

Elster, J. (1998) 'Deliberation and Constitution Making' in J. Elster (ed), *Deliberative Democracy*.

Cambridge: Cambridge University Press, pp. 97-122.

Fishkin, J. (2005) 'Defending Deliberation: A Comment on Ian Shapiro's *The State of Democratic Theory*', *Critical Review of International Social and Political Philosophy*, 8 (1), 71-78.

Goodin, R. (1982) *Political Theory and Public Policy*. Chicago, IL: The University of Chicago Press.

Goodin, R. (1992) *Motivating Political Morality*. Oxford: Blackwell.

Goodin, R. (2005) 'Sequencing Deliberative Moments', *Acta Politica*, 40 (2), 182-96.

Gutmann, A. and Thompson, D. (1996) *Democracy and Disagreement: Why Moral Conflict Cannot Be Avoided and What Should Be Done About It*. Harvard, MA: Belknap Press.

Gutmann, A. and Thompson, D. (2002) 'Deliberative Democracy Beyond Process', *The Journal of Political Philosophy*, 10 (2), 153-174.

Gutmann, A. and Thompson, D. (2004) *Why Deliberative Democracy?* Princeton, NJ: Princeton University Press.

Habermas, J. (1984) *The Theory of Communicative Action Vol. 1: Reason and the Rationalisation of*

Society, trans. T. McCarthy. Cambridge: Polity Press.

Habermas, J. (1996) *Between Facts and Norm: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg. Cambridge: Polity Press.

Harris, P. and Reilly, B. (eds) (1998) *Democracy and Deep-Rooted Conflict: Options for Negotiators*. Stockholm: International Institute for Democracy and Electoral Assistance.

Horowitz, D. (1991) *A Democratic South Africa?: Constitutional Engineering in a Divided Society*. Berkeley, CA: University of California Press.

Horowitz, D. (2001) 'The Northern Ireland Agreement: Clear, Consociational, and Risky' in J. McGarry (ed), *Northern Ireland and the Divided World: Post-Agreement Northern Ireland in Comparative Perspective*. Oxford: Oxford University Press, pp. 89-108.

Horowitz, D. (2003) 'Electoral Systems: A Primer for Decision Makers', *Journal of Democracy*, 14 (4), 115-27.

Horton, J. (2003) 'Rawls, Public Reason and the Limits of Liberal Justification', *Contemporary Political Theory*, 2 (1), 5-23.

James, M. (2004) *Deliberative Democracy and the Plural Polity*. Lawrence, KS: University Press

of Kansas.

Lijphart, A. (1977) *Democracy in Plural Societies: A Comparative Exploration*. New Haven, CT: Yale University Press.

Lijphart, A. (1995) 'Self-Determination versus Pre-Determination of Ethnic Minorities in Power-Sharing Systems' in W. Kymlicka (ed), *The Rights of Minority Cultures*. Oxford: Oxford University Press, pp. 275-287.

Lijphart, A. (2004) 'Constitutional Design for Divided Societies', *Journal of Democracy*, 15 (2), 96-109.

Lustick, I. (1997) 'Lijphart, Lakatos and Consociationalism', *World Politics*, 50 (1), 88-117.

Mansbridge, J. (1999) 'Everyday Talk in the Deliberative System' in S. Macedo (ed), *Deliberative Politics: Essays on Democracy and Disagreement*. Oxford: Oxford University Press, pp. 211-39.

McGarry, John and Brendan O'Leary. 2004. *The Northern Ireland Conflict: Consociational Engagements*. Oxford: Oxford University Press.

Mill, J.S. (1991 [1861]) 'Considerations on Representative Government' in J. Gray (ed), *John Stuart Mill: On Liberty and Other Essays*. Oxford: Oxford University Press, pp. 203-467.

Miller, D. (2000) *Citizenship and National Identity*. Cambridge: Polity Press.

Noel, A. (2006) 'Democratic Deliberation in a Multinational Federation', *Critical Review of International Social and Political Philosophy*, 9 (3), 419-44.

O'Flynn, I. (2007) 'Review Article: Divided Societies and Deliberative Democracy' *British Journal of Political Science*, 37 (4), 731-751.

O'Leary, B. (1999) 'The Nature of the Agreement', *New Left Review*, 233, 66-96.

O'Leary, B. (2005) 'Debating Consociational Politics: Normative and Explanatory Arguments' in S. Noel (ed), *From Power Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies*. Montreal and Kingston: McGill-Queen's University Press, pp. 3-43.

Pettit, P. (2004) 'The Common Good' in K. Downing, R. Goodin and C. Pateman (eds), *Justice and Democracy: Essays for Brian Barry*. Cambridge: Cambridge University Press, pp. 150-169.

Reilly, B. (2001) *Democracy in Divided Societies: Electoral Engineering for Conflict Management*. Cambridge: Cambridge University Press.

Reynolds, A., Reilly, B. and Ellis, A. (eds) (2005) *Electoral System Design: The New International*

IDEA Handbook. Stockholm: International IDEA.

Rousseau, J.-J. (1973 [1762]) *The Social Contract and Discourses*, trans. G.D.H. Cole. London: Dent.

Shapiro, I. (2003) *The State of Democracy Theory*. Princeton, NJ: Princeton University Press.

Stedman, S. (1997) 'Spoiler Problems in Peace Processes', *International Security*, 22 (2), pp. 5-53.

Steiner, J., Bachtiger, A., Spordli, M. and Steenbergen, M. (2004) *Deliberative Politics in Action: Analysing Parliamentary Discourse*. Cambridge: Cambridge University Press.

Sunstein, C. (2002) 'The Law of Group Polarisation', *The Journal of Political Philosophy*, 10 (2), 175-95.

Taagepera, R. and Shugart, M. (1989) *Seats and Votes: The Effects and Determinants of Electoral Systems*. New Haven, CT: Yale University Press.

Taylor, R. (2006) 'The Belfast Agreement and the Politics of Consociation: A Critique', *The Political Quarterly*, 77 (2), 217-226.

Thompson, D. (2008) 'Deliberative Democratic Theory and Empirical Political Science', *Annual*

Review of Political Science, 11, 497–520

Waldron, J. (1999) 'Deliberation, Disagreement, and Voting' in H. Koh and R. Slye (eds), *Deliberative Democracy and Human Rights*. New Haven, CT: Yale University Press, pp. 210-26.

Weale, A. (1999) *Democracy*. Basingstoke: Palgrave Macmillan.

Weale, A. (2007) *Democracy*, second ed. Basingstoke: Palgrave Macmillan.

Wilson, R. and Wilford, R. (2003) *Northern Ireland: A Route to Stability?* Birmingham: The Devolution Papers.

Zahar, M.-J. (2004) 'The Dichotomy of International Mediation and Leader Intransigence: The Case of Bosnia and Herzegovina' in I. O'Flynn and D. Russell (eds), *Power Sharing: New Challenges for Divided Societies*. London: Pluto Books, pp. 123-137.

Zartman, W. (2001) 'The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments', *The Global Review of Ethnopolitics*, 1 (1), 8-18.