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Diversity, Democracy and Dialogue in a Human Rights Framework

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*Diversity, Democracy and Dialogue in a Human
Rights Framework*

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Diversity, Democracy and Dialogue in a Human Rights Framework

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Diversity, Democracy and Dialogue in a Human Rights Framework

Carol C. Gould

With the growing awareness of the power and scope of globalization in its various dimensions, and the growing importance of the institutions of global governance, hopes have increasingly been placed on the development of a global public sphere of discourse and deliberation. The idea is that within this sphere—or better, spheres—dialogue can take place among diverse people representing a range of cultural perspectives and that by mobilizing this dialogue it may be possible to devise ways for people around the world to provide input into the decisions and policies of global governance institutions and of other global actors that increasingly impact their lives. If people cannot participate directly, as is unlikely given their numbers, then this global public sphere may perhaps function to facilitate the

representation of their views by NGOs or others. The recent literature also emphasizes the role of newly inclusive deliberative processes at the transnational level that would strive to take into account the viewpoints and contributions of those at a distance who are affected by these policies but who have not thus far been powerful enough to influence their formation or direction.¹ And, recognizing the limitations of earlier overly rationalist models of deliberative democratic process, a broader array of features have recently entered the picture as desirable features of such dialogic procedures, including empathy and responsiveness, as called for by feminist philosophers and some political theorists.²

In this paper, I will examine the possibilities for intercultural dialogue and for more effective deliberative processes in a global public sphere, largely in online contexts, but also as involving opportunities for face to face interactions. I will consider some ideas for bringing transnational forms of dialogue and deliberation into the “epistemic communities” of the institutions of global governance and influencing other powerful

global actors such as corporations. Extending a model I have developed in previous work, I will further suggest that such transnational deliberation, whether in newly formed regional communities or within international organizations (governmental or nongovernmental), needs to be framed by human rights agreements that are adopted at regional or transnational—if not fully global—levels.³

The motivation for this recommendation begins from the recognition that globalization has generated an increasing number of cross-border communities, whether they be centered around ecological, economic, or political concerns, or take the form of voluntary associations, e.g., on the Internet. Such communities may be locally cross-border, or regional, or fully global. In order to protect the rights of individuals and communities operating within these broader contexts, I suggest that new regional agreements on human rights are needed to supplement those already in existence (in Europe and the EU, in Africa and in the Interamerican context) along with the global agreements that

have been introduced heretofore. Human rights here are of course to be understood as importantly including economic and social rights, as well as civil and political ones. But we will see that these new agreements also raise issues of the diversity of cultures, and would themselves seem to require some degree of dialogue and deliberation in both their drafting and interpretation. Thus the focus in this paper on expanding participation in regional or global decisions through dialogue among diverse agents in a global public sphere necessarily involves us in a consideration of human rights frameworks, which are themselves partly dialogue dependent (but only in part).

Problems in Extending Dialogue and Deliberation Across Borders

First, a few provisional comments about dialogue and deliberation: In the discussion that follows, I will not be taking dialogue as foundational for the justification of global norms nor do I regard the notion of deliberation as the primary meaning of

democracy in transnational contexts. Rather, in my view, norms need to be grounded in a social ontology of human beings in relationships, and democracy requires more than deliberation. It requires actually making decisions (with majority rule as the leading possibility here, though not the only one), as well as forms of mutual recognition among persons, along with broad opportunities for participation in social, economic and political life. Moreover, democracy crucially presupposes the fulfillment of a set of human rights, including economic rights to means of subsistence. (For without the fulfillment of these rights, people who are impoverished will often lack the leisure and the civic opportunities necessary for such participation.) Despite these cautions and complexities, we can say that deliberation is a crucial feature of democratic processes that seek to foster some measure of agreement about common interests and common goods and that aim at decisions based on inclusive, rational, and empathic procedures, involving reciprocal recognition of the equality of participants and an equal consideration of their

importantly affected interests. And dialogue is clearly a central feature in the interpretation and application of transnational norms and serves as a condition for their emergence as more than projections of one-sided ways of life. I will develop these philosophical points a bit more below.

Here I want to highlight a set of significant problems-- both theoretical and practical-- that come to the surface when it is recognized that with globalization, and the new forms of powerful transnational institutions that it entails, dialogue and deliberation often need to extend across borders. There is the by now standard question of how to construe dialogue among people with different cultural backgrounds, and especially how to recognize relevant cultural differences while preserving an emphasis on a certain set of universalistic norms (especially human rights) and an emphasis on people's equality, including centrally women's equality. In addition, we need to determine what factors contribute to making cross-border deliberative processes effective, if we are to find ways to enable input into the

institutions of global governance by those affected by their decisions, and well as to give stakeholders a say in regard to the decisions of multinational corporations or even of nation-states, since distant others may well be importantly affected by their policies and activities. My interest in this connection is especially on enabling participation by the affected people of the Global South in the “epistemic communities”⁴ of global governance institutions, and I will also touch on some of the fundamental questions involved in structuring cross-border dialogue. It can be seen, then, that deliberation across borders is confronted by several deep difficulties that need to be analyzed and I will make a few proposals for dealing with these difficulties in a later section of this paper. It is clear that we need to get beyond the general calls for “intercultural dialogue” that have marked discussions to this point.

Online dialogue and deliberation provides an especially promising focus for enabling input into the decisions of global institutions, and several theorists have looked to online

information and discourse as a way to achieve greater openness and accountability in the institutions of global governance.⁵ In the domestic context, much has already been written about the role of facilitation, about the use of deliberative forums in e-government or e-democracy, as well as about the problem of the digital divide.⁶ Although in what follows I suggest that it may indeed be possible to open the deliberations of global governance and other highly influential bodies to input by remotely situated publics, I think it is necessary to avoid the over-romanticism that has characterized some discussions of these possibilities, and to ask an array of hard questions. Although I can only mention these, rather than resolve them, here, we can note the concerns about who will be included--will they be credentialed participants or else people at large? Will people be permitted to participate anonymously, or will authentication and the identification of participants be required? Who will take seriously all the potential input, and how will it be sifted down? Or are we only talking of something like public ombudspersons? Already there is digital

overload--multiple arenas with large numbers of often anonymous participants, with few of the interventions rising to the level of any real influence over policy. Furthermore, instead of the open discussion among people with very different perspectives that has been thought to be required in deliberative politics, many online discussions groups have been limited (most often self-limited) to like-minded participants. And instead of reasoned argument, there is quite often shouting, assertions with little argument, etc.

Of course, of the power of internet communication in politics we can have no doubt. We have recently observed its formidable possibilities in organizing and mobilizing people, for example, in the recent pro-democracy movements in Iran, protesting the absence of a fair electoral process. (There was also important use of cell phones, and especially text messaging, in that case.) Online organizing has also characterized other social movements, whether in the context of the World Social Forum or solidarity struggles in Latin America. But these forceful

possibilities do not immediately transfer to inclusive processes of orderly deliberation, though they can enhance the responsiveness of existing decision procedures. Yet it is evident that people want input into the decisions that affect them, and one can expect that they will take advantage of opportunities for such input, if they are real and meaningful, and go beyond the currently dominant forms (at least in the U.S.) of polling and surveys. Nonetheless, the question remains how to structure such input and processes of online deliberation, and how to address the cross-cultural and cross-border dimensions they will have.

The analysis of cross-border dialogue and deliberation here focuses primarily on two key issues and on the normative framework for addressing them: First, the presence of systematic misunderstanding, which I will address in the third section of the paper with a specific proposal concerning highlighting contested categories in online deliberations. And second, the barrier posed to equal participation by the digital divide and by global inequalities more generally. It can be noted that these two themes

are interrelated in virtue of the need to bring an understanding of power disparities and oppressive historical and current conditions into the very framing of transnational discourses. Thus it is necessary not only to explicitly confront these inequalities but also to find new ways of acknowledging them and dealing with them.

There are two additional important issues, which I can only mention, but not discuss here: one concerns the significant effects produced by governmental restrictions or interventions into these discussions, including restrictions on or interference in online discourse. The second is the difficult question of the language to be used in cross-border deliberations, and in particular the current domination of English for these purposes, at least in contexts of trade and diplomacy.

Norms of Democratic Discourse and Human Rights in Intercultural, Global Contexts

If we go back to the characteristics of discourse demarcated in the iconic discussions of it (especially in Jurgen Habermas and later in Seyla Benhabib and others) as well as in the democratic deliberation literature (Joshua Cohen, John Dryzek, James Bohman, Amy Guttmann and Dennis Thompson, Iris Marion Young, and others), we can note the essential claim that people are supposed to be free and equal to enter into the dialogue or discourse. Moreover, they are (normatively at least) regarded as reciprocally related in terms of opportunities for listening and being heard, and are supposed to use reasoning to achieve agreements that take into account the perspectives of others.⁷ As noted, going somewhat beyond the original emphasis on rational argument in coming to agreements on “generalizable” or shared interests, feminist and other theorists focused attention on the importance of a felt understanding and responsiveness toward the positions and needs of others.

While I have reservations about taking deliberation or discourse as *constitutive* of democracy,⁸ it clearly is a central feature of *effective* democracy, if democratic decision making is to be more than an aggregation of interests or a pure compromise between antagonistically defined positions. Of course, this is not to say that consensus has to be achieved in all these deliberations or that it is even reasonably understood as the aim. But some measure of agreement that goes beyond pure power struggles or simple compromise is normally regarded as a goal of these discourses, and held to be achievable through rules that ensure reciprocity, freedom and equality of participants, etc. However, when such dialogue or deliberation occurs across borders, whatever inequalities may have marked national or domestic discourses are compounded by the deep inequalities that pervade North-South relations, as well as by striking divergences in cultural practices, and by language differences.

Further, new questions of scope emerge inasmuch as the extent of the demos or public, or of membership in the

community of discourse, is radically in question in transnational deliberative contexts. I have elsewhere discussed this question of scope at some length and have proposed two criteria that I take to be relevant: The first involves the extension of traditional notions of political and other communities to cross-border or transnational contexts and centers around a notion of *common activities*. Here the criterion is the constitution of an ongoing community understood as oriented to shared goals, where these may be embedded in relevant practices and institutions, though normally there is also an intentional (and intensional) aspect, that is, the community understands itself to be oriented to the goals in question. The second criterion involves a new use of the *all-affected principle* to demarcate those at a distance who should be able to provide input into discourses and decisions when they are importantly affected by a given decision or policy.⁹

The all-affected principle has often been used to argue for democratic participation or representation by the relevant people into decisions, originally taken to be applicable to citizens of a

nation-state. However, in global contexts, as I and others have argued previously, too many people are affected or potentially affected by a decision or policy to use this criterion in its most general sense to pick out relevant participants. Moreover, people are most often differentially affected by various decisions in a way that militates against an interpretation of “affectedness” in terms of a notion of global citizenship per se. Nonetheless, the notion that people at a distance are affected by the decisions of transnational governance institutions and other powerful actors does seem to argue for their having some input into the decisions in question. In order to avoid the vagueness aspect of being affected in global contexts, it seems clear, then, that we need to demarcate those decisions in which people “importantly affected” in order to make this criterion usable. But this still leaves open the question of how to determine who is “importantly” affected. I have elsewhere proposed a particular interpretation of “importantly affected” for the global context, to delineate who should have some input into the decisions and policies in

question. In particular, I have argued that when people are affected in their possibilities of fulfilling their basic human rights they can be considered "importantly affected" and should have rights to participate, or more weakly, to provide input into those decisions or policies.¹⁰ Thus where decisions significantly bear on whether people can meet their economic means of subsistence, i.e., basic economic human rights, these affected people need to be able to influence or affect the decisions that are made.

Given this normative requirement of obtaining democratic input by dispersed publics, the question arises of how it can proceed if it involves communication that includes people in societies that may not allow open discourses or are not democratically organized, or where some members of the society are thought to be unable or unqualified to participate, even if the technological and other means for them to do so are available. Of course, a key case here concerns women who may be discriminated against or oppressed or held to be inappropriate participants, or perhaps simply lack the time or skills to

participate. More generally, we can observe that deliberation in the epistemic communities of global governance has thus far been limited to elites; in these contexts, the extension of inputs to broader publics and a fortiori to marginalized groups is thus difficult to envision. There are at least two central concerns--one is cultural, where the required free and equal participation confronts existing dominant cultural norms or practices, and the second is social and economic, namely, the challenge of enabling participation by people who may be impoverished or oppressed . A seemingly easy solution to extending deliberation across cultural borders would seem to be afforded by recognizing that all we need to do is give a place at the table to excluded women and other marginalized or unequal groups. However, doing so often presupposes the existence of the very equality and openness of societies or their democratic organization that we are hoping to produce by the extension of democratic deliberation transnationally and that have in fact been lacking in the society in

question. This could be regarded as a paradox (or at least a conundrum) of deliberative democracy in cross-border contexts.

The requirement that we hear from women or oppressed groups arises in answer to the very relevant question “Who speaks for a culture?” Thus we can quite rightly object to simply accepting definitions of cultures promulgated by dominant elites or governments or those who benefit from the proposed cultural definition. (Moreover, we can object to the unified notions of culture these dominant interpretations often imply.) Oppression and even coercive or repressive practices are specifically insidious in suppressing alternative interpretations of cultural traditions and practices that would likely be offered by marginalized groups if they had access to the education, leisure, and other opportunities needed to advance their own cultural interpretations and emphases. I would suggest that the recent online sharing of progressive interpretations of various cultural practices and teachings among a range of marginalized groups is a particularly promising way of dealing with these difficulties.

This process is underway in diverse religious and cultural contexts and I think it is of considerable interest. In this connection, we can mention the online interactions of WLUML (Women Living under Muslim Laws¹¹), as well as similar revisions proposed by groups of Jewish and Christian women. I suggest also that an appropriate role for outsiders in these contexts is to stand in solidarity with these groups, in new relations of what I call *transnational solidarities*.¹²

It is also possible to regard universal norms like human rights as open to local interpretations, in ways that Martha Nussbaum has also argued.¹³ Moreover, there can be some cultural variability admitted in the priority given to various human rights, regardless of the UN understanding of them as equally essential. But the appropriate scope to be given to regional or local cultural differences in the interpretation of human rights norms remains a question, as does the issue of how to take into account the inequalities in position among the interlocutors in cross-border discourses. The question of

tolerating deeply inegalitarian or oppressive cultural *practices* is a more difficult one than tolerating statements in *discourses*, and I have previously proposed that the limit is set by a range of human rights. Yet, in contrast to prevailing liberal approaches, I am not even sure that toleration is the optimal word for what is required here. It is clear in any case, that whatever sort of recognition is called for cannot eliminate the possibility of *criticism* of unjust or oppressive practices, and several authors have pointed to the important distinction between offering criticism and attempting to *enforce* agreement.¹⁴

The mention of criticism here raises the important aspect of *self-criticism* as a feature of effective deliberation, whether online or offline. If discourse is to take account and acknowledge inequalities in the starting positions and background life-world of participants, it needs to proceed with self-awareness of these factors in the interlocutor's own case, including awareness of relative (and unearned) privilege. Such discourse is also enhanced by some social theoretic understanding of the

oppressive social conditions and the ways that diverse participants may have benefited from them. Although this is a rather demanding expectation of discursive participants, it is hard to see how intercultural dialogue can succeed in the absence of these conditions. These critical and self-critical aspects of the discursive process also involve attention to relevant differences in order to compensate for them with a view to establishing real equality among the participants. An idea of this sort may have been behind Iris Young's concerns with special representation for oppressed groups and with the possibility of a veto to be exercised by them in deliberations about policies that importantly affect their interests.¹⁵ Whether or not those specific proposals are desirable or realistic, they do point to the significance of taking into account the diversity in concrete circumstances that people bring to deliberations. They require in turn a contemporary version of the critique of ideology, that is, of one-sided and distorting perspectives that can arise from the differently constituted life worlds and different relational

standpoints that people bring to these deliberations. Needed here is some awareness of the perspectival and potentially ideological character of a position--of the degree to which holding it serves one's interests and presupposes a particular standpoint and a particular set of background cultural practices and history, which may themselves entail elements of oppression or residues of colonialism.

In addition and more positively, it is normatively desirable for participants to be willing to learn from the others who are interlocutors in the dialogue, and to attempt to arrive at mutual agreements. This in turn presupposes a sort of empathic understanding of the position of others, both of what they say and of the conditions that may lead them to adopt their points of view. Successful deliberations also presuppose a disposition to be responsive to others and even--though more demanding--what we could call a shared commitment to justice. The dialogue in turn, when it operates in good conditions such as these, can enhance these very dispositions and commitments. Another

challenge concerns the need, as one author puts it, to “attend to what remains unspoken, who is absent, and those who the words are unlikely to reach.”¹⁶

The approach to dialogue along these lines, admittedly quite demanding, supports a notion of what I have called *concrete universality*, i.e., a universality that at least partly emerges from dialogue, where the specific background conditions and different situations of people (including oppressive conditions and relations) are taken into account and efforts made to correct for them.¹⁷ Nonetheless, an abstractly universalist moment is also crucial here, namely, one characterized by equal recognition of persons and respect for their human rights.¹⁸ I have argued that this recognition is based on their equal agency, where agency is given a relational and transformational interpretation, that is, is understood as developing over time through concrete relationships. Nonetheless, as a power of self-transformation it is a fundamental characteristic of human beings.¹⁹ To the degree that the conditions of such agency are

multiple, and include such features as security, liberty, means of subsistence and health, these conditions can be specified in a more or less universalistic set of human rights²⁰ (and can also be specified in terms of human needs or even perhaps in terms of the alternative notion of fundamental human interests).

Given the importance of fulfilling basic human rights, including economic ones, as conditions of agency, we can observe in addition that deliberative discourses are more likely to succeed if they are based on the achievement of reasonable levels of economic well-being among participants. This sort of interdependence was recognized early in the philosophical discussions of human rights by Henry Shue in his argument that the realization of basic rights to democratic participation and subsistence mutually implicate each other.²¹ Subsistence is required for democratic participation and opportunities for genuine participation help to insure the realization of people's rights to subsistence. We can further see how this observation would in turn support a strong connection between global justice

and democratic deliberation across borders, themes that have often been treated separately in the literature.

Some Implications of the Philosophical Framework for Structuring Online Democratic Deliberations

There are, of course, some exciting developments in online communications, including various sorts of dialogues that stretch across borders. The sphere of national politics includes numerous blogs and forums, along with online organizing, which have come to play an important role, for example, in the United States, where they exerted influence in the recent US presidential elections. Nonetheless, it is possible to overstate the significance of such online activities, even in the case of emergent participatory or deliberative forums that specifically aim to enhance democratic participation through sophisticated online software or through new ways of organizing online discourse. Most of these democratic forums have been local (e.g., in London), but even when open to distant others, they have so far

been subject to a certain randomness in regard to who hears about them and who gets to participate in them. It is an open question whether these forums can be said to be representative of citizen views generally, or even of the views of their direct participants. Further, like most online communities, they seem to have a tendency to discourage dialogue among people with conflictual perspectives while encouraging discussions among those who agree. While this is probably felicitous from the standpoint of political organizing, it does not seem conducive to norms of deliberation among people with fundamentally divergent political views.

Further, the entire online sphere can be subject to the charge of being exclusionary in view of the digital divide. Aside from the costs of access, as noted previously many effective cross-border dialogues take place only among elites drawn from across various national governments, or else operate within the upper echelons of institutions of global governance. Civil society organizations may themselves have trouble being representative

of their members or of the people they are trying to help; and sometimes their leadership is self-selected from among the most active participants in the organization. Within the range of online dialogues, then, it would indeed be a step forward to find ways of representing the interests of distant people who are increasingly affected by globalization, but that remains a challenge for the future. Moreover, it would be desirable to design dialogues that elicit stakeholder input in the governance of global corporations. But at present, consulting with stakeholders or enabling their participation, at least in regard to stakeholders around the world, remains an elusive goal to the degree that it is pursued at all. We can further see that in all of these developments, there is a need to avoid giving the mere *appearance* of participation if the real power still resides with powerful governmental elites or corporations, whether at national or transnational levels. In these cases, it sometimes seems that proposals of deliberative democracy may only serve to obscure the facts on the ground.

Despite these admitted difficulties, I would like now to propose one promising new direction for facilitating online deliberations in the global public sphere, which is rather elementary but has not received attention as of yet. Instead of moving directly to the development of deliberative software designed to instantiate the features of free and equal participation, whether moderated or not, we can propose the importance of highlighting and dealing with the basic normative or descriptive concepts that arise in these discourses where the concepts are contested among cultures. We do not have to subscribe to Gallie's notion that many normative concepts are *essentially* contestable—with deep and irremediable divisions concerning their meaning—to observe that the contrasting uses of them when unacknowledged can generate misunderstandings and block agreements.²² This is not, of course, to imply that ethnic, cultural, and political disagreements are reducible to disputes about words, nor that they are correctable without attention to other factors as well, especially disparities in economic and political power.

Nonetheless, if dialogue proceeds at cross purposes, it exacerbates misunderstandings and makes the requisite deliberation in the public sphere and the institutions of global governance less likely to occur.

If we grant that in dialogue and discussion among widely distributed participants, the cultural locations and backgrounds of these dialogue participants will influence their uses of language, then it may well be that the terms used in the discussion will sometimes have different meanings for each of the interlocutors. This is likely to lead to misinterpretation, and accentuate disagreements. For example, value terms like just or unjust, and even supposedly descriptive terms like terrorist, can have different meanings in different contexts. A proposal that I would make here is to develop a software environment that could monitor dialogues and provide input to the various authors when the terms they use have multiple meanings within the context of the discussion. This software would highlight the contested terms, present a range of different uses and meanings to the users,

and enable these authors to choose which of these they intend, thereby also helping them also to become aware of the alternate interpretations.²³ Initially, this process would necessarily be limited to text-based discussions whether through email, forums, or chat sessions, but eventually there might be an analog developed for video communications as well. If participants become more aware of the one-sidedness of their interpretations, as well perhaps of their own background assumptions, it is possible that agreements will be facilitated.

Especially in view of the difficult problem of the digital divide, we can observe the concomitant importance of developing opportunities for face-to-face discussion along with new modes of representation for people affected by the policies of global governance institutions. Concerning the first of these, we can note that despite the felicity of using new technologies for global interactions, whether they take place through cell phones or computers, there seems to be no substitute in the present for some component of actual rather than virtual dialogue among people

affected by policies or plans. In regard to new forms of transnational representation, this could involve literal representatives, hopefully chosen democratically, or it could involve new forms of deliberative polling or deliberative democracy among representative individuals,²⁴ in this case representing those affected by the policies or transnational plans in question. Such deliberative polling has been mainly advocated for the case of local and national politics, but it seems relevant to global politics as well. And it would appear most easily achievable there if it were to proceed online, though this in turn raises again the question of the digital divide and how to manage it for such cases. Thus it is clear that creating these new opportunities for dialogue does not in itself solve the problems of lack of access to informational resources²⁵ or the actual poverty that constrains the opportunities for cross-border political discourse or deliberation.

These problems again crucially highlight the importance of having our discussions of democracy and of global justice, and specifically of economic human rights, proceed in tandem.

Notes

¹ See, for example, James Bohman, *Democracy across Borders: From Dêmos to Dêmoi* (Cambridge, MA: The MIT Press, 2007).

For my own account, see Carol C. Gould, *Globalizing Democracy and Human Rights* (Cambridge: Cambridge University Press, 2004), esp. chapters 2 and 9.

² See, for example, William Rehg, *Insight and Solidarity* (Berkeley: University of California Press, 1994); Iris Marion Young, "Communication and the Other: Beyond Deliberative Democracy," in *Democracy and Difference*, ed. Seyla Benhabib (Princeton, NJ: Princeton University Press, 1994).

³ See Carol C. Gould, *Globalizing Democracy and Human Rights*, and "Structuring Global Democracy: Political Communities, Universal Human Rights, and Transnational

Representation,” Special Issue on Global Democracy and Political Exclusion, *Metaphilosophy*, Vol. 40, no. 1 (January, 2009): 24-46.

⁴ Peter Haas, ed., Special Issue on Knowledge, Power, and International Policy Coordination, *International Organization*, Vol., 46, No. 1 (Winter 1992).

⁵ See Joseph Stiglitz, *Globalization and its Discontents* (New York: W. W. Norton, 2003).

⁶ See, for example, Pippa Norris, *Digital Divide* (Cambridge: Cambridge University Press, 2001).

⁷ Jurgen Habermas, *The Theory of Communicative Rationality*, vol. I, tr. Thomas McCarthy (Boston: Beacon Press, 1985), *Moral Consciousness and Communicative Action*, tr. Christian Lenhardt and Shierry Weber NicholSEN (Cambridge, MA: MIT Press, 1990), and *The Inclusion of the Other*, ed. Ciaran Cronin and Pablo De Greiff (Cambridge, MA: The MIT Press, 1998); Seyla Benhabib, *Situating the Self* (New York: Routledge, 1992); Joshua Cohen, "Deliberation and Democratic Legitimacy," in

Alan Hamlin and Phillip Pettit, eds., *The Good Polity* (New York: Blackwell, 1989), 18-27, and "Procedure and Substance in Deliberative Democracy," in Seyla Benhabib, ed., *Democracy and Difference* (Princeton: Princeton University Press, 1996); John Dryzek, *Discursive Democracy* (Cambridge: Cambridge University Press, 1990); James Bohman, *Public Deliberation: Pluralism, Complexity, and Democracy* (Cambridge, MA: MIT Press, 1996); Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, MA: The Belknap Press of Harvard University Press, 1996); Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2002).

⁸ See Gould, *Globalizing Democracy and Human Rights*, chapter 1.

⁹ Carol C. Gould, "Structuring Global Democracy: Political Communities, Universal Human Rights, and Transnational Representation." An earlier discussion is in Carol C. Gould, *Globalizing Democracy and Human Rights*, chapter 9.

¹⁰ Ibid.

¹¹ See www.wluml.org According to the website:

“Women Living Under Muslim Laws is an international solidarity network that provides information, support and a collective space for women whose lives are shaped, conditioned or governed by laws and customs said to derive from Islam. For more than two decades WLUML has linked individual women and organisations. It now extends to more than 70 countries ranging from South Africa to Uzbekistan, Senegal to Indonesia and Brazil to France. It links:

- women living in countries or states where Islam is the state religion, secular states with Muslim majorities as well as those from Muslim communities governed by minority religious laws;
- women in secular states where political groups are demanding religious laws;
- women in migrant Muslim communities in Europe, the Americas, and around the world;

- non-Muslim women who may have Muslim laws applied to them directly or through their children;
- women born into Muslim communities/families who are automatically categorized as Muslim but may not define themselves as such, either because they are not believers or because they choose not to identify themselves in religious terms, preferring to prioritise other aspects of their identity such as political ideology, profession, sexual orientation or others.

Our name challenges the myth of one, homogenous „Muslim world’. This deliberately created myth fails to reflect that: a) laws said to be Muslim vary from one context to another and, b) the laws that determine our lives are from diverse sources: religious, customary, colonial and secular. We are governed simultaneously by many different laws: laws recognised by the state (codified and uncoded) and informal laws such as customary practices which vary according to the cultural, social and political context.”

¹² Carol C. Gould, “*Transnational Solidarities*,” Special Issue on Solidarity, ed. Carol Gould and Sally Scholz, *Journal of Social Philosophy*, Vol. 38, no. 1, (Spring, 2007): 146-162.

¹³ Martha Nussbaum, *Sex and Social Justice* (Oxford University Press, 1999).

¹⁴ Cf. most recently Martha Nussbaum, “Women and theories of global justice: Our need for new Paradigms,” in *The Ethics of Assistance*, ed. Deen Chatterjee (Cambridge: Cambridge University Press, 2004), pp. 147-176.

¹⁵ Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990).

¹⁶ Loren B. Landau, “Can We Talk and Is Anybody Listening? Reflections on IASFM 10, „Talking Across Borders: New Dialogues in Forced Migration,” *Journal of Refugee Studies* Vol. 20, No. 3 (2007): 335-348.

¹⁷ See Carol C. Gould, “The Woman Question: Philosophy of Liberation and the Liberation of Philosophy” in *Women and Philosophy: Toward a Theory of Liberation*, ed. Carol C. Gould

and Marx W. Wartofsky (G. P. Putnam's, 1976), 5-37; and *Globalizing Democracy and Human Rights*, chapter 2.

¹⁸ Ibid.

¹⁹ For a development of this idea, see *Rethinking Democracy*, esp. chapter 1 and *Globalizing Democracy and Human Rights*, esp. chapters 1 and 2.

²⁰ An argument for this is in Gould, *Rethinking Democracy*, esp. chapter 7, and *Globalizing Democracy and Human Rights*, esp. chapters 1 and 3.

²¹ Henry Shue, *Basic Rights: Subsistence, Affluence, and US Foreign Policy* (Princeton: Princeton University Press, 1980).

²² W. B. Gallie, "Essentially Contested Concepts," 56

Proceedings of the Aristotelian Society

(1956), 167.

²³ This idea was developed in research and discussion with Arun Sood and Peter Mandaville of George Mason University.

²⁴ See, for example, Mark Warren, "Citizen Representatives" in *Designing Deliberative Democracy: The British Columbia*

Citizens' Assembly, ed. Mark Warren and Hilary Pearse
(Cambridge: Cambridge University Press, 2008), 50-69.

²⁵ Carol C. Gould, "Network Ethics: Access, Consent, and the Informed Community," in *The Information Web: Ethical and Social Implications of Computer Networking*, ed. Carol C. Gould. Boulder, CO: Westview Press, 1989, 1-35.

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