Dealing with Difference: the Republican Public-private Distinction

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Abstract

This paper discusses the best way to deal with difference in the public sphere. The liberal public-private distinction focuses on control and relegates difference to the private. It is subject to the criticism that it is exclusive, marginalizes values, and relies on a distinction between the state and civil society which cannot be systematically sustained. The republican public-private distinction is paradigmatically different; it focuses on interest, envisages plural publics, and offers the possibility of public recognition by encouraging deliberation between different moral and cultural perspectives. Thus it avoids the criticisms levelled against the liberal use, without assuming, as communitarians and cultural pluralists do, that the public realm can unproblematically replicate private values.
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Introduction: How should we deal with difference? Liberal and republican approaches

Participants in current debates about pluralism and the best way to accommodate moral and cultural difference politically tend towards one of two positions - either that profoundly different moral and cultural values, though tolerated, must be restricted to the private realm, or (in the case of those who consider identity central to politics) that they should be recognized or somehow established in the public realm.

This issue of the neutrality of the public realm sets most liberals (and French republicans) on one side of a dividing line and many communitarians as well as cultural pluralists on the other. For the former the public realm must be thin and procedural, for the latter it must embody a substantive good or goods. Both responses present difficulties. Public neutrality is unsatisfactory because it takes issues that are too significant off the agenda. Publics which reflect substantive difference are problematic, because it is not clear if you can fully thus recognize more than one way of life in a single political community.

Many of the arguments that this issue has provoked rely on lingering assumptions from a conception of the relationship between public and private as radically opposed spheres. In order to understand more clearly what is at stake, in this paper I draw attention to three dimensions of the complex-structured concepts of "public" and "private" and to varying emphases underlying different political uses (I). I focus in particular on two political traditions for which strikingly different versions of a public-private distinction are central - liberalism and republicanism.

(I will set communitarianism more generally understood to one side; it has been convincingly argued that on this front philosophical communitarians either adopt a liberal position or downplay the significance of the distinction entirely, seeing community as more or less continuous and public as modelled on the private.) I look first at the liberal use of the distinction (II). Taking control as the central dimension of the public, liberals tend to elide the public and the state and advance the principle of public neutrality as an alternative to oppression or radical conflict. I
then assess arguments that the liberal private-public distinction is oppressive and exclusive, peripheralises values, and is inapplicable to modern states. (III)

Even if we accept some of these criticisms, the alternative is not to dismiss the distinction entirely. In Section IV, I show that the public-private distinction as employed by civic republicans does not merely draw the line in a different place from liberals, or reverse the priority of the spheres, but is *paradigmatically different*, constructing the meaning of the distinction on a significantly different basis. Republicans see interest, which is more diffuse than control, as the central dimension. A form of deliberative politics acts as a filter between the private and the public (V). Two senses of the public are distinguished - spaces of open expression and discussion, on the one hand, and authoritative law-making or the state, on the other. These are two kinds of public realms, related but not immediately mutually entailed. These publics can accommodate difference and allow expression and potential recognition of people's deepest convictions without permanently entrenching particular values (VI). I conclude that this may imply a public realm with commitments more substantial than most liberals recommend but less than communitarians, nationalists or cultural pluralists assume.

The republican conception of the relations between public and private offers a potentially better basis for thinking about how to deal with difference than either the liberal model, which relegates it to the private, or the communitarian and radical cultural pluralist models, which establish one or a rainbow of ways of life in the public world.

**I The three dimensions of public and private**

To understand the dimensions of publicness and privateness I adopt a schema which combines elements of analyses outlined by Benn and Gaus (1983) and Pitkin (1981). Benn and Gaus note that "public" and "private" are complex-structured concepts contrasted pervasively in modern discussions of social life. Three fundamental dimensions can be distinguished (all of which tend to have descriptive, normative and prescriptive elements).

First, that of *accessibility or visibility* - what is public is open to all, any or many, what is private is hidden or accessible only to one, few or specified individuals.
Instances of "public" are a theatre or public house, of "private" a bank account or private function. It is primarily (or least contentiously) on this dimension that public and private are equated with the activities of civil society and the family respectively.

Second, that of control or agency - what is public is controlled by all, many or their agents, what is private is controlled or owned by one, few, or specified individuals. In a "private house" this is usually the primary sense conveyed. The public here often implies actions of, or ownership by, the state as agent of all - the "public sector". On this dimension the public and the private tend to be equated with the state and individuals in civil society - hence "privatization".

Third and finally, there is the dimension of interest or relevance - what is of public interest concerns or affects all, any or many (though may not be visible to or controlled by them); what is of private interest concerns one, few or specified individuals. We speak of the public health implications of industrial pollution; and a private joke is one only I and (at most) a few friends can appreciate.

In any instance of use one dimension is usually primarily in mind - contrast the different dimensions conveyed in "public house" (access) and "private house" (control). But it is not always certain into which category, public or private, an action, practice or institution falls - what is private in one sense may be public in another and vice-versa; theatres are often privately controlled - cabinet debates are carried on by the agents of the people and are doubtless relevant to them, but not accessible. There are many intermediate or hybrid entities such as churches, universities, banks.... How we classify something will often be a function of which dimension we regard as most salient either in this particular case or more generally. Privacy rights invoked in legalizing contraception have been justified variously in terms of access - arguing that the state should not inquire into private - that is, properly hidden - relations, and in terms of control - arguing that the state should not control what is properly a matter of individual agency.

It should already be clear that while the three are separate dimensions, political arguments often assume that they are systematically linked and that one dimension is determinant of the others.
In a political ideology which dimension you emphasize affects your view whether something is normatively public or private. For libertarians, for example, the most salient dimension is control, and this determines the normative domain of interest: what is privately owned is, it is argued, a private concern - often minimizing its wider impact - and need not be publicly accessible.

For many radicals, socialists and feminists, however, interest or relevance is the primary dimension; what affects many should be in some sense accessible to and controlled by many, or by the state on their behalf. Interest has been the pressure point in the extension of the public by feminists and has often closely entailed control and regulation.\(^1\) Debates about the control of basic industry and, more recently about the environment and the distribution of pornography revolve around the relations between the three dimensions.

The analysis which follows tends to deconstruct the clear-cut opposition of private and public. We can also see how a sharper boundary may tend to be drawn by those who prioritize the dimension of agency or control, which lends itself to being more clearly defined, than by those who prioritize interest or access, which can be wider and more diffuse in scope. "Who controls?" expects a more specific answer than "Who is affected?" or "Who can see?"

So in considering accounts of public and private there are two issues which arise: which dimension is taken to be most salient, and how closely entailed are the other two dimensions.

**II The liberal conception of the public private distinction**

My account of liberal ideas necessarily involves some generalization. This is, I believe, justified in the context of the specific topic in question: the application by

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\(^1\)Some feminists and others have tended to argue that we should abandon the use of the public-private distinction, and assume that the extension of public scrutiny automatically entails greater control by the state. But it may be argued this is too quick an extrapolation from the exclusion to the inclusion of all matters under state control: "The crucial part of the argument is the reconstruction of 'private' matters as political, of central importance to political theory, rather than any general prescription about remedies in terms of state regulation of the private sphere" (Frazer and Lacey, 75).
major contemporary liberal thinkers of the public-private distinction to the problem of difference, with particular reference to what can be admitted to the public.

Liberals, up to and including the later Rawls, rely on a clear distinction between public and private. Benn and Gaus note a particular tendency in liberalism to assume a dichotomous distinction. The most salient dimension is control - what is or may be regulated. Adopting the tendency to see this in sharply defined terms, public and private are routinely identified with the state and civil society respectively, envisaged as distinct realms. Thus in political terms something public is, quintessentially, controlled by the state; what is private is not - is or ought to be controlled only by individuals or groups in civil society. As Moon, a sympathetic critic, has put it, "the liberal distinction between public and private does not depend on whether an activity is conducted in the presence of unrelated others, but on whether it is the kind of activity the civic authority may regulate" (Moon, 151).

Liberalism is arguably a defence of a certain conception of individual autonomy in reaction to the threat of excessive state authority, or, in contemporary terms, an attempt to treat all with equal respect. One of the central ways it meets this challenge is by establishing a private realm, a boundary beyond which the power of the state may not invade - often, but not always, defined in terms of rights. This was for much of the history of liberalism modelled precisely in terms of ownership, though it is now more often defended in terms of individual autonomy. The principle of public neutrality is advanced as an alternative to conflict and oppression.

While focusing on the dimension of control, mainstream liberals tend to see a looser connection between this and the other dimensions of privateness and publicness than libertarians. However, they tend to link control to access, and to interest (understood also in a highly individualized sense). What the state does should be visible and accessible to all; people should have a voice in matters that directly and specifically affect them, whoever owns or controls these affairs. To deem something political implies that it is open to public discussion as potentially controllable by the state.

Liberals have also tended to subsume a distinction with older roots - that between the wider (or in modern terms, civil) society and domestic or family life, which has
complicated matters; a distinction that looks clear-cut on the surface contains more complex undertones, as feminists have insisted (Pateman, 1983).

It is often assumed that liberalism privileges the private whereas republicanism privileges the public aspects of social life, (and this underlies much of the deepest suspicion of republican ideas), but things are not quite so clear-cut. The relative status of the public and private realms in liberalism requires some clarification. The private is logically prior, as the individual is to the state, and it is privileged by rights; it is seen as the locus of freedom often defined negatively as the absence of interference. Relations in the private realm are seen as based on freely undertaken commitments, whether of contract, love or trust. For some liberals at least, a life lived entirely in private could be a satisfactory life, even if it is not the privileged locus of the good life.

The public, by contrast, is a fairly thin edifice constructed to allow individuals to live in peace; though often based on contract, it is the scene also of conflict and exercises of power. Public political participation is regarded as just one option among many ways of living.²

III How does the liberal public-private distinction deal with difference?

Although the relation of public and private is not wholly clear-cut, nonetheless public and private are still seen in dichotomous terms when it comes to liberal treatments of the problem of difference, and the distinction has a lot of weight to bear - the public should adopt principles derived from an overlapping consensus and exclude differing substantive visions of the good (Rawls). Arguments derived from differing comprehensive doctrines may be not be used in public affairs.

Critique of the liberal public-private distinction
The liberal public-private distinction itself has been the focus of much criticism.

²However, the public has also been seen an area which lends itself to more reason, equality and universality and the private sometimes characterized as irrational. This is often related to the subsumed public/domestic distinction. It is ultimately hard to disentangle; in much liberal thought the realms of public and private are overdetermined by two levels of distinction.
The main charges briefly are as follows:

(i) The distinction is intrinsically oppressive; it reinforces inequalities and exercises of power, while masking this with the formal equality of the public sphere; matters defined as private are taken off the agenda of public scrutiny, debate and regulation, even if they affect the interests of many. Defining the public-private boundary itself is seen as an exercise of power - calling something private short-circuits arguments about its normative status. Feminists in particular have targeted the public-private distinction as an instrument of the oppression of women, in deeming family and women's issues on the wrong side of the barrier for debate or regulation. (Some of this criticism relates more immediately to equality rather than difference issues, but it not always possible to draw a clear line between them.)

"The discourse of privacy in areas such as sexuality and private life has in political fact become a mechanism whereby women's oppression is not only constituted and maintained, but also and more damagingly rendered apolitical" (Frazer and Lacey, 73).

There are well-substantiated claims that the distinction is inconsistently and ideologically used in practice to protect property rights rather than individuals, pornography rather than free speech. However, the inconsistent or ideological use of the distinction should not be grounds for rejecting the distinction itself if it can be defined in terms of individual autonomy or personal inviolability for both men and women and is not identified in terms of rigidly defined realms (Cohen, 1996). Thus no area of life would be defined as in principle non-political, beyond public discussion and scrutiny.

I now turn to criticisms which focus more specifically on the private-public distinction as a part of a solution to the problem of difference.

3 "The dichotomy between the public and the private obscures the subjection of women to men within an apparently universal, egalitarian and individualist order...The profound ambiguity of the liberal conception of the private and the public obscures and mystifies the social reality it helps constitute" (Pateman, 120). "The analysis which defines pornography as a matter of private preference in one breath constructs it as a matter of public rights to free expression in the next" (Frazer and Lacey, 126).
(ii) Even if the aforementioned inequalities are removed, and the private is revised to protect the individual autonomy of all, it is alleged that the liberal private-public distinction operates to exclude or marginalize from the public those who do not conform to a particular male, rational model - to suppress difference. The requirements of liberal public life and its public culture demand modes of reason, impartiality, and a commitment to autonomy which exclude women or those who are culturally different (Young, 1990). This too may not be sufficient warrant to reject the distinction, but constitutes the basis of an argument that we should, for example, expand the notion of the individual and of rationality, reassess the characterization of women and other cultures as irrational, and reconsider the relation of reason and emotion. We might diversify modes of public action, and provide for modes of minority expression. Therefore the exclusions involved may not be of such serious and wide-ranging scope as has been suggested. It may still be that, however modified, a liberal public culture will still favour some and exclude others by virtue of its priority of autonomy or an equivalent, and that liberals should admit that liberalism is "a fighting creed" (Taylor, 62).

(iii) The public-private distinction privatizes values. It both limits recognition of people's values to the private sphere and diminishes the significance of the public in their lives, giving up "the hope of the kind of richer public life which human interdependence suggests may be possible" (Frazer and Lacey, 205). If comprehensive doctrines are restricted to the private, the most deeply held convictions of its members are (for some at least) excluded from public recognition. If values and practices are more than purely subjective, critics argue, they involve a claim to be realized or recognized as having a wider validity. The distinction peripheralises an important aspect of human existence - the aspect of values: religious, cultural, and moral beliefs based in comprehensive doctrines (Cooke, 1997(b), 4).

Furthermore this use of the distinction tends to make public activity formal and universalistic, concerned with constitutional and legislative issues of state intervention, and marginalises public political action as optional. It undervalues the self-realization or sense of self-worth derived from contributing to or expressing one's values in public, political terms, from being able to influence the character of society and collective life.
This criticism suggests that relegating deep convictions to the private realm at least has serious costs; and unnecessarily alienates from the public realm needs which might somehow better be met. Since deep convictions (or expressions of cultural identity) will not easily go away, and are an important dimension of people's lives, excluding them from the public will not pre-empt conflict. It is not the most adequate way of dealing with difference in order either to avoid conflict or to meet needs.

(iv) Finally, the liberal public-private distinction between what is controlled by the state and what is not cannot be sustained; the distinction and the possibility of public neutrality breaks down. The family and intimate personal relations themselves are shaped by public political decisions, the state and civil society cannot be systematically separated; and more fundamentally, public agreement on principles of justice cannot clearly be separated from agreement on more substantial visions of the good.

I will consider aspects of this in turn. First, states define the terms of private life, what constitutes a marriage, a spouse, a parent or a family. Moreover, states which have extensive education, health and welfare functions (undertaken in line with liberal concerns for more-than-formal equality), cannot easily avoid embodying substantive views of the good in their activities. Tolerating in private different ways of treating, for example, fertility or terminal illness is no longer the main issue, but what services the state delivers and how. "A state committed to providing a wide range of services, in a way that is consistent with the self-respect of their recipients, cannot possibly be "neutral" among different conceptions of the human good, and different ideals of human excellence" (Moon, 70 ff.).

Moreover, it is no longer appropriate to think of a single central sovereign authority distinct from civil society - the public power operates at many levels - in constitutional, legislative, political activities, through local and administrative agencies, and interconnected with businesses, semi-independent agencies and so on. In addition regional and supra-national government are developing more importance. All these features are reflected in the increasing resonance of the more diffuse concept of governance.
Rather than being an absolute barrier the public-private distinction outlined so far is not even particularly effective in defending individual autonomy; as Nedelsky puts it, "the characteristic problem of autonomy in the modern state is not...to shield individuals from the collective, to set up legal barriers around the individual which the state cannot cross, but to ensure the autonomy of individuals when they are within the legitimate sphere of collective power" (Nedelsky, 13).

As a means of reconciling different moral views, this absolute distinction cannot be successfully applied. People with different ideas on the value of life and the importance of religion will have difficulty agreeing on public principles of justice to deal with euthanasia, abortion, religious and sex education in schools, to name just a few examples. Comprehensive moral views and public shared principles of justice are hard to separate: "People who have different beliefs about the place of marriage among the ends of life will hold different beliefs about the conditions under which divorce is acceptable. Even if everyone accepts the public conception of justice, it is by no means clear that this conception will be adequate to settle such disputes, since in these areas there is no clear way of separating the public, shared conception of justice, and the private, diverse conceptions of our ends and ideals" (Moon, 59).

The likely implied result is that either people will not agree on procedures of justice or that they will be unreconcilable on crucial issues which require decisions, and in which comprehensive views are embodied.

Thus the liberal public-private distinction, when relied upon as a resolution of the problem of difference, may exclude some people while attempting to be neutral, requires people to set aside in public some of their most central convictions, and implies that both the state and civil society, on the one hand, and principles of justice and comprehensive doctrines, on the other, can readily be distinguished, and that these distinctions can be systematically applied.

**IV The civic republican conception of the public-private distinction**

Like liberalism, classical civic republican theory has many interpreters. In addition, it has also been less clearly elaborated in contemporary terms, due to its relatively recent revival as a distinct position. Thus the republican public-private
distinction will require more detailed elaboration, and my account will be more exploratory and tentative than presenting a fully articulated theory. 4

A public-private distinction is fundamental to republican thought: the term itself derives from the res publica - matters of public concern. But is it paradigmatically different from that of liberalism, and does not merely redraw the boundaries or reverse the priorities. Applying my schema, we may say that for republicans the most salient dimension of the public is interest or relevance; what is quintessentially public is in the interest of all; what is private is in the interest of or relevant to one, few or specific individuals, or section of society.

Civic republicanism is based on recognizing the interdependence of members of a political society, who are subject to a common authority. It relates the freedom of citizens to their participating in self-government and realizing the common goods they share in an historically evolving political community. While the public interest is frequently identified as the aggregate of private interests, republicans focus particularly on shared interests, more often referred to as common goods. 5

For some communitarians who assume unitary religious or cultural accounts of the common good or public interest, control may be closely entailed by interest: the common good, it is argued, should be enforced by the public or its agents. For republicans, however, the dimension of access follows more closely than that of control. Shared goods tend not to be as easily identifiable or immediately valued as individual interests. Recognising and defining the public interest requires the input of many in expression, discussion and action. To make the public interest publicly accessible there must be a public sphere of action and debate. Since it is defined in terms of interest, the public may be seen as rather diffuse, extending throughout the citizenry rather than necessarily being concentrated in a single agency or institution such as the state. 6 Since the dimension of control is not immediately entailed,

4 Though the republican version of the distinction has some parallels with what Benn and Gaus describe as the "organic" side of liberalism (Rousseau/Hegel/Bradley) there are significant differences. Benn and Gaus do not discuss the possibility of a distinct republican model.

5 What is at issue here is primarily shared goods - those which can be enjoyed only as members of a community, including what are often referred to as 'public goods'; shared cultural values are one specific kind of shared goods.

6 For Hannah Arendt, one of the main inspiring forces of the republican revival, the
characterizing something as in the public interest does not directly imply its enforcement by the state.

There is a recurrent criticism of republican thought along the following lines: the public is what is controlled by the state, the private is what is not controlled by the state; what is private and what is public are mutually exclusive; in republican thought this is expressed as the opposition of individual and general interests; republicans put general before individual interest; this means imposing general interest through state control and dismissing the private; therefore republican thought is fundamentally authoritarian. But this criticism is misapplied to this account; it derives from simply reversing liberal categories of public and private. However, republicanism is not simply antithetical to liberalism. While communitarians and some republicans have expressed matters differently, it is possible to present a coherent, non-authoritarian account of the republican public-private distinction.

The republican distinction between the public and private is initially between two different orientations within individuals. It highlights a tension within each person between the immediately perceived particular advantage of each and the general interest of the citizen as an interdependent member of the polity, and requires each to be active in pursuit of the common good, to have public spirit, and to participate in public service. "The better the state is constituted, the more does public business take precedence over private in the minds of the citizens" (Rousseau, Social Contract, 140).

Purely private preferences are somehow heteronomous, and do not take account of interdependence (Sunstein, 1993). These are seen as problematic as arbitrary, limited or unreflective. They are not whatever is culturally or morally different per se but the purely particular. So we may try to minimize our tax payments even when we agree on values and principles such as, for example, that there should be public health care and education provision. It is this focus on particular interests which is here identified with the private. The public by contrast is what is in our primary dimension of publicity is visibility or access, making her republican theory systematically idiosyncratic in a number of respects. Interestingly, visibility or accessibility is also identified at one point as the primary dimension of publicity by I.M. Young in her radical cultural pluralist approach (Young, 1990, 119).
long-term considered interest as interdependent citizens. Immediate particular preferences are subject to transformation: "Individual identity, desire and value all become objects of political critique, challenge and social transformation" (Frazer and Lacey, 125). But they are malleable and capable of transformation, not fixed or just a matter of bargaining, as preferences are often taken to be.\footnote{The absence of public spirit - corruption - in individuals and culture is the central problem of republican politics rather than excessive state power. This is not to say that such power might not be a problem, but if interest is salient rather than control, misplaced interest is more central than misplaced control.}

The priority of the public is not a matter of the good of an entity \textit{over and above} any of the citizens but the good of the citizens themselves as members of a political community, as distinct from their good as singular individuals. Machiavelli's notorious pronouncement, "I love my country more than my soul" may be understood not as an expression of self-abnegation before the whole, but as a different view of what is central to the self - more like: "I see myself more as a citizen of Florence than as an individual Christian soul". In this perspective the considered good of the citizen takes priority over desires, preferences and values that are separable from his character as a member of this political society.

The primacy of the public over the private is not that of the good of the \textit{majority} over the minority, but a division within each citizen. For everyone has both a public and a private interest - even the industrialist \textit{qua} citizen has an interest in breathing clean air. Heteronomous private preferences are self-destructive - they put immediate purely individual advantage ahead of the advantages enjoyed as a citizen. Those who put private before public interest are not just short sighted; they suffer from serious blind spots, and fail to see where their real advantage lies, and the importance of questions of who they are as well as what they want.

But things that we often think of as private in the sense of personal or individual - intimate relations, family life, personal success and economic security - are not utterly dismissed as valueless; in republican thinking these are variously seen as either the necessary basis or the ultimate purpose of public life. For a modern republican such as Arendt, these aspects of private life are seen as the sheltered basis from which actors can emerge into the public.\footnote{Consistent with Arendt's focus on appearance or visibility, the private is}
enjoyment of such things is the ultimate point of the republic, but must be secondary, because it can only be achieved through first contributing to the joint endeavour - private benefits are logically secondary (Skinner, 1990).

From this we may see that the public is in some sense prior in republican thought. Concern for the public interest is at least the precondition for enjoying private benefit. Though interpreters differ as to whether this should be seen as positive or negative, freedom is strongly identified with public activity in something like the classical sense of participating in self-rule.

Public action is an intrinsically valuable (for some the most valuable) part of life. This may take various forms of public service; while historically the emphasis was on military action, in contemporary republicanism it is on participation in political deliberation, or collective self-determination, self-development and recognition in public. The public is an area of self-development and self-expression, if not the privileged locus of the good life.

The primacy of the public means that duties come before rights. This is not to say that there are no rights, but that these are secured politically rather than seen as natural attributes of individuals. Matters that are guaranteed on private grounds in liberalism are justified as the basis of equal citizenship here - in particular property, and its relatively equal distribution. Rights to privacy may exist, but these are grounded in the common life and public discussion (Miller, 1995(b) 449). The public life of the republic constitutes rights and guarantees liberties.

However, this limited priority of the public does not mean that in principle everything is to be regulated by the state, but that individuals should give priority to shared over purely individual goods, and act to realise these common goods. Not all public activity is governmental; the state does not simply determine and implement the public interest.9

understood as an area which remains outside widespread attention. The point is not entirely that it should not appear because unworthy of the public, but needs to be sheltered to exist at all (Arendt, 1958).

9Indeed republican thought has tended to perceive a need for a strong central figure in setting up states - the founder or lawmaker. Yet the republican lack of emphasis on the state in the account of politics has also often been remarked on critically.
The republican public-private distinction operates differently from the liberal version. Rather than reversing the priorities still within the focus of control, it takes interest as the central dimension of public and private, which allows a more diffuse sense of the public than that of the state or specific individuals. Public and private are not radically opposed as two separate spheres, but as different orientations within individuals. Individuals can modify and transform their preferences.

Moreover, what is in the public interest is not immediately self-evident. In contemporary republican thought, interactive deliberation by individuals in a public sphere of action and debate is the key process through which transformation occurs, and the public interest is defined.

**V Pluralising the public - deliberation as the filter between private and public**

We note that the republican focus on the public is less preponderantly on control, on the central state and its coercive powers and more on the activity of citizens, and their resolution of the tensions between particular and general interests. There is an increasing emphasis among republicans (to a greater extent than liberals) on the need for an expanded public realm of deliberation. This is entailed precisely because citizens have different perspectives on questions of common concern, since pre-political shared understandings, or ethnic identity as the basis for loyalty are not assumed or guaranteed in states. In most states we find ourselves rather than starting *ab initio*: "a polity consists of people who must live together, who are stuck with one another" (Young, 1996, 126). There is no immediately obvious common good or shared goals. It follows then that the political determination and contestation of what may be considered common concerns or goods is central.¹⁰

This approach allows us to see the public as pluralized, disengaged from total identification with the legislative and coercive state. There are two crucial kinds of 'realms' of the public - first, multiple spaces of discourse, which are not necessarily sharply bounded, many of which are rather informal (as we speak, for example, of

¹⁰Rather than always emphasizing the need for total unity, republican thinkers from Machiavelli to Arendt have emphasised the contested nature of political power.
the reading public) and in which opinions are exchanged in comparatively open-ended ways. Secondly, there are spaces of deliberation orientated directly to policy-making and the authoritative state (Fraser, 134). These are informed by and subject to critique by the deliberation of the wider publics. Such spaces already exist to some extent, but this approach argues that they should be greatly extended.\footnote{For the purposes of this paper I assume that deliberation is in principle both possible and necessary. I also assume that people tend to have not one, but multiple identities, that identities are at least to some extent revisable, and that values not radically incommensurable, so that communication and some level of understanding is possible between people who are different.}

This approach calls on the wider field of discourse theory and specifically on ideas advanced by Habermas, without entailing all the claims made therein. What is envisaged here involves discourse that is real, participatory, and informal as well as formal, and does not necessarily assume that full consensus must or will be reached.\footnote{Popular communitarians assume a consensus over the common good, and accordingly underestimate the importance of deliberation, and overlook the real danger that the community and the common good are defined by the powerful.} (In particular it should be noted that the conception of republican politics advanced here is rather different from that which Habermas contrasts to discourse politics (Habermas, 1994).)

In deliberation all individuals and groups are entitled to make proposals, advance views in their best light, and offer their reasons for these - there are no barriers to the claims and demands that they can make. Any voice may be heard, any claim expressed. These are not taken as sealed bids, so to speak - deliberation is often contrasted with bargaining between preferences. Every claim can be dismantled and subjected to further scrutiny by others. Here people are expected to give an account of "where they are coming from". All positions are to be respected, (a kind of recognition) but full recognition (or acceptance) depends on the process of deliberation. The aim is to develop considered judgements, and define collective aspirations.

This process may be fairly loosely structured without narrow institutional procedures or formal requirements for participants - other than a willingness to
expose a point of view or practice to the light of discussion, to respect others right to contribute and to accept that no position is guaranteed acceptance by the mere fact of its being expressed or the strength of conviction with which it is held. This requires reciprocity; people may have to moderate their position if they are to influence others. In itself this encourages people to take more account of the public interest; so this process acts as a filter. As Benhabib puts it, "the very procedure of articulating a view in public imposes a certain reflexivity on individual preferences and opinions... The process of articulating good reasons in public forces the individual to think of what would count as a good reason for all others involved" (Benhabib, 1996, 71-2). But this involves reflecting on, not bracketing, beliefs based on deep-seated moral convictions.

At the very least this may lead to better understanding of different positions. "For those moral conflicts for which there is no deliberative agreement at present, ongoing deliberation can help citizens better understand the moral seriousness of the views they continue to oppose, and better cooperate with their fellow citizens who hold these views" (Gutmann and Thompson, 43).

But it may also lead to transformation or reconciliation: "the moral promise of deliberative democracy depends on the political learning that reiterated deliberation makes possible" (Gutmann and Thompson, 356). People may change their views without thereby betraying their identities. It is in expression that identity is defined and developed, rather than coming to it ready formed. In this approach to politics transcending one's initial position is always possible and often essential.

This form of deliberation does not presuppose consensus on questions of the good life. In this understanding of republican theory, what is involved is more than discovering or articulating already existing understandings (which cannot be assumed). It is not a matter of what Habermas has described as "hermeneutical self-explication of a shared form of life" but collectively recognizing and building on the basis of often unsought interdependence (Habermas, 4).

It may help to establish or construct common understandings of the common good or public, shared interest. Deliberation may take place diffusely through society in multiple opinion-making forums of all kinds at many levels and may sometimes, without any appeal to legislative institutions, influence people to act in the public
good on their own initiative; in Dryzek's account of discursive democracy, he argues persuasively that complex social problems may often be best addressed through discourse that inspires voluntary compliance, consciousness raising and decentralized problem solving (Benhabib, 86).

So, this approach does not assume that full consensus is the final target. Consensus, as critics have pointed out, is not always an index of resolution. Briefly, what is more feasible are provisional formulations of the common concerns, tentative embodiments of the common goods of those who deliberate, and more reflective judgements of how to deal with continuing differences, as well as expanded self-understandings. Not all deliberation will issue in legislation or coercive state action. But the actions of the state public must be informed and subject to critique by the wider public realm. All outcomes are open to change through further consideration.

VI Dealing with difference: how well does the republican approach succeed?

We have seen that the public-private distinction does not operate to exclude, but to transform convictions, and may be potentially better fitted to accommodate modern moral and cultural difference. I next review the objections raised against the liberal public-private distinction and see if the republican distinction escapes them.

(i) Since the public-private distinction is not understood in terms of a barrier between spheres, which excludes certain areas in principle from public discussion and regulation, charges of oppression based on such a distinction are not appropriate here. No area of life is deemed in principle private and beyond discussion and possible regulation. Since a single state policy is not the immediate aim of all public discourse, there is more room for different perspectives to appear. Thus the oppression and inequality which a radical public-private distinction may reinforce is not the issue here. What is required by privacy, and how the filter of deliberation operates is itself subject to critical consideration. (The obverse may be thought to be the problem - that this perspective oppresses by not making a sufficiently clear distinction, by not excluding any area of life - this will be discussed in sub-section (iv).)

(ii) However, everyone presenting a claim is required to enter discussion, to engage
in presenting their viewpoint. It has been argued that as much as the liberal this may exclude or marginalize those who do not conform, may impose masculine, western norms of reason or impartiality and privilege particular cultural styles (Young 1996, 126). In effect this public culture too requires people to be more homogeneous than it appears. In practice it excludes the inarticulate, the absent, the silent.13

In response, it would appear that this is not as serious a problem if discussion and deliberation are less formal and occur at multiple levels - not all of which are modelled on law courts or parliament; forms of discourse can be expanded (as Young recommends) to include narrative and other styles. The fact that everything is subject to discussion means primarily that nothing is excluded by definition. It does not impose particular standards of reason, just a willingness to give an account to the other and being prepared to moderate one's claims (Miller, 1995 (b)). Where there are multiple and graduated public realms, a hearing can be progressively attained for diverse expressions and viewpoints, which to be publicly expressed do not have to conform at once to a single standard of publicity.14

But is the requirement of self-disclosure in deliberation itself coercive of those who are different? "Models of unconstrained discourse rest upon a demand for self-disclosure which can threaten the privacy and personal integrity of participants in a way that can make discourse coercive" (Moon, 96). Again, this seems less of a danger when there are multiple levels of the public: "when conceived as an anonymous, plural and multiple medium of communication and deliberation, the public sphere need not homogenize and repress difference. Heterogeneity, otherness and difference can find expression in the multiple associations, networks and citizens' forums, all of which constitute public life under late capitalism" 14

13 Young has also recently advocated what she calls "communicative democracy" which has a good deal in common with what is described here. In this account she recognizes that the remedy to the deficiencies of deliberation is more talk, not less (Young, 1996).

14 The emphasis here on plural though graduated publics follows from the implications of distinguishing access and control. It thus goes further than Miller's account of the potential of republican politics for dealing with difference, which refers to a 'general political ethos' and assumes a common sense of nationality (Miller, 1995 (b)).
Moreover the requirement for self-disclosure may not mean that everyone must always disclose themselves, but that they must at least give some kind of an explanation for not doing so (Gutmann and Thompson, 350).

There are, nonetheless, remaining problems of who talks?, who is heard?, and who has time to talk? which need to be addressed (Fraser, 119-121). There are many necessary prerequisites for giving people a real voice. Some would say that these are precisely the hard parts of politics itself, but this draws attention not so much to a flaw in deliberation as to the importance of its foundations.

Deliberation will exclude if the conditions for equal participation in deliberation are not present. These conditions for just deliberative outcomes are not trivial and cannot be taken for granted. It must be said that there are serious deficiencies in current public realms. Inclusive deliberation requires not only freedom of speech, but also guaranteed public forums, education in deliberation and in respect for other viewpoints, and the counterbalancing of dominant speakers, and of the inequalities which people bring to their participation in public life. This would require substantial material support and some regulation in the service of deliberation. What is involved is not so much a marketplace as a welfare state of ideas.\(^\text{15}\)

It remains true that a public culture is a public culture, and it may exclude those who do not value deliberation or who refuse to have truck with politics at all, and instead expect that their beliefs will be implemented without question. They may feel excluded, but deliberative politics (unlike neutralist politics) does not purport to include them. Republicans can recognize that, in this respect, they hold a "fighting creed" and be robust in reply. Furthermore, for someone with this perspective to be required to explain the basis of their deeply-held beliefs is arguably less counter-intuitive than to be required to bracket them entirely in the public realm.

At any time this public culture will recognise some expressions more fully than

\(^{15}\text{This analogy was suggested to me by Philip Cole.}\)
others; but, based on deliberation in which all voices can be heard it, is less exclusive than accounts which accord the existing public culture a privileged position. For example, the perspective of liberal nationalism, even if nationality is taken to evolve over time in response to newcomers, entails a sharp boundary between those who share a nationality and those who do not. Thus its extensibility is necessarily limited. Though republican politics is conventionally criticised as exclusive, the model described here is in principle less sharply bounded and more extensible, since interdependence is a matter of degree, of expanding circles, and public realms are multiple and overlapping.

(iii) This approach does not peripheralise people's deepest convictions, or reduce the value of the public. All claims to a wider validity may be advanced whatever their basis; all seriously held views of the good may be discussed, whether they spring from comprehensive doctrines or not. This is not a common good in which all are supposed to leave behind their particular experience, as criticised by Young (Young, 1996, 126).

All are allowed express their deepest commitments in public; these are respected, in the sense that they are admitted to the public realm and given a hearing. They gain some kind of recognition through greater understanding even if they are not accepted and embodied in law or the constitution, and require transformation even if they are to be. The possibility of such expression may better realize the recognition of values which people seek than certain kinds of reified expression in constitutional or coercive provisions.

Additionally this approach gives more substance and significance to political participation itself than that of bargaining between preferences, and recognizes the sense of self-worth gained therein.

(iv) This approach recognizes the interpenetration of state and civil society, and the difficulty of distinguishing public and private radically and systematically in terms of control or ideas of the good. Rather than ruling out state intervention, or seeking to base it on neutral principles, what can be endorsed and how the state should act is determined through deliberation, the filter between private and public.
Since deliberation acts as a filter rather than a barrier, it emerges that republican politics may endorse commitments more substantial than liberals recommend, though less substantial than communitarians deem appropriate. Liberals now see the public as based on agreement on procedures, principles of justice, or legal or constitutional minima. For Habermas, people agree on rules of discourse and argumentation (though convergence on substance is possible in principle). Communitarians, on the other hand, see the state as expressing the substantive common good, or replicating the pre-political in public. Nationalists in particular take ethnicity or a common background culture to be necessary for a successful politics.

In republican politics it is not possible to dictate in advance what may emerge through deliberation. States that originate in the interdependence of citizens require an acknowledgement of that interdependence, and respect for deliberation itself. But this is not all. Further communal commitments may emerge. It is not the aim of republican politics to be neutral with respect to beliefs, but to develop collective self-understandings.\(^{16}\) The substance of the public will evolve differently in every case. So, for example, whether education may be run on denominational, multi-denominational or secular lines is not something we can argue on a priori grounds. It will depend positively on what are the forms of interdependence and negatively on what are the forms and causes of conflict or marginalization in a society, and should be the outcome of deliberation. What can be agreed in some contexts will be oppressive in others. There may be many different practices appropriate in different societies and at different levels.\(^{17}\) But on this account of republicanism, what is endorsed comes from an equal opportunities process; what justifies the provisional embodiment of any is subject to the public deliberative process, not justified as simply replicating the cultural dominance of one particular group.

\(^{16}\)But republican politics, rather than aiming not to be neutral, does not aim to be neutral with respect to difference in the sense of being difference-blind.

\(^{17}\)Chris Patten, when Governor of Hong Kong, had a crucifix hanging in his office. In other contexts such a symbol could be construed as oppressive and exclusive; in Hong Kong in 1996 there were more divisive issues. More importantly, when different levels of the public are distinguished, cultural and religious symbols may be admitted to the public without being officially endorsed by the state. There is a difference between officially hanging crucifixes in classrooms, and allowing pupils, and even teachers, to wear religious symbols in school.
Still this model entails more substance than most proponents of civic nationalism or 'constitutional patriotism' allow. Members here are tied not only to agreement on procedures, constitutional arrangements or institutions. Recognizing interdependence and sharing in the deliberative outcomes of a public realm itself leads to deeper commitments. So a question remains: if republican politics is more substantial than liberal - admitting matters of deep belief to public expression and discussion and potential embodiment in public recognition - how can it be other than repressive of difference? Here we return to the obverse of the first critique of the liberal private-public distinction. If liberalism oppresses by excluding areas of life from public scrutiny and control, does republicanism by contrast threaten to oppress by not separating public and private, by potentially including any aspect of life, especially in the context of radical difference?

The first point here is to emphasize the distance already suggested between public discussion and state regulation. All differences may be expressed in public. Not all matters of public discussion lead to state action, but may generate voluntary action. Even where the state takes action, this does not always take the form of directly coercive legislation, but may be through symbolic endorsement or economic incentives. Different treatments may seem appropriate for issues which can be characterized as personal preference and moral belief or cultural identity.

We should note also that this is a specific objection, related but not identical to the wider question whether certain kinds of coercion are justified. In the republican perspective certain kinds of coercion are understood to be justified, where citizens are bound to their considered judgements, as Ulysses was tied to the mast while he listened to the song of the Sirens. And some degree of coercion may be necessary to provide the basic framework of deliberation - equal access, public spaces, education in deliberation, and so on. Republicans also argue that the state needs to educate its citizens into the public culture, to inculcate a sense of responsibility, if they are not to rely entirely on repeated exhortations to public spirit on the part of individuals. This is education in recognizing interdependence and its implications and in deliberating, rather than education as instilling a catechism of particular beliefs. Such coercion could be seen as facilitating the expression of the widest range of perspectives, not as repressing difference. What is particularly at issue here is the position of those whose beliefs, after deliberation, are not endorsed by
the public, and who cannot themselves fully accept particular deliberative outcomes. And there will always be people in such positions - those who are shocked by the toleration, recognition or non-recognition of gay marriage, Sunday trading, public blasphemy, the Angelus broadcast, etc. The modern state has to act, and often acts coercively, embodying some moral and cultural perspective. Governments sanction and do not sanction marriages, allow and do not allow euthanasia, provide education which is denominational or secular, monolingual or bilingual and which reflects moral and cultural perspectives.

What can be said here is that in the republican state, these actions are not justified in terms of a single fixed account of the common good based on nature or a single culture. They must be defended, not taken to be self-evidently right either universally or for us. These are interpretations of common goods established, constructed, filtered in deliberation in multiple publics - not pre-politically established or based on already existing overlapping consensus or commonalities.

Secondly we can say that if the state public is paralleled by vigorous publics of discussion, its decisions and actions will be better informed and more reflective of citizens' serious convictions. Those coerced will have had an input in the decisions. Legislation and decision making take account of wider public deliberation. The problem is not the existence of a public that is not neutral, but states that fail to take account of voices or potential voices (Cooke, 1997(b), 15). What is required is to accommodate the deep concerns of all citizens equally by giving all an opportunity to influence the public culture. For example, some Jews and Muslims in Ireland, when asked about the Catholic nature of the public culture, reply that they prefer living in a state that acknowledges the significance of religion to living in a secular or neutral state. But secularists too must be allowed to express their position and receive serious consideration.18

Finally, since the view embodied is based on deliberation, it must be open to further evolution; any understanding reached has provisional status and is subject to challenge. It must always be possible also to challenge and contest what has been provisionally established as the public culture and its deliberative outcomes.

18It should be noted, however, that in Ireland the Catholic nature of the public culture was not arrived at through deliberation of the kind outlined here, but was derived from and long defended in terms of pre-political identity.
Thus the republican private-public distinction does not suppress difference, but allows its expression and potential recognition. The substance of republican politics is based on interdependence (rather than commonality), is created in deliberation (not pre-politically), emerges in multiple publics, to which all can contribute, and is not definitive but open to change.

**VII Conclusion: a better solution to dealing with difference?**

"Moral argument in politics can be socially elusive, politically extremist, and morally inconclusive, but avoiding it for these reasons would be self-defeating. The divisions, the extremism and the inconclusiveness would persist while the prospects for finding better terms of social co-operation would deteriorate" (Gutmann and Thompson, 347).

The answer to dealing with difference is not a liberal state with a neutral public, nor a nationalist or communitarian one which redraws boundaries so they contain more like-minded people; nor a cultural pluralist one which is intend to celebrate difference without it being clear how the multiple celebrated differences relate to one another.

Plural societies will best survive and meet the needs of their citizens neither by excluding arguments based on deeply held moral convictions or cultural distinctions from the public realm nor by 'entrenching' or 'celebrating' them. They need to support public spaces of expression and deliberation that do not exclude such arguments in principle from debate, but which are somewhat detached from, yet inform the public of constitutional and legislative authority. Neither can be wholly neutral, but their substance is constituted on the basis of interdependence rather than original difference, and is open to change and development. Such an approach may not pre-empt radical conflict between different groups, but it offers more of an incentive to participate than a neutral public, which requires people who do not automatically identify with the liberal view to put aside their beliefs.

Cultural difference is neither contained nor satisfied by its relegation to the private, and its public replication is fundamentally problematic. This approach acknowledges the significance of moral and cultural difference and claims to
recognition, without overlooking the problems that the coexistence of different beliefs and cultures presents.

While not fully resolving the problem of dealing with difference, this offers a potentially better way to go about it than the alternatives currently most favoured. By reconsidering the ordering and interrelationships of the complex dimensions of public and private, we may be able to discern ways of meeting demands for recognition that tend to be obscured when all these dimensions are subsumed under state control and its absence.

**Bibliography**


'Are Ethical Conflicts Irreconcilable?,' *Philosophy and Social Criticism*, 23 (1997) (b)


Gutmann, Amy and Dennis Thompson, *Democracy and Disagreement*, Harvard,
Belknap, 1996.

Miller, David, On Nationality, Oxford University Press, 1995 (a).
"Citizenship and Pluralism" Political Studies XLII 1995 (b) 432-450