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Equal is not enough

Challenging differences and inequalities
in contemporary societies

Conference proceedings

Edited by
Joz Motmans
Daniël Cuypers
Petra Meier
Dimitri Mortelmans
Patrizia Zanoni

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Building inclusive societies: the role of substantive equality, ideas of justice and deliberative theory

PUJA KAPAI

Abstract

The coexistence of cultural and religious minorities in liberal democratic systems presents various complexities. Faced with a choice between acculturation and assimilation, minorities routinely struggle for justice and experience discrimination and exclusion. Modern political discourse has traditionally drawn on ideas such as tolerance, accommodation and assimilation and group rights to protect minorities on the basis of attributes perceived to be constitutive of their cultural, religious or national identities.

The chapter presents a brief overview of the difficulties inherent in political models such as liberalism, liberal multiculturalism and limited self-government used to reconcile the status of cultural and national minorities in plural societies. These frameworks fix the political subject into rigid categories, highlighting their lack of political sensibility given the fluidity of identity today. This chapter argues that immigrant minorities exhibit complex layers of identity that

challenge the singularity and mono-dimensionality attributed to political loyalty, citizenship and political identity in an age of plurinational states. Drawing on theories of identity-matrixing, it is argued that the deconstruction of identity is indispensable to better understanding and effectively influencing the development of sentiments of loyalty, group affiliation and shared morality.

This chapter draws on theories of justice, deliberative theory and principles of substantive equality to illustrate how belonging, commonality of purpose and loyalty can be cultivated through regular engagement with other groups in deliberative decision-making processes. Deliberative theory and substantive capacity-building measures to ensure meaningful participation have the potential to transform multicultural societies into multicultural polities by securing inclusive governance.

Contact

Puja Kapai
Center for Comparative and Public Law
Faculty of Law
The University of Hong Kong,
4/F K K Leung Building
Pokfulam Road, Pokfulam, Hong Kong
puja@hku.hk

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Introduction¹

The last two centuries have witnessed enormous changes in the constitution of the nation state. Colonization, two world wars and mass industrialization have triggered the movement of people globally resulting in the proliferation of multicultural populations and communities (Castles, 2003).

This has forged into existence plurinational states. This transformation of the nation-state calls for changes in political and institutional structures to accurately reflect the new influences on politics, failing which, structural and political inequalities will become further entrenched.

Despite large numbers of immigrants entering these states, some with a view to becoming citizens, there is no accompanying political process to help shape their political agency as they transition from immigrants into citizens. Immigrant communities bring with them their culture, tradition, and religious belief systems. Although they find others with whom to pursue their visions of the good and meaningful life, they remain the minority, often excluded from or marginalised in mainstream society and political circles. The liberal democratic constitution protects certain rights including, the freedom of religion, the right to practice their culture in community with others, and the freedom of speech. These rights are designed to enable the pursuit of a meaningful life according to their beliefs without fear of persecution or discrimination.

However, despite these basic protections, religious and cultural minorities often struggle when they are subject to the general legal system. Some of these groups maintain cultural and religious practices which, although meaningful to their identity, are objectionable and sometimes contrary to the laws of their host nation. As minorities and immigrants, they are caught between the two worlds they inhabit in terms of cultural, legal, political and religious norms. As they struggle to fit in, they face the choice between acculturation and assimilation at every step.

The treatment of minorities has often rested on the fine distinctions drawn between nationals by birth as opposed to naturalization and more often, ethno-national or religious identity. The controversial question that arises is whether and to what extent should incoming immigrants have a right to participate in their governance and the means through which this can be meaningfully facilitated in modern democratic arrangements. This issue challenges and critically engages current discourse on differentiated and multicultural citizenship (Benhabib, 1996). Does a commitment to constitutional rights entail a requirement that such a framework be provided for the groups' full inclusion in politics? Arguably, the most important right in a democracy is the right to participation, a fundamental corollary of the liberal values of autonomy, equality and responsibility (Waldron, 1993, 1999).

Accommodationist and integrationist approaches entrench the age-old east-west power dynamic where the immigrants (usually from formerly colonized countries) depend on the accommodating state's (usually a former colonial power) approval of their cultural and religious practices or inclusion into the community (Sajed, 2010). Integrationist policies replicate historical oppressions such as slavery and colonialism through legal dictates that seek to 'depoliticise the subject' by forcing the abandonment of certain attributes or the acquisition of new attributes. These attributes are strongly entrenched in the subject's self-concept and identity. However, in pursuit of unity, stability and the common good, integrationism and accommodationism invariably single out certain groups for the project of a 'diluted individual identity'. The entrenchment of practices and frameworks of exclusion is the subject of a contentious critique in political theory and theories of justice. Out-dated approaches to citizenship and nationality dictate the exclusion of immigrant and ethnic minorities subject to their occasional incorporation into the state's political framework upon the fulfilment of stringent conditions. However, despite inclusion at the formal level, practical barriers to effective participation remain due to lack of capacities for engagement in political discourse and social and political marginalisation in the development of law and policy. These barriers produce feelings of dislocation, discrimination and fear of reprisal and exclusion.

Scholars of modern constitutional and political theory have been working on developing new understandings of citizenship grounded in ideas that relate more closely to postcolonial realities and globalisation and their influences on migration. In light of this turn, it is important to correct perceptions of indifference, passivity and lack of capacity attributed to the 'other' despite the naturalisation of immigrants into citizens. This depicts the struggle of ethnic minorities as a structural problem (Young, 1990). With a view to reducing social and political inequalities, it is important to theorize new possibilities for the contribution of immigrant citizens in pursuit of an inclusive and just society. Through mechanisms that cater to participation by diverse groups, the complexities of multicultural citizenship can be better managed and addressed.

The role of minorities needs to be extended beyond mere 'subjects' and reconstituted as groups with a civic responsibility to enable a culture of interactive discourse fashioned by reason to be cultivated as political practice. Participation in such processes would cultivate a sense of reciprocity towards other political actors, a duty to contribute to political discourse and result in sentiments of loyalty and group belonging. The central argument put forward in this chapter is that the just resolution of the political impasse concerning immigrant communities is possible only through a wide-scale reform of democratic practices. This paper argues first, that the failure of the modern nation state to calibrate differences effectively is attributable to the limited perception of immigrant and ethnic minorities as mere subjects of the law or the polity. This view of immigrant and ethnic minority people as passive subjects as opposed to interactive members of the polity distorts their role in the political apparatus of the state, ignoring their interests and capacities for political agency. The current political frameworks of exclusion or limited inclusion conditioned on theories of tolerance, accommodation, citizenship and integration are fatal to the creation of a just and inclusive society. They present immigrant and ethnic groups as inherently incapable of or apathetic to politics and rational deliberation, rendering them irrelevant or relegating them to spheres of unimportance. Routine exclusion and ignorance strip such groups of their dignity by depriving them of their civil and political rights, dispossessing them of a political voice. These experiences contribute to feelings of exclusion, disengagement, and disempowerment, leading to social and political instability.

The inclusion of these groups in the state's political structure rests on the fundamental principle of individual autonomy and the importance of self-governance, both of which are central to liberal ideology. Matters of moral and political importance must be put before the whole community to provide an opportunity to everyone concerned to engage in the decision-making process. The facilitation of inter- and intra-group dialogue through deliberation forums would help cultivate understanding and through reasoned exchanges, lead to attachment, belonging and trust. This, in turn, would help develop a 'national' political identity whilst enabling immigrants to maintain community-level identities.

The creation of a deliberative space within the political structure for minority groups to interact with lawmakers and the general populace in a meaningful manner would help address the legitimacy crises experienced by liberal democratic states. Democracy today appears to be operating at its weakest, increasingly fuelled by identity politics and self-interested decision-making by individuals and groups to access the greatest share of resources and to oust those deemed undeserving. Democratic decisions today are seen as a mere aggregation of rather than a reasoned account of the political will. This leaves the position of the minority particularly precarious in multicultural societies.

These circumstances call for immediate reform. It is suggested that by prefacing the democratic moment with a series of dialogic and deliberative processes, this 'democratic deficit' can be addressed. Through a participatory democratic setting, nonpartisan aspects of political choice can be fully discussed to distil the political and rhetorical arguments from reason-based and pragmatic arguments before these are applied to the democratic moment. This would enhance the quality of democratic participation. The inclusion of minority groups in this process can help cultivate feelings of membership, commonality of purpose and trust. In time, this trust can be capitalized upon so as to achieve justice through inclusion. Deliberation, therefore, is an important and indispensable component in building just and inclusive societies, particularly multicultural polities.

In order to ensure that the dialogue is meaningful, minorities' capacities for participation would need to be substantively addressed and political apparatus accordingly redesigned to enable inclusive participation across a diverse populace. A reconstituted political dynamic incorporating civic responsibility and deliberative access for minority communities would complement the revival of nation building in light of the growing multiplicities that inhere in bordered territories today.

The political organization of multicultural societies

The existing impasse on the question of how to calibrate fundamental differences in multicultural societies can be traced to the frameworks of governance employed by such societies. Classic immigration countries have sought to manage diversity through policies designed to ensure minimal disturbance to the foundational values and systems of the receiving community, usually adopting a combination of policies of assimilation, accommodation and differential exclusion. The primary aim of allowing immigrants into the society was to benefit from their labour during the industrialization period (Castles & Miller, 1998). Assimilation sought to break down differences between immigrants and citizens by encouraging national language education and familiarisation with cultural and social practices of the nation. Differential exclusion restricted the immigrants' incorporation into the society as settlers through strict policies against long-term settlement by these groups. It was only in the late 70s and early 80s that these policies progressed towards more accommodative models in light of human rights developments, which held governments accountable for serious violations.

In recognition of the rights of ethnic communities, immigration countries have gradually transformed their policies to accommodate them, however, not without antagonizing public sentiment at home. This has resulted in practices such as isolation, racialization and discrimination against the 'other'. Despite this, ethnic communities

have developed strong intra-group structures to enable meaningful survival and to serve their needs (Castles & Miller, 1998).

Recently, political frameworks have ranged between those encompassing varying degrees of accommodation of ethnic identities and cultural practices to assimilationist models that seek to eliminate difference through encouraging (sometimes requiring through conditioning citizenship on certain factors) compliance with and commitment to mainstream liberal values and sometimes a prohibition of the public manifestation of religious or cultural symbols. Very rarely do states allow internal self-governance.

Accommodative models generally recognize minority groups as having distinct attributes which find their expression in language and cultural and social norms and thus, are entitled to protection against intrusion with respect to these constitutional rights. In exchange, such multicultural accommodation is usually conditioned on the requirement that minority group practices comply with principles of equality and non-discrimination and respect the law. This liberal multicultural model, variations of which have been in place in the United Kingdom and Canada, among other nations, has been recently criticised for unravelling the achievements of accommodation and protection of minority rights.

Majority ethnic groups become wary of the differential treatment afforded to newcomers. This has caused resentment towards immigrant groups. Alternating systems of norm application to minority ethnic groups may also result in the 'deregulation' of certain activities that traditionally fall within the state's prerogative, for example, equality and non-discrimination. Feminist scholars have identified a further problem with group rights afforded under multicultural arrangements, arguing that these measures lead to further oppression of women and children whose rights may be deprived under such regimes where group rights take priority over individual rights (Eisenberg, 2005; Okin, 1999). This may result in the perpetuation of discrimination and patriarchal policies inherent within certain communities, thereby weakening the position of these vulnerable groups further (Okin, 1999; Phillips, 2003). Accommodative practices have suffered from the charge of ethnocentrism given that 'liberal values' are applied to adjudge the acceptability of the practice for the purposes of multicultural accommodation. On the other hand, the protection of group-specific rights of minorities has resulted in the fragmentation of groups, concretising boundaries between ethnic groups.

Such a separate system for the dispensation of justice and the protection of rights depletes the possibility of and the incentive for the development of a 'national' attachment to the host community, thereby further isolating minority groups from the national majority. This serves as a disincentive for any future engagement between the two groups as they are seen as having polarized interests. The struggle for political recognition becomes one for wresting power from majority groups to divide

among the different minority ethnic groups in society. There being no common agenda between the different groups, they generally tend not to work together. These circumstances can result in a lack of social cohesion.

Existing frameworks of liberalism and multiculturalism, where practiced in their pure forms tend to break down existing attachments, seeking to assimilate or create uniform citizens through the imposition of a set of values whereas multicultural measures may result in group exclusion or isolation (Spinner-Halev, 1996). Thus, at either extreme, these systems run the risk of fragmentation within the community.

Multiculturalism based on liberal ideology has isolated minorities by excluding them from the political realm. The policies reveal a critical lack of appreciation of how identities are formed and maintained. By failing to include minorities through models of citizenship that facilitate the development of an identity that encapsulates multiple cultural affiliations and practices, liberal multiculturalism has contributed to their exclusion and othering, and missed the opportunity of cultivating the coexistence of cultural difference and national belonging within a single individual. A rigid focus on 'liberal multiculturalism' has disregarded the merits of empowerment of minorities through political engagement, responsibility, reciprocity and mutuality as opposed to the rights-oriented model, which focuses on the dichotomy between the subject and the government as the protector of these rights.

This failing calls for greater synchronicity between the recognition of cultural difference and the equal right to civic engagement in plurinational states.

Both liberal and multicultural policies generally fail to recognize the intrinsic boundedness of culture to minority identities and 'cultural citizenship' as an essential component to their self-determination (Ladson-Billings, 2003; Volpp, 2007). Assimilation stifles cultural identification, particularly the community-expression dimension of it, whereas accommodation distorts it or suppresses it in its authentic form. Both are damaging and marginalize the communities concerned, rendering minorities outsiders to their own communities but also, in the mainstream society. Thus, although compelling theories for the conceptualisation of minority rights have been developed, many of these have been criticized on various grounds, such as the flawed assumptions about the homogeneity of culture that often form the foundational premise for such theories or the much-talked about plight of minorities within minorities.

The problem is not necessarily the frameworks deployed but the fact that they are generally unaccompanied by complementary features which would help reduce distance and difference between groups and enhance intercultural exchanges by facilitating equal participation in governance. Existing policies have placed a misguided emphasis on the homogeneity of culture and the uniformity of its expression. The liberal framework has sought to cultivate national attachments. This has often been at the expense of community values and experiences, particularly given liberalism's ignorance (and in some countries, exclusion) of cultural behaviours and language in

the political context. This has resulted in the alienation of ethnic groups who experience exclusion in mainstream society and a lack of belonging to the nation-state. With these experiences, ethnic communities are less likely to participate in national affairs. Multiculturalism, on the other hand, has sought to recognize ethnic groups and their culture. This, however, has also had the effect of alienating ethnic and immigrant groups due to the emphasis on difference. Existing liberal and multicultural policies reveal a critical failure to comprehend the formation of cultural and national identities and attachments and therefore, do not reflect them appropriately in policy, law or government. The result is an institutionalized racism that has perpetuated inequalities, thereby preventing the structural integration of minorities into mainstream society. This contributes to the politicization of all issues and ultimately derails national-level consideration of the society's broader policies and frameworks (Ladson-Billings, 2003).

The citizenship gap

Minority groups struggle without political power, through which they can represent themselves and secure their needs. Although individually, they have rights, majoritarian politics prevent minorities from having the desired political impact without adequate counter-majoritarian measures in place. This has also called into question the effectiveness of democratic mechanisms employed in determining the political will. Existing models fail to adequately address the challenge of diversity. This failure primarily stems from an exclusively state-centric vision of government, which is viewed as an institution resulting from a set of independent administrative processes which lead to decisions that legitimize state action. A more citizen-centred and inclusive vision of governance would serve to enhance the democratic legitimacy of decisions, particularly those regarding conflicting norms in multicultural communities.

The status of some individuals in societies where citizenship is primarily defined by birth, descent or blood and sometimes by residence, achievement or other identity, is such that they lack the usual bundle of rights that they would ordinarily have if globalization and its effects were adequately accounted for and understood (Brysk & Shafir, 2004). Brysk and Shafir refer to this as the 'citizenship gap' (Brysk & Shafir, 2004). Whilst some people find themselves in a state of dual citizenship, there are those whose citizenship status is ambiguous or second-class, for example, ethnic groups or tribal and rural inhabitants. These people, and others, such as refugees, migrant workers or their children, and undocumented workers fall through the citizenship gap (Brysk & Shafir, 2004). Globalization is rapidly changing social dynamics and the demographic constitution of societies. This wave of cosmopolitanisation has critical implications for the notion of 'state-citizenship', previously determined by a simple test of certain attributes. However, the new types of residents in a bordered,

borderless world that globalization has given birth to, demand a reconceptualised citizenship model, one that includes them and protects their interests adequately. Brysk and Shafir aptly describe the challenge as one requiring a “*balance between ‘citizenship deficit’ due to the contraction of political democracy, and ‘citizenship surplus’, created by new venues of political influence*” (Brysk & Shafir, 2004). Thus, as Brysk & Shafir argue, although globalization brings with it new opportunities and forms of intercultural exchange, from a governance perspective, the opportunities merely provide certain ‘access’ rights but without the “*membership or responsibility*” that comes with citizenship (Brysk & Shafir, 2004: 7).

Whilst a new structure of unterritorialised supranational rights is coming into play, it does not comprehensively define, inform nor attend to this new concept of citizenship in terms of membership, accountability or justice. As Soysal notes, we are in a space between ‘postnational citizenship’, an era in which the sovereign-statehood model of citizen rights is transitioning to a realm where (some) rights are conferred internationally. The state-centric model has not as yet been abandoned (Soysal, 1995). However, as Joppke notes, the nation will still be indispensable to the integration of immigrants (Joppke, 1999). Given the inadequacy of existing measures to nurture a healthy sense of national and cultural attachment, the construction of identity and cultural identifications and attachments need to be re-examined and better understood.

To strive for a commitment to inclusion within both, mainstream and minority communities, the state must acknowledge difference and the dynamic processes and influences on the formation of identity and attachment. It must implement structurally inclusive mechanisms to give expression to different cultural values within the national culture. These mechanisms would more accurately reflect the interactive dialectic between national and local cultures and their interconnectedness. As identity-matrixing reveals, people transform as they interact with other cultural structures, giving them the option to embrace norms from other systems, resulting in a unique self-identity, which is not exclusively grounded in any single culture or identity. As Nussbaum notes, individuals have been able to develop multiple identities, which attach them to their culture, their nation as well as to “*the worldwide community of human beings*” (Nussbaum, 2002).

Deconstructing Identity to Reconstitute the Modern Citizen

Whereas various scholars, a ranging from the political sciences to philosophy, have argued for the inclusion of ethnic, cultural or racial minority groups on the basis of ‘difference’ (for example, Kymlicka’s popularized ‘differentiated citizenship’), it is argued that the fluidity of identity and the heterogeneity of cultural identities render the difference-based tools of political participation obsolete (Ong, 2004).

The critical question of what needs protection and how that interest can be best protected in a polity where one is an ethno-national minority has received little attention given the predominantly identity-centric model for the recognition of rights and interests in discourse pertaining to minority status, culture and identity. Recent scholarship in anthropology, political philosophy and psychology has revealed that cultural and identity formation are not uniform processes and vary across cultural groups. Moreover, the recognition and manifestation of cultural attributes that are perceived to be constitutive of identity cannot be traced to any single influence of ‘culture’ or national ‘inheritance’. Rather, these attributes and attachments develop sporadically based on one’s exposure to different ‘Symbolic Orders’ (Kearney & Adachi, forthcoming, 2011). In today’s globalised world, where the local has become the microcosm of the global, singular symbolic orders are complemented by multiple symbolic orders, all of which work simultaneously to influence the development of identity. These attachments cannot be broken down neatly into any one category as reflective of culture or ethnicity or nationality.

This scholarship needs to be studied in greater detail by political theorists and constitutional law scholars to unpack the components that inform the development and practice of cultural identity and how this transformative process and capacity can be best protected. Moreover, the concept of identity, its formation and entanglement with concepts of culture needs further exploration. These questions have a critical bearing on group representation and minority rights. Without an adequate understanding of these dimensions of identity, current misunderstandings will continue to distort politics. A thorough re-examination of the conceptualisation of culture, identity and their role in the quality of human life will better inform the development of just means to recognise and protect these interests.

Kearney and Adachi propose a complex model of ‘identity matrixing’ which captures the process through which the individual’s identity is constituted through exposure to the external influence of multiple Symbolic Orders across a matrix of transcultural settings. This matrixing across numerous strata within multiple Symbolic Orders provides the basis for the formation of a unique and individual identity (Kearney & Adachi, forthcoming, 2011). Viewed in this manner, human identity is the result of a complex process of transcultural interactions across economic, social, religious, ethnic and other groupings, horizontal and vertical. As a result, the categorisation of human identity into distinct groupings in modern societies is fraught with difficulties. As identity-matrixing reveals, the process through which individuals and groups interact results in unique influences of their interactions on their identities, affiliations, loyalties and positions. An improved understanding of identity would enable institutional reform to design structures that provide possibilities for positive engagement and interaction so that the boundaries between ‘us’ and ‘them’ begin to blur as groups come to a consensus on different issues based on considerations of reason,

ethics and justice rather than some fictitious notion of identity that symbolizes them. A polity organized to accurately reflect the realities of citizens' identities could serve to enhance the desire for citizen participation, inter-group dialogue and ultimately, cultivate feelings of belonging.

Democratic practice today: between self-interest, justice and loyalty

Democracy today appears to be operating at its weakest. Democratic moments in many countries today represent a mere aggregation of the group's collective interests, as opposed to a deliberated account of their political will. Nationalistic sentiments, once the force behind the pursuit of the common good, have been replaced by self-interested decision-making, fuelled by consumerism, isolation from community contexts and a general culture of pragmatism based on economic or materialistic considerations rather than ethical or moral reasoning, duties inherent in the privilege of enfranchisement. The process of voting and campaigning has been taken over by propaganda and materialism, attracting and splitting voters on issue-specific bases rather than offering a complete platform for the betterment of the community. As such, it has been argued that modern societies suffer from a democratic deficit (Fishkin, 2009, 2010).

Democratic practices reinforce the majority group's stronghold in politics, enabling them to steer the course of policy, oftentimes, to the detriment of minority interests. Counter-majoritarian mechanisms remain weak as constitutional courts designed to safeguard minority interests reflect a strong commitment to the national public interest and political stability and tend to avoid getting embroiled in judgments that bear serious political consequences. This leaves the position of the minority particularly precarious in multicultural societies.

The difficulty with modern-day democratic practice is the uncertainty that surrounds the reasoning process that leads to support for a particular decision or candidate. It is imperative that reasoned decision-making be brought back into political engagement processes so that outcomes can be validated across multiple groups. Scanlon's answer to the "*fundamental question why anyone should care about morality at all*" is that "*we have a basic desire to be able to justify our actions to others on grounds that they could not reasonably reject – reasonably, that is, given the desire to find principles that others similarly motivated could not reasonably reject*" (Rawls, 2005; Rorty, 1997). The ultimate goal is to appeal to ideas that others similarly appeal to so as to be able to justify the action suggested.

Outcomes are perceived as just when they can be directly correlated with reasoned judgment, thereby making them widely acceptable. Decisions based on reason are viewed as legitimate given the positive relationship implied between reason and

justice. Conversely, outcomes lose their independent validity when perceived as stemming purely from sentiments of loyalty. In these cases, decisions are viewed as tainted by the bias that accompanies the support of members who allow group membership, identity or other common cause to influence their decision.

Habermas requires that norms be validated independently of sentiment, i.e. that they should rely on reason (Habermas, 1996). Rawls, on the other hand, requires a constructivist approach towards the universal through a law of peoples which reaches out to all groups and communities (Rawls, 2005). For Rawls, what is reasonable is different from what is rational (means-end rationality). Rawls often also invokes 'practical reason' as represented by an independent human faculty, free from subjective influences to help achieve the Habermasian task of discerning a 'transcultural moral validity' (Rawls, 2005). This universality of morals commands legitimacy. However, Rorty thinks Rawls is referring to actual principles and conceptions as in fact arrived at in the course of creating a community (Rorty, 1997). Therefore, practical reason is a process – rather than substance of agreement about universal norms.

Rorty has examined this relationship between justice and loyalty as explanations for particular judgments, questioning whether the notion of loyalty should be expanded to include a larger group of people so as to render it equivalent to an acceptable concept of justice (Rorty, 1997). Through regularity in the exercise of finding or discovering overlapping interests and beliefs, there are prospects for enlarging the circle of loyalty. The aim of reasoned democratic engagement is to justify embracing a larger group into your circle of loyalty for the same reasons that underscore your current sphere of loyalty. In Walzer's terms, this would mean creating alternative 'moral identities' (Walzer, 1994). Rorty suggests that such a practice can enable a case to be made for interest-based appeal rather than belief-based appeal in decision-making processes (Rorty, 1997; Walzer, 1994).

Although this approach is commendable, it does not cater to or account for those groups whose exercise of rationality or reason is derived from cultural or religious constructs and beliefs. There is however, promise in his proposal since he advocates the facilitated creation of alternative moral identities. Rorty presents rationality and the acquisition of loyalty as part of the same activity (Rorty, 1997). He hints at how the circle of loyalty can be expanded by producing unforced agreements between different groups. This will assist in the dissolution of 'otherness' through processes which reveal the 'other' as reasonable or trustworthy people. He argues for the need to view reason not as a source of authority (as Kant or Plato would), but rather, as a process of facilitating agreement by persuasion. As time goes on, a continuum is produced along which, there are varying degrees of consonance between beliefs and interests. As these instances of overlap increase, there is increasing compromise, deference and trust. Gradually, these sentiments find expression through the development of loyalty towards a group (Rorty, 1997). Brandom and Sellars have also depicted moral

progress "as the expansion of the circle of beings who count as 'us'" (Brandom, 1994; Rorty, 1997).

Rorty surmises that moral identity boils down to the groups with which one identifies (Rorty, 1997). A common identity compels loyalty which undergirds moral behaviour that would befit a group member. This concept of identity is a 'shifting' concept, which takes on a form depending on the associations we feel bound by or answerable to. Our moral compass is tugged in different directions depending on these affiliations. Walzer explains this with reference to our level of knowledge about the people we deal with. On this account, there is no 'core' or 'basic' self that espouses universal values by virtue of our human identity or principles derived purely from 'reason' and therefore prior to our 'subjective' loyalties. Kuper, however, disputes this, stating that Walzer underplays the extent to which global civil society has enabled the convergence of a set of 'thick' norms surrounding various global issues. These norms have been embraced despite cultural differences across national boundaries, whilst the degree of consensus should not be overplayed, it is significant as a marker of the areas of convergence in global civil society (Kuper, 2004). If this is an accurate depiction of the human identity, then we must account for the plurality of identities and incorporate their fluidity into our decision-making processes.

In addition to these measures, is critical to develop citizens' awareness of their civic duties, develop their skills to make decisions on virtuous bases, considering the interests of all people, rather than self-interest (Beatriz & Silva, 2003). A systemized process that inculcates values that mobilize citizens into behaving as civically responsible citizens would greatly enhance the overall quality of democratic decision-making and issue-resolution in multicultural societies.

However, this alone, would not guarantee the exercise of one's civic duties to participate in democratic decision-making. A further dimension to responsible and participatory citizenship pertains to the influences on the decision-making process itself. A critical element in developing trust within diverse communities is the transparency of the decision-making process and the underlying positions adopted by different parties in arriving at those decisions. Whether those positions are informed by reason, morality, pragmatism or prejudice, self-interest and power will strongly affect the development of trust within multicultural societies. Therefore, Gutmann approaches the question of cultivating civic responsibility from the perspective that the primary ingredient must necessarily be the cultivation of a moral commitment to justice, rather than to any community (Gutmann, 2002). According to Gutmann, "*Doing what is right cannot be reduced to loyalty to, or identification with, any existing group of human beings*".

The capacity to determine the morally right decision to uphold the fundamental guarantees of equality and non-discrimination can only be achieved progressively, rather than all at once. Initially, relying on reason, pragmatism and trust, processes de-

signed to tap into public opinion will solicit public opinion through fair systems that provide for equality of access and opportunity. Justice follows as part of the 'justice as fairness' approach but is complemented by the trust that has been built through a reason-based discussion that breeds affiliation and commitment through the appeal of reason and trust rather than loyalty grounded in nationalism or race or other attributes external to the processes of political participation. Gutmann, however, ignores the inevitable influence of identity on feelings and the effect of sentimentality and loyalty on capacities for reasoning (at a subconscious level) as well as reason's hold over emotion.

As scholarship on accommodation and integration of difference has revealed over time, however, theorizing the various permutations of citizenship in multicultural societies is part of a complex process which necessarily involves choices about meta-theory and principles relating to ideas of the 'just' and the 'good'. These, in turn, are tied to comprehensive doctrines of life and human existence and heavily influenced by history, culture and religion. The right permutation for a perfect model for accommodation of difference for a multicultural society is a question fraught with difficult choices in light of the multiple influences that establish this 'bottom line' or the 'grundnorm' from which all other norms flow. Any attempts to reconcile these differences are likely to result in polarization, disagreement and non-cooperation because the question of meta-theory that is at stake is far too important to compromise on, given that it defines the very meaning of human existence for various camps. Even a slight push towards the alteration of the most basic commitment to a particular value is eyed with suspicion as an attempt to thrust a particular 'version' of justice on a group and therefore, rejected, sometimes as retaliation against neo-colonialist agendas and ethnocentricity, and at other times, simply on account of disagreement with other principles from which this new norm originates.

The key, therefore, must be to recognize the role of culture in the development of identities and to facilitate cultural learning by protecting interactive and developmental learning in the community or 'in-group' context. This is very different from protection of an abstract or intangible 'body of ideas' loosely defined as 'culture', the attributes of which can rarely be defined accurately or identified as a complete body of specific values. It is more accurate to describe the object of such protections as 'processes that enable cultural development and human flourishing.'

A revised conceptualization of political communities and their constitutive membership to support the fluidity of contemporary transcultural identities is desirable (Lip-schutz, 2004). A multicultural citizenship model with an institutional framework that reflects an understanding of the development of modern citizen identities can better effectuate political participation and create new spaces for belonging. It can also promote a culture for civic action through the formal recognition of the input of multiple groups through a just and inclusive process of substantive participation. The

challenge is to find a value system which resonates with these complex individuals in light of their multiple memberships so that it mobilizes feelings of belonging and responsibility towards a particular nation-state and invests them in its success. This requires the denationalization of citizenship and grounding belonging in political process and participation rather than physical or cultural signifiers of identity.

It is argued that deliberative mechanisms can assist in achieving both of these objectives. A more citizen-centred vision of governance can serve to enhance the democratic legitimacy of decisions, particularly those regarding conflicting norms, thereby providing a more effective model for governance in multicultural communities. The role of minorities needs to be extended beyond 'subjects' and reconstituted as political actors with civic responsibility. Given the fundamental role of memory in the construction of identities, a political process premised upon inclusive governance will create new memories and cultivate belonging in the larger community. Participation in a political space that accounts for multicultural realities will facilitate greater understanding of the issues and ultimately influence the enactment of suitable law and policy. By expanding the actual and perceived role of minorities in governance and the pursuit of a just society, the complexities of multicultural citizenship can be better managed and addressed. Political legitimacy cannot be achieved through a system devoid of the basic principles of justice and inclusion.

The reality of today's cosmopolitan multicultural communities demands structures that respond to the dynamic processes of engagement, the formation of loyalties that accompanies the forging of multiple layers of identity. It is imperative that political regimes provide systems or institutional support to deal with such fluidity of identity. We must further recognize the reality that far from being able to arrive at principles of morality that are universally acceptable (or abstracting a thin concept of morality from thicker versions as Kant suggests), we are better off trying to 'expand' our circle of loyalty through the use of reason and discovery of common interests and rely on the positive 'side-effects' of regular engagement in such common pursuits.

The promise of deliberative theory and substantive equality theory as a basis for democratic governance for multicultural societies

In light of the realities of the dynamic infiltration of cultural value systems crossing each other that the matrixing model signifies and the need for enhanced democratic engagement and reasoned deliberation, political institutions need to be reorganised to move away from the recognition models based on the voter's group identity. Second, policy needs to be re-evaluated and revised to critically address the citizenship gap that results from liberal and multicultural policies in their current expressions. Third, in fully recognizing the dynamism of the process through which identity and

attachments are formed, multicultural societies need to establish mechanisms that positively influence this process of identity-construction so as to yield national as well as cultural attachments that minimize the marginalization of minorities and fourth, political institutions need to be redesigned to provide a venue for regular engagement in reasoned decision-making through deliberative processes.

In order to effectively deal with differences presented by multicultural communities, a deliberative process that is substantively inclusive may provide much needed political space for a reasoned discussion through which differences can be better understood and loyalties and trust built over time. Without deliberative forums or other processes to guide preference-formation, citizens often cast votes on misguided bases. Deliberative democracy provides an organizational context for meaningful dialogue between stakeholders, producing outcomes that have benefited from public reasoning and discussion among equals. It provides an opportunity to convince others of a position and those involved can openly engage in discussion, confident that their voices will be heard. The deliberative democratic model can negate exclusion, meaningfully address group conflict and foster critical reflection across cultures to root out stagnant practices and beliefs that are no longer reflective of their values. It can help build solidarity, cultivate feelings of belonging and encourage civic participation across groups to through interactive deliberative sessions. Such processes will facilitate the development of trust and understanding across cultures and help forge new collective and individual identities through exposure to multiple value systems.

Whilst such a mass-scale democratisation of the political setting may be a progressive step, it is meaningless if equality of access to dialogue is granted in 'form' but not substance. Although various studies have revealed that deliberation, even in informal or limited-question contexts, have an immense empowering (and emancipatory) effect on those who partake in the process, social inequalities have long been known to affect political inclusion due to a lack of civic education. These capacities need to be built across different groups in order to defeat the social inequalities that render certain groups least likely to be included in political participation despite inclusive measures. For a system to be inclusive and representative in fact, it must be undergirded by a systematic search for different voices. This is essential if deliberation is to yield a meaningful outcome based on substantive participation and an accurate depiction of the different positions as opposed to 'surrogate' representation based on false assumptions about shared belief systems. This can be achieved through nominations or elections within different sub-groups. Deliberative processes cannot be successful if the very basic source of some peoples' worldviews is excluded from the repository of resources from which they make sense of their lives. A basic condition for trust requires complete openness to all reasons proffered in the process of deliberation if genuine understanding is to be cultivated between divided communi-

ties. Thus, the claim by deliberative democrats that only reasons that are acceptable to the 'general population' may be advanced as acceptable reasons for particular positions does not satisfy this requirement. Dissenters within minority groups are typically targets of exclusion. Therefore, measures that ensure substantively equal treatment across and within groups must be implemented to ensure all voices are heard and fully represented in the discourse.

Thus, in order to achieve meaningful change, it is essential to draw on substantive equality theory to build long-term capacities of marginalised groups to engage in deliberation effectively. Substantive capacity-building forums that focus on eliminating obstacles to political participation and deliberation need to be implemented. Participants would need to have access to information relating to the political arrangements in a manner that is accessible to them, for example, in their language and should be provided with basic knowledge of commitments and arguments that are acceptable to others, without which, arguments that appear to be 'foreign' would risk exclusion.

These goals can only be achieved through structured and long-term reform, not least of which should focus on the reform of educational curricula to include citizenship education which can assist in the cultivation of strong citizenship values in a plural society where there are competing rationalities at play. This is possible through curriculum changes which involve a systematic inclusion of the study of diverse cultures. Such a curriculum can assist in the development of global citizens who are able to function in multicultural communities in the national and the global context. Such a program should enable students to acquire "a delicate balance of cultural, national and global identifications and attachments" (Banks, 2003). Values such as recognition, equality and acceptance are indispensable to the success of discourse in such communities, as well as conducive to appropriate levels of political pressure that can come to bear upon groups and individuals to justify their stance.

Conclusion

The process of collective deliberation in which interactions between groups are mediated to produce unforced agreements may be the first step in the long journey towards building the social conditions needed to accompany constitutional and legal change. Through the development of capacities for virtuous civic engagement in deliberative settings, majority and minority groups can develop loyalty and belonging to the core 'national' identity. Inclusion through deliberation has tremendous potential as a corrective, redistributive and most importantly, transformative force for change. This process can serve to achieve the goals of enlarged circles of loyalty and the cultivation of compassion for the 'other'. Through active engagement in political processes, empowered minorities can reverse the tide of existing stereotyping

and exclusion by forging new loyalties and re-writing their identity scripts. Ultimately, these mechanisms can help achieve an inclusive political framework that facilitates outcomes that are substantively just.

Whether this vision of a virtuous, participatory and deliberative framework would work to democratise diversity and breed a harmonious multicultural existence in the long-term remains to be seen. However, this model and its potential for empowerment and inclusion certainly poses important questions for existing frameworks of governance and their categorisation of group claims, forcing a rethink of the notions of citizenship, culture, identity, belonging and justice.

Notes

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