

John Rawls and His Contribution to The Theory of Deliberative Democracy

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Abstract - The paper presents John Rawls positions on social justice and political liberalism, namely thus two theoretical standpoints later served to develop one of the currents in the theorizing of deliberative democracy. Adhering to the definition of public reason and procedures for building consensus on the public good, Rawls in his early and later works developed a concept of political decision-making that takes into account the optimality of the solutions offered and the full legitimacy of the policy-making process. The current inspired by theories of deliberative democracy has been widely criticized for its political approach, which does not show sensitivity to the sociological aspects of policy-making and political decision-making. This is especially true of the way he postulates his two principles of social justice as impartiality and the expectation on sociologically naive pedestals to form and accept the rules of deliberation.

Index terms - John Rawls, justice, political liberalism, overlapping consensus, deliberative democracy.

1. INTRODUCTION

In modern political philosophy, together with Habermas, John Rawls is considered as a one of the most important theorist to charge the theory of deliberative democracy. Although critics of Rawls's work can already be found in the literature, arguing that there is no basis for developing a theory of deliberative democracy in his most important works, *Theory of Justice* [1] and *Political Liberalism* [2] [3] the prevailing assessment is that this author's idea of public reason is closely related to the concept of deliberative democracy.

For Rawls, public reason is a vital component of deliberative democracy. Public reason is also defined as a set of reasons and ways of thinking that are necessary to obtain appropriate legislative or constitutional solutions to important political problems. Public reason is considered a central theme in his project entitled *Political Liberalism*. Basically, the public use of reason, ie the rational behavior of the individual in policy-making and political decision-making, allows every interested citizen to have access to and benefit from it. As Rawls himself defines it, "public reason is characteristic of a democratic people: it is the reason of its citizens, of those who share the status of equal citizenship" [2]. However, as Saward notes, this notion of public reasoning and the use of reason in public debate to reach optimal solutions does not mean that "everyone" should be involved and (or) satisfied. More precisely, it could be said that Rawls's mass participation is not

intended to be permanent or mandatory, but applied only to certain categories such as judges, elected politicians, government officials and the like [3].

2. POLITICAL LIBERALISM

It is important to note that Rawls does not incorporate the public use of reason into policy-making in discussions of political issues, but in "constitutional content and questions of fundamental justice" [3]. However, as such, public reason or the use of reason in policy-making through public debate is significantly different from the non-public (private) reasons given by citizens for issues of a political nature and of public interest - usually in appropriate places such as are churches, universities, etc.

Trying to explain the reasons for the emergence of self-restraint among citizens in the process of discussing and voting on basic political issues, Rawls, in line with the main idea in *Political Liberalism*, points out:

Our use of political power is appropriate and therefore justified only if it is carried out in accordance with the foundations of the system (the Constitution), which are expected to be accepted by all, in the light of the principles and ideas that are acceptable as reasonable and rational [2].

However, this determination of issues of public political interest encounters several challenges, such as the strict framework of constitutionality (in accordance with the foundations of the system), achieving general acceptability and

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rationality of positions in the political decision-making process. These are just a few of the critiques of Rawls's principles of political liberalism. Because of these criticisms, he decided to publish a new text in which he tried to strengthen the shaky positions (1997 - although he already gives a completely different title *Revised Idea of Public Reason*) [4]. One of those answers includes the idea of political legitimacy based on the criterion of reciprocity (this idea will later become a key element of public reason), because in a situation where citizens fulfill a specific form of public reasoning as part of political decision-making, they should to ask themselves which measures are reasonable to accept, and then decide to set them within the framework of deliberation, or more specifically our use of political power is appropriate only when we sincerely believe that the reasons we should offer for our political actions - in the case of what we consider to be government decisions - are sufficient, and we also reasonably consider that other citizens could accept these causes [4].

But what is worth noting in this quote are the skewed words, which emphasize the imperative of Rawls' thought and reinforce the normative component throughout its theorizing. These and some other similar passages in his books (especially in *Political Liberalism*) are the main points on which critics locate the weekly liberal and undiscursive position in Rawls tradition of deliberative democracy thinking [3]. This allegedly non-deliberative position, in the process of policy-making and political decision-making, sets the stage for "how to think about fundamental issues within a political forum." It follows that "Rawls' essential view of the structure of public reason and its use in political decision-making processes is the content of rational concepts of justice" [4]. The conclusion that is imposed by the nature of Rawls's reasoning, portrays public reason, ie its public use in political decision-making processes, primarily as a "thing" and not as a process, something that is primarily given and not created or practiced.

As an object of overlapping consensus, Rawls in *Political Liberalism* assumes the ideal position of public reasoning or deliberation. In this process, the comprehensive doctrines of individuals compete for the triumph of their positions on an equal footing.

... the directives on the examination of public reason, like the principles of legitimacy, have the same basis as the essential principles of justice. This implies that in justice as impartiality, the parties in the original positions, in adopting the principles of justice as a basic structure, must also adopt directives and criteria of public reason in order to be able to implement these norms [2].

3. SOCIAL JUSTICE AS IMPARTIALITY

The first work by which Rawls is best known is *The Theory of Justice* and was published in 1971. This book is for many authors considered as a key milestone in the political

philosophy of the time. Among the most significant innovations contained in this work are the *two principles of justice* as impartiality. Rawls derives the essence of the two principles of justice as impartiality from the assumption of the existence of several different types of political concepts of justice. Namely, both principles of justice as impartiality have a lexical consequence, and the realization of the first conditions the success of the second. They read:

First, every person should have an equal right to the broadest scheme of equal freedoms, which is compatible with similar schemes of liberty of other people.

Second, social and economic inequalities need to be regulated in such a way that at the same time (a) they can reasonably be expected to benefit all and (b) be associated with positions and services that are open to all [5].

Social justice understood as impartiality is just one of these possible solutions, which in the final position must accept reciprocity as a basic rule of the game. The individual and group interests of the citizens, developed by the comprehensive doctrines, should participate in the public creation of the overlapping consensus. From this arises an interesting conclusion of Rawls, that the existence of these various comprehensive doctrines implies the existence of several different types of liberalism. However, what is preferred as the basis for justice as impartiality is political liberalism. From the evolution of this view, it can be concluded that it interweaves the most important thread that connects its two most important works [1] [2].

In a condensed form, the two basic principles of justice as impartiality are based on the assumption of an ideal position for public debate among citizens, who participate in deliberation in the pursuit of the common interest. Deliberation aims to "reach a certain conception, which is in accordance with their convictions of what (should) constitute the essence of justice." Starting from this moment, the idea of reaching an overlapping consensus develops, which is in line with the ideals of deliberation as a general and inclusive process. The overlapping consensus, understood and presented in this way, offers the opportunity to amortize diametrically opposed views during the political debate. Therefore, this sequence is often cited, and can be evaluated and exploited in discussions of multicultural engineering of states and theorizing about citizenship, especially in plural societies (for this see [6], [7], [8], [9]). But what can certainly not escape criticism is the sociological naivety because of his Russoian rudimentary portrays of the state of society and the original positions for delivering and defending interests.

4. DELIBERATIVE DEMOCRACY

Exploring the connection between the argument that Rawls presents in his two books *The Theory of Justice* and

Political Liberalism, the outlines of his conception of the initial position in the process of policy-making and political decision-making, comes to a synthesized version of his views, which includes all more significant terms. This version is usually shown as the difference between two simultaneously set situations.

In the first situation, the given beliefs of the individual are presented in the initial and original position for deliberation. Through a process called reflective equilibrium, citizens align their original beliefs and positions with the assumptions of justice, as conforming to the structure of choice. At this level, individuals agree on both principles of justice as impartiality.

In the second situation, individuals are immersed in their comprehensive doctrines that shape the political arguments for the deliberation of individuals. As soon as people step into a public political forum, or more precisely, as soon as they start thinking through reasonable alternatives to the underlying issues, voting can begin. It follows that individuals involved in the deliberation process must, before embarking on a concrete political decision-making process, accept the limitations of public reason. In this way, the developed political conception of justice, which satisfies the requirements of public reasoning, opens the possibility to identify the positions for accepting a solution to the specific problem, which will be agreed by all concerned - through the so-called overlapping consensus.

Sociological naivety in characterizing Rawls' initial position of deliberation comes to the fore when he assesses that reflective equilibrium does not necessarily imply the participation of all, but rather the conviction that others are rational individuals seeking to reach similar conclusions. In this way the deliberation itself is superfluous, that is, it could be said to constitute the essence of public reason, which does not have to be "unlimited, open-minded or active public deliberation". Public reason or its public use for reaching solutions in the political decision-making process has inherent and static properties. In fact, this is one of the remarks about Rawls original departure from the theory of justice as impartiality from the concept of deliberative democracy [3].

Nevertheless, the elements that leave room for identifying the foundations of Rawls theory of deliberative democracy are found in *Political Liberalism*. The departure from the non-liberal aggregate model of political engineering in certain parts of this book is so drastic that it is believed that here Rawls has actually offered a new theory. The ammunitional treatment of the nuances in the development of Rawls's theorizing implies a deeper analysis, than the previous statement of the basic concepts from his analytical-normative instrumentation. In

Political Liberalism, Rawls is fully aware that the original position is constructed from the interests of citizens who belong to various moral, religious and other comprehensive doctrines and who in public use often manifest themselves in a way that does not "respect" them (Rawls's assumed) rules of the game`. Source positions cannot be analyzed solely as the selfish interests of individuals, determined by class or status. In this respect, they are not exclusively related to the notion of political liberalism in the public sphere, but challenge both political liberalism as a framework for justice and the Western definition of the public sphere itself [2].

Acknowledging the weakness of the previous argument, Rawls makes a decent contribution to the development of deliberative democracy. It does so by overcoming this weakness and enriching public nature views (much as Habermas did by differentiating between the "hard" and "soft" spheres of publicity) which must now be "mirrored". ` in relation to social reality. But the crucial moment in the evolution of the theory concerns the strengthening of the normative foundations of discourse. Now Rawls, abandoning the previously imperative principles of reciprocity, demands that citizens (similar to judges who in the most complex cases often refrain from expressing their views) from a position of using public reason in political decision-making processes, have to vote for political values, which they most sincerely feel are the most reasonable [4].

In this way, one of the biggest innovations of the reshaped source position, refers precisely to the possibility to include in the processes of policy making and political decision-making, citizens who follow comprehensive doctrines, bearers of new ideologies, alternative lifestyles and specifically set individuals. and groups on the margins of society. As such, they can only enrich the process by publicly exposing their alternative concepts of social justice. Demonstrating an enviable sensitivity to the new cultural diversity of modern society and a wide acceptance of well-meaning criticism, Rawls provides new directions in developing the theory and applicability of deliberative democracy, such as its functioning in pluralistic and divided societies, but also in communities. two-stage and profound diversity and deprivation.

Polishing the line of theorizing and argumentation, in Rawls, inter alia, ultimately results in the emergence of several other notions and criteria of social justice, such as duty of civility. In the initial conception, the duty of decency is related to the social structure (Durkheim would be said to be a fact), and since everyone pursues their own interests by arguing with others who share the same or similar views, it is difficult to imagine to be indecent. But later, when Rawls speaks of comprehensive doctrines and the exclusion of certain individuals or groups from the "rules of the game," there is a need to fill the "gap that

emerges with the transition to *Political Liberalism*" used by selfish individuals to deliver your political agenda in the style accept my view of things or be cursed. But Rawls does not try to normalize obscene individuals in his theory, but by accepting diversity in the behavior of human nature, imposes a condition that people be normal if they want to (and Rawls assumes they want to, it is in their interest - from this conclusion builds a theorem) to rule justice in their relationship. After all, the whole They equally affirm both their comprehensive doctrines and the political conception (criteria) of social justice [4]. later theory of justice as impartiality is based on the idea of political liberalism in which individuals are free and equal. They equally affirm both their comprehensive doctrines and the political conceptions (criteria) of social justice [4].

5. CRITIQUE OF RAWL'S POSITIONS

Finally, Rawls' direct views on the essence and future development of deliberative democracy are challenged in a few moments.

First, is deliberative democracy possible outside environments in which the public sphere is not postulated on the principles of justice and among indecent individuals?

Second, should and what should be the form of control of the solutions that would be obtained after an extensive deliberation process, which Rawls obviously did not foresee? and

Third, is it possible to imagine a subject of deliberation, in environments in which the initial, ie the original situation has both real and positive features, and yet there is no critical value of agreement on the rules of the game?

Based on these and other criticisms, Saward builds his perspective on the future of deliberative democracy theory[3].

CONCLUSION

A review of John Rawls's positions on the theory of deliberative democracy is conditioned by the knowledge of his epistemological positions expressed in his two most important works *The Theory of Justice* (1971) and *Political Liberalism* (1993).

In his first work, *The Theory of Justice*, Rawls tried and succeeded in offering a comprehensive theory of social justice as impartiality. In this work, Rawls logically innovated two principles of justice as the *conditio sine qua non* of social justice. First, every person should have an equal right to the broadest scheme of equal freedoms, which is compatible with similar schemes of liberty of other people. Second, social and economic inequalities need to be regulated in such a way that at the same time (a) it can reasonably be expected that they will benefit everyone and (b) that they relate to positions and services that are open to all. enabled him to support his positions. As more important terms from his book *Political Liberalism* from 1993 in

the paper were presented the terms: public reason or public use of reason, overlapping consensus, comprehensive doctrines, mirror public, duty of civility and others.

In particular, for the theory of deliberative democracy, more precisely for the political theory of this model of policy-making and political decision-making - what Rawls's views are considered, the most important is the new innovation in the field of conforming the electoral preferences of individuals according to the structure of and presumed principles of justice - which he expects to be widely accepted.

On the other hand, when individuals, following their comprehensive doctrines, step into the public political forum, or more precisely, as soon as they begin to think through reasonable alternatives to the underlying issues, voting could begin. It follows that individuals involved in the deliberation process must, before embarking on a concrete political decision-making process, accept the limitations of public reason. In this way, the developed political conception of justice, which satisfies the requirements of public reasoning, opens the possibility to identify the positions for accepting a solution to the specific problem, which will be agreed by all concerned - through the so-called. overlapping consensus.

In fact, his contribution to the theory of deliberative democracy contains elements of weakness in argumentation and his "sociologically naive position", he is severely criticized in the following three points (1) whether deliberative democracy is even possible outside environments in which the public sphere is not set according to Rawls's principles of justice? and (3) is it possible to imagine a subject of deliberation, in environments in which the initial, ie the original situation has both real and positive features, and yet there is no critical value of agreement on the rules of the game?

These are only a small part of Rawls enormous contribution to the construction of the theory of deliberative democracy and the indications of some of the weaknesses of his position which have a weak sociological argumentation, in accordance with his political background and philosophical perspective.

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