notizie di

POLITEIA

RIVISTA DI ETICA E SCELTE PUBBLICHE
Anno XXVI – N. 99 – 2010

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EQUAL RESPECT AND DISTRIBUTION
OF PUBLIC SPACES

Edited by ENRICO BIALE and CHIARA TESTINO

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Introduction

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This collection of essays represents the first outcome of the Collaborative research project funded by the European Commission's Seventh Framework Programme (SSH-2009-3.3.1) on the theme: "RESPECT Towards a 'Topography' of Tolerance and Equal Respect. A comparative study of policies for the distribution of public spaces in culturally diverse societies". More precisely, the following essays are the result of the first stage of the research work carried out by the team of the Università del Piemonte Orientale under my supervision and some contributions from other scholars who have worked extensively on these issues.

Within the RESPECT research project, our team has picked up a leading hypothesis orienting the work both at the theoretical and at the applied level, namely that equal respect should be seen as the fundamental value that underlies the two most common conceptions of toleration in contemporary political theory. Both the neutralist ideal of toleration, implying the advocacy of universal social, civil and political rights, and the approach of toleration as recognition, calling for identity-specific claims, refer to the fundamental value of respect for persons. Equal respect can thus constitute the normative ground for a revisited conception of toleration that is able to reconcile claims both of universalist and particularist nature. The equal respect due to each member of the polity requires that, when confronting with individuals and people who are not yet enjoying the full status of citizens, it should be articulated as the public recognition of his or her identity. In turn, identities which have been factors of exclusion should be conceived instrumentally, as subsumed under the universal umbrella of civil, political and social rights that are constitutive of the status of equal citizenship. In this way, toleration, based on respect, and implying the instrumental recognition of previously excluded identity, becomes part of the general scheme for fulfilling the promises of democratic citizenship where all people are considered and treated with equal respect.

This general hypothesis, which is explored in detailed in the essay by Roberta Sala "Toleration and Respect in a Multicultural Society. An Overview", requires to be specified in order to be usefully employed and tested in the analysis of applied ethics which constitute the perspective of most papers of this collection. The essay by Roberta Sala is precisely aimed at a preliminary conceptual clarification of the two key-concepts of our work, at a critical analysis of the current debate, and of the more significant options of contemporary political theory. Sala defends a conception of toleration as recognition as an instrument of justice and more precisely as an instrument to grant full inclusions to minority members and bearers of social differences.

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Regeneration, Multiculturalism and Respect for Persons. The Case of San Salvario). San Salvario, which is located near the city center and closed to the main railway station in Torino, became explosive in the nineties, the negative example of diverse co-habitation, where the immigrant presence was resented by the original population as a risk to security and as degradation of property value. It was then the protest of the original population which suggested local institutions to intervene and try an experiment of multiculturalism in the area. The result, as Biale shows, are mixed especially in terms of participation and of effective involvement of the immigrant population, though, for example, schools are considered a success.

Finally the collection ends with the paper by Chiara Testino on the issue of Roma campsites ("'Nomadism' and Housing Policies. Roma in Italy: a Hard Case for the Theory of Minority Rights"). In this case, there is no clear direction of analysis, whether top-down or bottom-up, given that the preliminary point to clarify is whether Roma are a national, cultural or ethnic minority. Testino shows that Roma and Sinti groups escape all the usual categorizations for groups, according to established tipology such as Kymlicka. Consequently, if their nomad lifestyle raises problem of public order, it is unclear how Roma, who have no definable collective identity, can be recipients of public policy and, being dispersed and disorganized, with different interests and aims, can play the role of collective agents asserting their rights. The controversy over the illegal occupation of public areas for camping symbolized their marginal location, at the outskirts of cities and of democratic society. Testino suggests that in their case, their identity cannot constitute the grounds from which advancing right claim, because there is no available identity for the whole people; yet the pursuit of a common identity should become a tranformative goal and a future vantage point for fighting discrimination.

All the papers in this collection are example of applied ethics. The case-study are considered as paradigmatic examples of controversies over toleration and integration concerning urban space, in the various dimensions above specified. The empirical reconstruction of the cases make use of existing data and researches that are already available, while the point is to enlighten the normative dimension of the case and, finally, to devise principles and guidelines for policy. In the end, there is no single set of conclusions to draw from the different cases, since each presents special features and calls for specific answer. Yet we can draw some considerations on our applied ethics method which provides a distinctive perspective on issues and enriches the public discussion with rigorous normative analysis.

Diverse Distributions of Public Space – A Public Good for Whom?

FEDERICA LIVERIERO*

Introduction

In the contemporary multicultural context, liberal democracies face continuous negotiations among citizens and diverse groups. Some of these negotiations are rather intractable, involving claims from individuals belonging to minority groups. Often, such requests are not adequately managed by liberal institutions. In fact, they lack a theoretical flexibility that would allow them to identify the salient features of different claims and to reconnect these contextual differences to a more general theory. In order to improve the connection between the theory and the reality, it is important to develop analyses of actual concrete negotiations, focusing on specific kinds of claims that are raised. In this paper, I address the distribution of public spaces. In light of this subject (and at a very general level) my aim is to offer better definitions of the ways in which these claims should be laid (i.e. by who and how) and to develop a comparison with the economic theory of public goods.

In order to properly analyse the claim-negotiation relationship, the concept of public space stands to be extremely useful. In addition to being a scarce, and thus a contested good, public space is a place in which society produces and legitimates its own image and self-perception. Therefore, issues concerning public spaces always involve issues of recognition, as any redistribution of this particular good inescapably yields a new image of the *polis* and, from the perspective of the individual or group, a new paradigm of visibility[1]. Hence, the intrinsically public nature of this kind of good allows me to emphasize the issue of recognition within public spaces, recognizing that "how" such spaces are distributed is at least as important as "what" spaces are distributed. In what follows, I will offer more details that describe how every claim also implies a public recognition of identity that can itself be divided in two parts:
-   The actual claim for distribution of a particular good.
-   The public recognition of diversity.
The basic difference between these two aspects is that the latter is never negotiable, even when it is impossible to reach a compromise when negotiating actual policies. That is, amidst various identity claims, what essentially is not negotiable is not the distribution of a particular good, but rather the act of recognition that this distribution as a rule implies[2].

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Analysing the issue of public space demands facing one of the most difficult tensions within multicultural democracies, as the public nature of such spaces inevitably involves the allocation of a good and a definition of the "we" that constitutes the *polis*. Indeed, the social meaning of the "we", requires continuous reappraisals and adjustments that must be conducted in accordance with a just and dialogical process and according to a principle of equal respect, where all citizens are able to speak in their own voice[3]. Conceptually, this emphasis on membership in the *polis* as a pre-requisite to accessing any allocation, allows me to connect the struggle for the distribution of public spaces to the institutional management of public goods. Highlighting the similarity between the two (and though they emerge out of the different contexts of political theory and economics) stands to be useful for connecting the public debate on public space to a discussion about the lack of motivation for collective actions. According to my interpretation, in order to overcome this motivational impasse, we must establish criteria for determining legitimate claims by citizens; we must also study the ways in which institutions should manage particular issues through productive dialogue with citizens. Of course, in public political debate, the dialogic relationship between institutions and citizens does not always involve the same dynamic, much less the same number, of agents. In dealing with requests for the distribution of public space, I argue that the dialogical framework is nonetheless structured according to a triadic form, with three principal agents: political institutions, a majority and disadvantaged minorities.

1. Claiming the public space

Within every comparison between institutions and citizens, a fundamental issue is to determine "who" has the right to lay certain claims. This analysis argues that re-distributive claims are never entirely disconnected from issues surrounding membership rights[4]. Determining who is entitled to belong to the *polis* is a complex issue because from a strictly moral point of view it is impossible to justify the existence of boundaries[5]. However, such boundaries do play a central role in the definition of a "political community", as they are necessary for the maintenance of its institutions. Moreover, we are all accustomed to the idea that such boundaries are "normal" and justified; at least, we tend to accept the argument for their existence on the basis of their political effectiveness. Hence, leaving aside the discussion about the moral dimensions surrounding the legitimacy of a state's boundaries, I suggest that in liberal democracies, contemporary public discussions about public space are inextricably linked to conflicts over re-determining membership criteria[6]. In fact, the membership issue shows that the associative character of the *polis* is always culturally mediated because it is impossible to start from a totally neutral paradigm of "citizenship". Hence, associative bonds involve (sometimes implicitly) an adherence to social standards that are patterned after majority characters[7]. Moreover, the request to adhere to such standards is implicit and extremely equivocal, and as

such, it is not justifiable from the universal paradigm of democratic citizenship. As a result, this request for adhesion to some form of homogeneity (however veiled) is an intrinsic difficulty of every kind of collective association.

In the introduction I argued that in the case of liberal societies, every claim for the re-allocation of goods is connected to arguments about justice and membership. I would like to focus my attention next on the fact that redistributions that concern space as public good are emblematic of this strict connection between redistribution issue and struggle for membership. Moreover, the distribution of public space involves both theoretical and pragmatic difficulties. At the level of theory, the liberal tradition regards the "public" space as neutral and impartial, therefore, the same theory has some reserve in legitimatizing unequal treatments as the mean for treating persons as really equals[8]. Yet, at the level of application, the majority accepts these claims with difficulty, since a secondary effect of sharing *via* the fair redistribution of public spaces with those who are not full members, also involves an enlargement of the paradigm of "normality".

Conflicts over the distribution of public space, more than other allocation-related issues, show how minority identities claim a more flexible and egalitarian way for defining public standards and that they need to struggle for such standards. In fact, such claims attempt to contrast the majority's tendency to accept the status quo and its prejudicial arrangements as an established context that is neutral and just[9]. However these clashes are never zero-sum relationships, as minorities are not seeking unfair privileges or exemptions within a public space where all possess the same level of visibility. On the contrary, minority identity groups are demanding compensation for injustices rooted in the same paradigm of liberal neutrality. Consequently, not only do the majority of citizens have difficulty accepting such requests (a majority who already feel included under the umbrella of normality and interpret these claims as an inadequate invasion of public space by aggressive minorities), but also liberal theory itself does not possess, at least traditionally, the right tools for managing these demands for justice[10]. In this regard, I argue that such claims need to be negotiated publicly, that this should occur among the three relevant agents and that such a dialogue should also be "multilogical"[11].

2. Three different distributions

In the previous section I argued that the issue of public spaces is extremely important for contemporary debates about identity claims advanced by minorities within liberal democracies. Next, I will show how many of the problems created by these claims are born of a general confusion about the real nature of these requests. In order to develop a better understanding of the issues at stake, I suggest that such claims can be divided into three subcategories:

a. the distribution of public spaces for private usage by communities.
b. the equal right to the distribution of the public's own spaces for private usage by minority individuals, advanced in terms of equal treatment *qua* individuals.

c. the equal access to public space for minority members advanced in response to the majority's monopoly on the symbolic meanings of the public space.

a. The first case involves claims for the equal treatment of cultures. Herein lies a community's claim for the opportunity to promote its own culture within a society's public spaces. The case of the Egyptian school in Via Quaranta belongs within this category[12]. Indeed, the extension of the right to have confessional schools requires that institutions promote a public recognition of certain minorities in the territory. What causes the greatest problem with such claims is the fact that they are laid by citizens with respect to their belonging to certain groups. Consequently, both the manner in which the claim is submitted, as well as the answer provided by the relevant institutions, can entail significant confusion. The fundamental criterion for legitimate claims lies in the fact that certain individuals suffered discrimination because they belonged to a particular minority group; therefore, compensation *via* justice can only be affirmed by underscoring that the demand is acceptable based on the fact that these individuals belonged to a disadvantaged group. Moreover, difficulties can arise from the fact that some minority claims involve little more than a request to be treated as equals before the law (i.e., the right of having confessional schools is rule of law), while other claims demand An affirmative action by institutions and also involve unequal treatments in order to overcome earlier inequalities (e.g. distribution of specific territory to indigenous peoples).

b. The second kind of claim involves, for example, the distribution of housing to immigrants or Roma[13]. In this case, what seems to be at stake is closer to the classical conception of an allocated good. However, these distributions, although enjoyed by individuals, are again justified with respect to a condition held by certain disadvantaged minority groups. Thus, these distributions are often strongly opposed, as they seem to be incompatible with two historic axes of liberal democracies: universalism and equality before the law. In fact, some citizens would receive different or preferential treatment, obtaining a favourable distribution. Again, what matters most here is the way in which such partial distributions are publicly justified. The classical approach to these issues manages such claims by means of blind neutrality, focused strictly on economic disadvantage (i.e., the allocative-wellbeing paradigm of the classic neutral liberalism), whereas an alternative answer evaluates not just the economic conditions but also the lack of integration and historical injustice suffered by individuals for belonging to a particular minority identity[14].

c. The third category involves cases of strictly symbolic recognition. Among those, we can count the struggle to wear the headscarf in public schools or the opposition to the presence of a crucifix in institutional places. In both cases, public space is understood as a symbolic context, within which the liberal ideal of neutrality has a duty to oppose the implementation of unilateral standards,

mistakenly taken to be neutral. The distribution of public space as a symbolic place, affirming the right of minority identities to be visible, is extremely complicated, as the allocative question (in this case) tends to coincide with the recognition of identity. Essentially, what is "distributed" is the equal recognition of all identities present within public and institutional contexts. In this regard, what is at stake here is the standard of normality to be accepted in a society.

3. Review of liberal paradigm

The analysis of the various claims for distribution of public spaces above suggests that liberal institutions, in dealing with such claims, should promote a important effort for revising some aspects of liberal theory, or, even more difficult, for developing new solutions that stand to contradict (in part) with the traditional liberal answers for such distribution-like problems. Indeed, all such claims, if accepted and justified for the correct reasons, would lead liberal democracies to construct a more inclusive concept of citizenship. However, we are very far from reaching this goal, as claims for recognition by disadvantaged identities are strongly opposed currently by some majority citizens and by the dominant institutions. The latter, in fact, are not inclined to review or reformulate liberal theory, as such revision is extremely complex and could only be developed in a dialogical manner, involving inescapably contentious negotiations with citizens. Nevertheless, if a framework for negotiations is built correctly, then liberal theory stands to become more suitable for the contemporary multicultural context[15].

One of my intentions is to show that liberal institutions, should they remain entrenched in their historical positions, stand to lose a large slice of their legitimacy, as traditional liberal solutions can no longer respond adequately to certain claims laid by citizens of multicultural democracies. Thus, it is crucial that political and social action with respect to negotiations about public spaces be twofold, involving the following two types of movements:

- bottom up, in the case of claims made by individuals and communities to institutions (e.g., students' parents for the school in Via Quaranta) and
- top down, in the case of claims that originate in the autonomous will of institutions to address a problem of democratic society (e.g., Piedmont regional law in favour of Roma population[16]).

That said, accepting the premise that liberal institutions should promote a review of their answers to the claims of certain citizens, it is important to stress that these changes could be conducted while still maintaining an adherence to the classical liberal paradigm. For instance, I have already pointed out that in the case of distributing public spaces of the first type (for private community), one can employ two different justifications. The first argument starting from the normative principle of equal respect and refers only to individual rights, even though justified in view of compensation for those citizens who belong to a disadvantaged group. The second option, by contrast, stands to dramatically change the liberal paradigm, legitimizing

and promoting collective rights and justifying them by affirming the intrinsic value of different cultures or different identities[17].

A further point of tension is exemplified by the second case analysed: the idea that the mere redistribution of goods is sometimes not sufficient. In fact, in order to prevent the allocation of specific urban spaces to particular communities resulting in the segregation and fragmentation of the city's fabric, it is necessary that such distributions be related to the appropriate recognition of identities. In fact, only through this kind of correct recognition can distributions of urban areas be planned in ways that promote a real integration of the minorities in question[18].

Finally, the third case that I examined, the distribution of public space as a symbolic place, showed that even when the distribution of material goods is not at stake, the struggle could nonetheless be very contentious. Indeed, within the contemporary context, many of the most contested cases (e.g. *l'affaire du voil* in France, gay marriage, the crucifix in Italian courts, etc.) arise when the most salient issue at stake is precisely the public recognition of identity differences by the institutions of society. Assuming the traditional liberal interpretation of claims about redistribution, these last kinds of clashes should not be so vexed, as there is no distribution of "concrete" goods at stake. In fact, the traditional liberal paradigm tends to treat identity differences as personal choices that do not pertain to the sphere of justice[19]. In this regard, such a paradigm could not really achieve a fair solution when faced with the on-going clashes between different identities for control over the symbolic meaning of the *polis*. In fact, the struggle to widen the cultural paradigm of "normal" citizen, apart from the symbolic meanings already mentioned, has public and concrete outcomes as well. These outcomes involve a revision of the bonds of membership and would force the majority to accept normative constraints of equal respect towards all citizens, including members of disadvantaged minorities. In dealing with negotiations around symbolic space, the *polis* and its institutions must face issues that are intrinsically part of the definition of liberalism itself: the possibility of improving the ideals of inclusiveness and the legitimacy to be obtained through an ideal consensus given by all members of a society. Indeed, such regulative ideals risk being jeopardized by the fact that liberal institutions do not seem to be able to correctly answer these kinds of claims in connection with how justice and equality should be implemented in the *polis* in the face of minority identities and their hidden presence in the public space.

To conclude this first part of the paper, I compare the different ways in which the three claims about public spaces deal with the agents involved in the negotiation and the kind of reasons that support the distributions achieved. On the one hand, the first two claims for public space involve limited issues such as the distribution of goods locally determined and they imply a dialogue restricted to two agents: citizens who belong to minority groups and the institutions involved in the particular negotiation. Moreover (especially for the second case) there is the possibility for a distribution of public spaces that promotes segregation, rather than inclusion[20]. On the other hand, in the third case, the "symbolic" enlargement of the public space to identities that had at one time been excluded implies the

involvement of all three actors in the triadic dialogic relation described previously. Indeed, such struggles for the public dimension involve a radical revision of the concept of "normality", an expanded discussion about the bonds of membership, and of course a shift in perspective about the liberal ideal of neutrality. This symbolic recognition requires an effort by all citizens belonging to the society, and unlike the situation in the first two cases[21], where such concerns were actually irrelevant, it must be promoted and justified for the right reasons: by appealing to the normative principle of equal respect.

4. The economic concept of public goods

In the second part of this paper, I analyse how the economic theory of public goods casts some light on the discussion about equal distribution of public spaces. Starting with Paul A. Samuelson's classical definition of a public good: "which all enjoy in common in the sense that each individual's consumption of such a good leads to no subtraction from any other individual's consumption of that good"[22], one observes, ideally, how public space should constitute a public good. In fact, according to classical liberal theory, the neutrality of the public sphere would allow anyone to pursue her own conception of the good life without interference or suffering undue disadvantages. Consequently, the public space is neutral in the sense that everyone should enjoy it, barring that such use prevents the full use of the same public space by someone else.

Within the economic theory of public goods, there are two main features that distinguish such goods from others:
- non-rivalry: consumption of the good by one individual does not reduce availability of the good for consumption by others;
- non-excludability: no one can be effectively excluded from using the good.

Moreover, public goods differ from private goods (excludable and rivalrous), club goods (excludable but not rivalrous) and common goods (non-excludable, but rivalrous).

One of the main issues concerning the theory of public goods is that they require the social management provided by some public institution. In these instances, the self-interest of individuals is deemed not able to provide a sufficiently strong motivation to produce such goods. Consequently, in the event that there is a condition of non-excludability for public goods, the economic theory of such goods regards it as rational to be a free-rider. Indeed, by definition, a system that provides public goods allows everyone to enjoy their benefits without fees, while simultaneously do not establish the necessary constraints that oblige every citizen to contribute to the production or maintenance (in case of natural resources) of these same public goods[23]. Consequently, according to economists, in order for society to avoid losing its incentive to provide public goods, it is critical that the social benefits taken from those goods are greater than the cost of their production (this cost is directly proportional to the number of free riders). Thus, an analysis of

the concept of public goods evinces the classic description of a "free-rider" problem. It is emblematic of the lack of personal motivation that often occurs when public, rather than purely personal interests, are at stake. This insight could be useful for discussions about the public space, as the main tensions created by public space claims may relate to the lack of motivation in citizens for understanding the justice framed reasons that underpin these claims. In fact, the motivational issue recalls our earlier discussion of membership as a pre-requisite to obtaining the benefits associated with full citizenship in a liberal *polis*. Hence, we observe that in contemporary multicultural democracies, what is at stake is precisely the emergence of internal rivalries caused by the overcrowding of different identities within the same public space. Members of the majority feel that they have a "natural" right to share public goods, while other citizens have to struggle to obtain the same amount of public goods. In this regard, these rivalries for the distribution of public goods demonstrate that the access to citizenship should involve not only rights, but also duties. In fact, belonging to a liberal *polis* (a liberal society) on one hand, involves benefits derived from collective actions, but on the other, it requires everybody's good will in maintaining a stable and just society (at least in some aspects). Hence, returning to the issue of public recognition, it is worth noting that a serious problem exists for claims by minority identities, as members of the majority often fail to see the justice-driven reasons that support them, much less the personal or motivational reasons for accepting them. Indeed, majority members tend to regard such demands as an unjustified aggression against the public space itself, without ever noticing (or perhaps refusing to note) that the status quo is already culturally mediated by stereotypes regarding who belongs to the *polis* by full right and who, instead, is not directly entitled to it. Thus, citizens belonging in the majority fail to acknowledge that the public space is always managed by some parties more than others. That said, some minority groups (especially immigrant or religious minorities) risk incurring the free-riding phenomenon, in the event that they demand certain recognitions without also accepting the structural rules that govern liberal democratic institutions[24].

Now, in order to better reconnect the arguments I have been describing in this paper, I would like to compare the different claims for public space using the economic concept of public goods. First, I will interpret the three case studies based on the two necessary features of public goods (non-rivalrous and non-excludability). In our first case (i.e., the claim to public space for use by specific communities) at issue is not a rivalry about the same space but rather the exclusionary power that could be exercised by a privileged majority. Conversely, in the second case (i.e., where public space is distributed to individuals by virtue of their belonging to certain disadvantaged groups), there is a significant problem on one hand, in terms of a rivalry for the distribution of a scarce good, and on the other, over the possibility of excluding certain groups from the distribution. Among the three cases, this account is the most consistent with the allocation paradigm for the distribution of social goods. Moreover, the public dimension assumed by such claims does not derive from a notion that the space distributed is strictly "public";

instead, it is derived from a notion that what should be made "public" is the reason for justifying the allocation of some specific opportunities in order to offset previous disadvantages. Finally, regarding claims to conceptions of symbolic space, public space should, at least at the level of ideal theory, correspond to the concept of a *pure public good*: a good that can never be either excludable or rivalrous. Of course, the existence in theory of such a regulative ideal does not imply the real existence of this pure kind of public good in contemporary societies. On the contrary, as I suggested earlier, contemporary rivalries for public space as symbolic good are a source for many of the most disagreeable conflicts in multicultural democracies.

This comparison among different claims for public spaces coupled with the economic concept of a public good has allowed me to point out that public space (at least as analysed in these three cases) may always turn out to be associated with a public good:

Case 1: the allocation of public space reserved for use by specific communities tends to coincide with an *impure public good*. There is, in fact, the possibility that majority members could exercise their power of excluding minorities from obtaining some public space as a means towards a particular group's end (e.g. confessional schools). However, such claims do not imply matters of rivalry, as the group's use of the good in question does not reduce the possibility of its consumption by others.

Case 2: the possibility of allocating private spaces *via* public justification legitimated by a fairness argument seems to coincide with a *mixed merit good*. Here we are dealing with a distribution of private spaces that are both excludable and rivalrous; however, they assume a significant public value in light of their involvement with positive externalities. In particular, merit goods are defined as those goods or services to which the community ascribes social value because they are considered useful to the moral and social development of society itself (education, health care, housing, etc.)[25].

Case 3: the distribution of symbolic recognition could be defined in terms of a *pure public good*, because, as noted above, the liberal ideal of inclusiveness, including the normative principles of tolerance and equal respect, require liberal society to make public space over into something that is both non-rivalrous and non-excludable.

To sum up, the comparison with the economic point of view has permitted me to emphasize that one of the most significant aspects of the production of public goods is an inherently motivational issue. In fact, besides the problem of the rationality of free-riding for individuals mentioned above, the theory of public goods must also face one of the perennial issues of collective choice: the possibility that achieving an efficient allocation of goods is not sufficient to motivate individuals towards agreement. Concerning public goods, the possibility of a Pareto-efficient outcome is outweighed by the difficulties of collective reasoning[26]. Consequently, the last paragraph of this paper analyses the ways in which liberal theory could support the *polis,* showing how it could be used to improve the collaborations and negotiations among citizens and institutions.

5. Liberal Negotiations

The analysis of the economic concept of public goods allowed me to show that the various claims for distributing public spaces imply tensions and difficulties, yet for reasons that are different each time. Sometimes problems are created by the power of excludability possessed by the majority of the *polis*. At other times, what is at stake rather is the perception of a rivalry for a scarce resource and the concomitant fight to obtain such a good.

However, in all of the cases analysed, a problem seems to return from time to time: the difficulty of motivating people who feel they are "de jure" members of the *polis* to accept distributions of public space so as to offset disadvantages that have their origins in history. Members of the majority do not easily recognize that they are thinking according to double standards that discriminate between what is "normal" and what is defined according to a standard paradigm for membership. From the majority perspective, the public space has always existed; moreover, these "first class" citizens cannot effortlessly understand why the community should attempt to broaden its inclusiveness or accept new symbols and new identities into the public sphere. In this way, the hostile attitude of citizens who belong to the majority is explained using the theory of public goods. However, according to the theory of collective action, public goods are still produced by overcoming motivational deficits, when one individual benefits more from the public good than it costs him to produce it. Of course, majorities in our democracies belong to privileged groups whose membership in the *polis* is immediate and "inexpensive", such that the benefits they obtain from collaboration are extremely high. Hence, the claims raised by minority identities for revisions of such membership standards or for the redistribution of public space are the means by which majority members suspect they will lose some of their privileges[27]. Therefore, such requests create extreme tension, as the majority (idealized here as a homogeneous self-interested agent) has rational reasons for opposing certain claims laid by disadvantaged identities, who also have good reasons for contrasting a status quo that favours the majority groups. Thus, it can be said that the rational actions of different collective agents do not engender a fair and stable public agreement. In order to properly manage these tensions, it is necessary that democratic institutions engage in the development of a triadic dialogue, among majority, minority and themselves. Moreover, a fair solution requires that claims be assessed according to two different, though compatible, perspectives:

- a normative perspective that interprets claims in terms of justice and the equal respect that liberal institutions owe all individuals in the *polis* and;
- a dialogical and contextual perspective of negotiation for framing actual decisions about the distribution of space.

Whether public actions proceed top-down (decisions by institutions) or bottom up (*via* citizens' requests), it is important to draw a line between these two perspectives. As a matter of fact, even when negotiations occur correctly, according to justice-oriented reasons, the outcomes are not always entirely satisfactory (and

vice versa). Again, the theory of public goods is useful, since it has already shown that in order to achieve collective actions, it is more important to evaluate individual dispositions and the manner in which certain common decisions are made, than it is simply to analyse questions of efficiency or rationality. In this regard, it is important to distinguish between the potential outcomes of a negotiation and the reasons that underlie it. Indeed, what should be most relevant is precisely the ground of justice that drives institutions and citizens alike to consider possible modifications of the status quo. Such a ground, because it is acceptable and thus legitimate for everybody, necessarily invokes a normative principle of equal respect. Indeed, by referring to this principle, it is possible to demonstrate that claims for the equal distribution of public space (Case 1 and 3) or for the reparative redistribution that favours the most disadvantaged (Case 2) similarly involve the same principle of liberal coexistence. Ultimately, these requests all arrive at the issue of equal membership rights and visibility in the *polis*. The principle of equal respect, along with an individualizing act of recognition, allows institutions to reach specific solutions for each particular case that must be negotiated. In fact, such individualizing acts facilitate the realization of the contextual disadvantaged condition of those making claims for redistribution. However, this procedure of finding *ad hoc* solutions through individualizing acts is not incompatible with the liberal ideals of universality and neutrality, as every recognition *via* equal respect requires a second background argument for resulting justifiable. This second argumentative step is a generalizing act that argues for the common humanity behind individual differences and, therefore, legitimizes the practice of giving equal respect to everybody as a universal moral constraints[28]. Thus, every individualizing act is always subsumed under an umbrella of universal civil and political rights that constitute the social status of equal citizenship. Consequently, the underlying reason of justice for promoting different and contextual solutions is the universal principle that every individual is entitled to equal respect.

This last discussion about equal respect highlights how the proper management of the distribution of public spaces must be promoted for both normative and pragmatic reasons. On the one hand, if such public spaces are only entitled to a privileged majority, than the *polis* will lose part of its normative legitimacy, as institutions would not be treating all citizens with equal respect. On the other hand, promoting negotiations supported by good reasons and by a fair dialogical dimension not only allows justice to develop, but fosters the stability of the *polis*. Starting from a membership perspective, it is important to stress that liberal society, besides the necessity for it to be just, should also obtain its stability for the right reasons[29]. Thus, fostering equal respect among citizens, and between citizens and institutions, is not only necessary from a normative point of view, but it is also relevant to maintaining a stable society. Indeed, from a pragmatic perspective, it is worth noting that democratic institutions, through adequate interpretations and theoretical revisions, could show its citizens that requests for sharing a public conception of justice are not too demanding. In fact, returning to the idea of the *polis* as the public space where citizens share rights and duties, I would stipulate

that the outcomes of fair negotiations could, at least from a contextual perspective, allow for overcoming the motivational deficits intrinsic to the collective production of public goods.

In this final part of the paper, I would like to address the possibility that the same dialogic practice between institutions and citizens could bind these same citizens to certain liberal background principles. That is, the analysis of particular claims to the public space shows that the same minority groups might already be carriers of certain ideals about political society itself. If one believes in being entitled (by right) to fight for the recognition of their identity, not only in terms of a public acquiescence for private individualistic differences (classical model of neutrality), but *via* a public recognition of these differences, then it means that individuals who raise such claims believe that liberal society has particular obligations towards its citizens. In this regard, if a claimant struggles for the public recognition of her identity (or for a specific need) and it is acknowledged that such recognition is "due" and publicly justifiable, then the same claimant (at least implicitly) has demonstrated her acceptance of a background of liberal principles. In fact, is the same dynamic of public negotiation that shows it: when citizens direct claims towards institutions and the public acts of doing so reflect the confidence of getting a positive answer; essentially they are declaring that they believe that these institutions can indeed respond properly to their requests. Consequently, the normative principles underlying liberal institutions are recognized, at least implicitly, by those advancing claims for an equal distribution and for a fair public recognition.

On the basis of this last part of the analysis, it can be argued that the dialectical relationship between those who claim recognition and the institutions that address such requests is the place where the *polis* realizes both the full inclusion of all its citizens and stability. Indeed, the right way for achieving stability is through the citizens' loyalty. In fact, those citizens who claim recognition, not through force but by establishing a dialogue with civil society, show that they consider the public invisibility of certain identities as illegitimate and unjust within a purportedly liberal society. Consequently, they are starting to converge, at least in a minimal way, on the liberal paradigm of inclusiveness and equal respect towards all persons. Thus, liberal societies that show a flexibility and willingness to revise theoretical paradigms can promote stability *via* loyalty towards its institutions. Indeed, this iIs precisely the experience of public recognition grounded in the principle of equal respect. It improves citizen loyalty as the institutions of the *polis* prove their ability to respond properly to these requests. Thus, the same normative principles that have enabled the current arrangement are likely to be recognized and appreciated by those who have obtained a fair outcome on account of the liberal management of public conflict.

To conclude, I suggest that public negotiations achieved for correct reasons (i.e., justice, or the liberal ideals of equal respect and inclusiveness) and that produce a real increase in the equality of the distribution of public spaces can be normatively reconnected to the "social capital" of a liberal society[30]. In fact, the liberal background culture, besides providing a connection to a normative core that legitimates redistributions and public recognitions, is also the means for developing

a fair dialogic relationship among citizens who are members of different groups (horizontal relation) and among all citizens and institutions (vertical relation)[31]. In this regard, I believe that assuming such a negotiating perspective could be the proper liberal way for achieving stability (i.e., by loyalty) and thus also for strengthening the bonds of membership.

Conclusions

The main objective of this paper was to show that the distribution of public space to minorities is one way in which liberal institutions can properly justify the ideal of inclusiveness and increase the stability of the *polis* and mutual respect between citizens[32]. Ensuring the fair distribution of the public space is an essential task for liberal institutions; moreover, by achieving this outcome, the same institutions also help to improve the liberal theoretical paradigm. The extension and development of this theory emerges from the fact that such claims involve eminently "public" negotiations and thus it is necessary that all members of the *polis*, as well as the institutions themselves, take part in a discussion that ultimately becomes a multilogic dialogue. Assuming a negotiating and work in progress perspective could be of a decided advantage to liberal institutions, as not all solutions are provided in advance by theory. This "incompleteness" of liberal theory permits institutions to be flexible while nonetheless maintaining the necessary argumentative rigour.

The three different cases of distribution of public spaces discussed in this paper have enabled me to interpret public space in terms of a public good, whose distribution involves all members of the *polis* even if from each own perspective of agent with personal interests and motivations. Moreover, this parallel has led me to stress that allocative issues are always related to a struggle for the redefinition of membership and that the rigid dichotomy between distribution and recognition does not allow us to distinguish some of the relevant points for managing the distribution of public space.

Finally, I have showed that these distributions, obtained by means of bitter and complex public negotiations, could be understood according to two different perspectives: by a normative analysis that offers the reasons of justice, grounded on the equal respect due to everyone; and by a contextual analysis of the way in which principles of equal respect and liberal inclusiveness can lead to fair negotiations through a triadically structured public dialogue. Substantially, it is important to distinguish between the normative reasons for justice that can never be set aside, and the actual outcomes of a process that are always revisable. If liberal institutions accept and engage themselves in negotiations (viewed largely as work in progress) with citizens then the *polis* will be not just be the place where associative bonds are established and stabilized, but also the place where the associative paradigm could be questioned if it produces injustice and discrimination. In this regard, the *polis* would become exactly that "public space" in which all individuals are equally entitled to be first-class citizens.

Notes

[1] For a deep analysis of the philosophical concept of public space, see Ruppert, 2006.

[2] See Galeotti, 1999.

[3] "The dialogue is justly structured and conducted only when all the relevant points of view are valued and heard and allowed to speak in their distinct voice. If it were to require all participants to speak in a single language, it would not only fail to render other languages their due but also enshrine the domination of the group or culture it represents". Parekh, 2004, p. 207.

[4] See Walzer, 1983.

[5] For a deep analysis of this tricky issue see Sparrow, 2007.

[6] For a new notion of membership see Soysal, 1997.

[7] See Galeotti, 1993 and 1999.

[8] See Dworkin (1977) for the distinction between moral equality understood as prescribing treatment of persons as equals (i.e., with equal concern and respect) and the often implausible principle of treating persons strictly equally.

[9] Kymlicka (2002) promotes a deep analysis of this dynamic, focusing especially on the tension between the nation-building process and fair terms of integration claimed by ethnic minorities within multicultural societies.

[10] By contrast, for a liberal approach that argues for the adequacy of traditional liberal theoretical instruments in pursuing a politics of indifference, rather than a politics of recognition, see Kukathas, 1998.

[11] See Moodod, 2010, p. 10.

[12] See the paper of V. Ottonelli and T. Torresi in this issue.

[13] See the paper of C. Testino in this issue.

[14] It is worth noting that sometimes the possibility of claiming a fair distribution of goods is not only compatible with public recognition, rather such claims need a preliminary sort of recognition. In fact, members of groups who have long been marginalized could have low self-esteem and poor motivation and, for this reason, are not able to struggle for better distribution. For an analysis of this problem of "double-consciousness", see Parekh, 2004 and Tully, 2000.

[15] It seems to me that the general tendency is to recall in a dogmatic way using either an historic or a theoretical model – the traditional liberal one – which had worked well in the past. Nevertheless, it is worth noting that such a liberal model was suitable to a certain context, but it is not clear that it remains the perfect tool now. Therefore, in order to avoid using the liberal model to manage disagreement like a bed of Procrustes, the same liberal theory should involve itself in a revision of its theoretical benchmarks.

[16] "Interventi a favore della popolazione zingara" (Intervention in favour of Roma population), 10th June 1993 (n. 26, B.U. 16th June 1993, n. 24).

[17] See Taylor, 1994.

[18] For an analysis of the connection between distribution of urban spaces and the possibility of widening democratic politics, see Bickford, 2000.

[19] For a relevant criticism of this neutral approach, see Sen, 1992. In his book, Sen argues that the distribution of bundles of different goods is never enough. In fact, real and fair inclusion in a society involves both the acquisition of right of sharing distribution and the "capability" of using such resources.

[20] Amin (2002), for example, analyses how urban segregation, connected with cultural and economic disadvantages, led to the harsh street fights in England in 2001 (known as "Oldham Riots"). In this study, the author highlights that riots broke out due to the strong claims of ownership of particular public spaces by young Asian inhabitants of these areas.

[21] It is worth noting, in fact, that where a real distribution of material goods is involved, like in the two first cases analysed, it is possible that such distribution are granted for the wrong reasons. Of course, such results are not desirable; however, in these cases, the relevant aspect is the effectiveness of distribution. On the contrary, in the case of symbolic distribution what is distributed, equal respect, must necessarily be combined with a justification for the right reason, otherwise the distribution itself would be useless. For an analysis of wrong reasons in favour of the right to wear the Islamic veil in public schools, see Galeotti, 1993.

[22] Samuelson, 1954, p. 387.

[23] Hence, it could be affirmed that free-riding is an optimum choice from an individualistic point of view, but that such choice is not Pareto-efficient from the social point of view. See Varian, 1997.

[24] "They are fellow participants, like the members of the opposing team in a basketball game, without whom there could not be a game, and who therefore have a right to score baskets and win, if they can. Problems arise only in the case of people who want to disrupt the game, while still claiming the rights of players and the protection of the rules", Walzer, 1997, p. 166. Moreover, for a deep analysis of collective choice reconnected with this idea of fair play, see Miller and Sartorius, 1979.

[25] Is important to specify that these goods are called "merit goods," but not because their distribution depends on the merit of single individuals. Rather, they are the same goods that have the merit of guaranteeing positive externalities if they are produced and distributed among citizens. See Fiorito and Kollintzas, 2004.

[26] Unlike private goods that are managed by the market, economic theory does not posses an instrument for evaluating the ratio between individuals' self-interest and the price that everybody would be ready to pay for obtaining a portion of determined public goods. Hence, one of the main issues about public goods is the determination of the "demand function". About this issue and for an interesting analysis of collective choice achieved *via* referenda, see Noam, 1982.

[27] Galeotti (1999, p. 42) speaks about the positional good of monopoly for the exercise of control about social standards.

[28] See Galeotti, 2010.

[29] See Rawls, 1993.

[30] See Rawls, 1993 and Soysal, 1997, p. 510.

[31] Kymlicka (2007, p. 96), in this regard, speaks about a process of citisenisation: "The task for all liberal democracies has been to turn this catalogue of uncivil relations into relationships of liberal-democratic citizenship, in terms of both the vertical relationship between the members of minorities and the state, and the horizontal relationships amongst the members of different groups".

[32] Tully, 2000, p. 475.

Bibliography

Amin, A. (2002), "Ethnicity And The Multicultural City. Living with Diversity", Report for the Department of Transport, Local Government and the Regions and the ESRC Cities Initiative.

Bickford, S. (2000), "Constructing Inequality: City Spaces and the Architecture of Citizenship", *Political Theory*, 28, pp. 355-376.

Dworkin, R. (1977), *Taking Rights Seriously*, Cambridge: Harvard University Press.

Fiorito, R. and Kollintzas, T. (2004), "Public Goods, Merit Goods, and the

Relation Between Private and Government Consumption", *European Economic Review*, 48, pp. 1367-1398.

Galeotti, A.E. (1993), "Citizenship and Equality: The Place for Toleration", *Political Theory*, 21, pp. 585-605.

Galeotti, A.E. (1999), *Multiculturalismo. Filosofia politica e conflitto identitario*, Napoli: Liguori.

Galeotti, A.E. (2010), "Multicultural Claims and Equal Respect", *Philosophy & Social Criticism*, 36, pp. 441-450.

Kukathas, C. (1998), "Liberalism and Multiculturalism. The Politics of Indifference", *Political Theory*, 26, pp. 686-699.

Kymlicka, W. (2002), *Contemporary Political Philosophy*, Oxford: Oxford University Press.

(2007), *Multicultural Odysseys*, Oxford: Oxford University Press.

Miller, F. and Sartorius R. (1979), "Population Policy and Public Goods", *Philosophy and Public Affairs*, 8, pp. 148-174.

Moodod, T. (2010), "Moderate Secularism, Religion as Identity and Respect for Religion", *The Political Quarterly*, 81, pp. 4-14.

Noam, E.N. (1982), "Demand Functions and the Valuation of Public Goods", *Public Choice*, 38, pp. 271-280.

Parekh, B. (2004), "Redistribution or recognition? A Misguided Debate", in S. May, T. Modood and J. Squires (eds.), *Ethnicity, Nationalism and Minority Rights*, Cambridge: Cambridge University Press.

Rawls, J. (1993), *Political Liberalism*, New York: Columbia University Press.

Ruppert, E.S. (2006), "Rights to Public Space: Regulatory Reconfigurations of Liberty", *Urban Geography*, 27, pp. 271–292.

Samuelson, P.A. (1954), "The Pure Theory of Public Expenditure", *Review of Economics and Statistics*, 36, pp. 387-389.

Sen, A. (1992), *Inequality Reexamined*, Oxford: Oxford University Press.

Soysal, Y.N. (1997), "Changing Parameters of Citizenship and Claims-making: Organized Islam in European Public Sphere", *Theory and Society*, 26, pp. 509-527.

Sparrow, R. (2007), "'Barbarians at the Gates': the Moral Costs of Political Community", in I. Primoratz (ed.), *Politics and Morality*, New York: Palgrave Macmillan.

Taylor, C. (1994), "The Politics of Recognition", in A. Gutman (ed.), *Multiculturalism, Examing the Politics of Recognition*, Princeton: Princeton University Press.

Tully, J. (2000), "Struggles over Recognition and Distribution", *Constellations*, 7, 2000, pp. 469-82.

Varian, H.R. (1997), *Intermediate Microeconomics. A Modern Approach*, New-York: W.W. Norton & Company.

Walzer, M. (1983), *Sphere of Justice. A Defence of Pluralism and Equality*, New York, London: Basic Books.

(1997), "The Politics of Difference: Statehood and Toleration in a Multicultural World", *Ratio Juris*, 10, pp. 165–176.

Toleration and Respect in a Multicultural Society. An Overview

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0. Premise

Toleration has been invoked as a philosophical and political ideal aiming at bringing social stability and pacific coexistence to modern societies. Nowadays, appeals to toleration animate the political debate about policies addressed to meet minorities requests and claims, among which the allocation of public spaces is more and more relevant. Although the theory and practice of toleration have been focused on from several points of view and largely discussed, those requests and claims give rise to reformulation and further articulation. In this paper I will analyze the meanings of toleration as a preliminary step to cope with the core question of the present research: the redistribution of public spaces conceived as urban, public, private and symbolic spaces, aimed at different groups within the multicultural societies. Specifically, this research aims at identifying the right model of redistribution corresponding to a revised idea of toleration grounded in the principle of respect. The hypothesis is that grounding toleration on equal respect for persons may contribute to developing redistribution policies combining the basic commitment to equality with the need to accommodate cultural diversity without undermining social cohesion.

My contribution to this research aims at showing how toleration has been conceived as the liberal strategy to respond to deep disagreement which makes a political agreement on liberal institutions difficult if not *prima facie* impossible. To do that, I will deal first with the notion of toleration, starting by emphasising the negative feelings connected to it. Then, as a second step, I will move on to consider toleration from a political point of view, hence it can be qualified as negative and positive toleration. Positive meanings of toleration as both moral and social virtue will be drawn by showing how it works in favour of a peaceful cohabitation among diversities with special regard to minority groups. The justification for toleration comes to be based on fairness as a principle of political justice. As the traditional articulation of the ideal of toleration as fairness corresponds to the liberal principle of neutrality - only constitutional settings which are neutral between different conceptions of the good may be reasonably accepted by everyone - in the third step, I will concentrate on cultural differences, those that seem to be resistant to the