TOLERANCE AND DELIBERATIVE DEMOCRACY

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In commenting on the way J. Rawls and J. Habermas envisage the concept of morality, Donald Moon comes up with a very subtle observation: if Rawls assumes that the people engaged in a discussion meant to establish the rules of a just society *are* already moral, Habermas starts from the assumption that these people *become* moral during the process of discussion and agreement [5]. This distinction will be obvious in the way citizens debate when engaged in the process of building a just society.

The issue of deliberative democracy is of great importance nowadays. Both John Rawls and Jurgen Habermas have been particularly interested in this topic, their fundamental preoccupation lying in searching for the content of justice. The basic idea that makes the two political philosophers "meet" is that the ethics of deliberation is tremendously important in a democratic society. The procedure of deliberation defines the quality of the results and the principles are just only insofar as the procedure of choosing these principles is just. In other words, justice depends directly on the procedure that leads to the outcome.

Reasonableness and rationality are the necessary qualities of the deliberating citizens. Willing to cooperate/discuss in order to establish together the principles of justice, the Rawlsian citizens are rational and reasonable at the same time. The question of reasonableness was introduced by John Rawls in *Political Liberalism* [6] and makes reference to (1) the availability to co-operate with the others and to (2) the existence of a pluralism of reasonable conceptions. John Rawls is aware that in a truly democratic society there can be an infinite number of conceptions of life, many of which are in sheer conflict with (the) others. As such, he addresses a fundamental question: "How is it possible to ensure the existence in time of a stable and just society which is made up of free and equal citizens, deeply divided over reasonable religious, philosophical and moral conceptions? This is a question of political justice, not one of absolute truth" [6]. He develops a political conception that will accommodate this infinity of (comprehensive) conceptions. The only "requirement" will be that each of these personal conceptions should be reasonable, i.e. none should claim that it has an absolute value, rejecting the others as being inferior / not valid. The free and equal citizens will thus create a space defined by the famous Rawlsian syntagm "the fact of reasonable pluralism". This is the space of political liberalism which "assures not only the simple presence of pluralism, but the presence of the reasonable pluralism" [6]. In this way, the people that publicly deliberate will reach a *consensus* regarding the principles of governing. Each individual will form his own opinion, but he will accommodate it to the general political conception governing the society in which he lives. Any disagreement that will inevitably appear between the different conceptions of life will be integrated into this space of tolerance and justice. Of course, Rawls takes into account only the space of the constitutional democracies that have been used to the principles of democracy for a long time.

J. Habermas discusses discourse in relation to rationality. As such, he states in the first volume of *The Theory of Communicative Action* that "we call a person rational who, in the cognitive-instrumental sphere, expresses *reasonable opinions and acts* efficiently" [4:18], and that one can speak of communicative action "whenever the actions of the agents involved are co-ordinated not through egocentric calculations of success, but through acts of reaching understanding. (Participants).. pursue their individual goals under the condition that they can harmonise their plans of action on the basis of common situation definitions" [4:286]. Habermas makes a very clear-cut distinction between a discourse that aims at common understanding and harmonisation and the one in which participants merely try to achieve their individual goals (the so-called *strategic communication*). What Habermas is interested in is the former type of communication.

Without starting a debate upon language philosophy, one needs to consider briefly the way Habermas envisages the relationship between language and world in order to understand how people actually come

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together in a society through the use of a common language: "The meaning of sentences, and the understanding of sentence meanings, cannot be separated from language's inherent relation to the validity of statements. Speakers and hearers understand the meaning of a sentence *when they know under what conditions it is true.* Correspondingly, they understand the meaning of a word when they know what contribution it makes to the capacity for truth of a sentence formed with its help" [4:276]. The concept of *situatedness* is therefore very important in understanding both language and its relation to society. Simone Chambers writes in "Discourse and Democratic Practices" [2:244] that "Stable political systems require some underlying belief in the legitimacy of the systems". *Stability, legitimacy* and *belief in this legitimacy* are all elements of the same system, called society. Chambers also argues that discourse functions as a test for the legitimacy of the political system of a society insofar as "*institutions and norms are legitimate* if citizens would freely consent to them" [2:Introduction]. It is reasonable to think that consent and political participation are two sides of the same coin. A society is interested in consent / consensus for its well-functioning and political participation is the very means of reaching such a consensus. I do not want a confusion to be made between consent and consensus: the former deals with accepting something being convinced, through argumentation, that that is the best possible thing, whereas the latter deals with pluralism and the way people find, through argumentation and compromise, a common ground of discussion.

Rawls's point in *Political Liberalism* is to re-define the "well-ordered society" (a concept largely dealt with in *The Theory of Justice*). In order to do it, Rawls starts from the concept of "the basic structure of society" which is "the manner in which the main social institutions get integrated in the system, and the way in which these institutions assign fundamental rights and duties, modelling the distribution of the advantages resulting from the social cooperation" [6: 241]. The well-ordered society will be one in which this basic structure of society is "efficiently governed by a political conception of justice functioning in the middle of *an overlapping consensus*" [6: 63]. Rawls insists on the concept of "the basic structure of society" because he thinks that justice in a society regards political institutions and the way they function. The basic structure of society is formed by people and, something which is tremendously important, will influence the members of that society.

It is true that compromise and understanding in the political realm are different from the ones in the non-political areas. Mark Warren states in *The Self in*

Discursive Democracy that "What sets political relationships apart from social relations more generally is that they involve disruptions and conflicts that require explicit negotiation" [7: 171]. Moreover, compromise seems to be almost impossible to reach in certain cases when two or more fundamentally different understandings clash. However, reasonably arguing helps in reaching a *minimum consensus*. J. Habermas deals with the difference between *values* and *norms*. If values are part of identity and life projects, and, therefore, are highly personal and subjective, norms are exactly the established regulations people try to create in order to make it possible that a pluralistic society, with a virtual infinity of values, exist and function normally. J. Rawls's *Political Liberalism* deals in fact with the same problem and places these "norms" in the political realm.

What is in fact the difference between compromise and consensus? Rawls addresses this question and stresses the fact that a consensus is possible only between equal people: if people are *not* equal, it is only compromise that will function. He will thus introduce the concept of "overlapping consensus", explaining that, "in the case of an ideal overlapping consensus, each citizen will support both a comprehensive doctrine, and the central political conception, the two of them being somehow related" [6: Introduction]. Habermas understands the status of the people engaged in this communication process in the same manner: they are equal and they discuss in order to agree upon the rules of their society. He introduces a concept, as well: the one of "the ideal speech situation" because people just do not talk wherever and how they want to. Truth, honesty and normative legitimacy are the three basic universal claims and the legitimacy of each norm can only be judged by looking at the rules of argumentation. These rules define the ideal speech situation where the only thing that matters is the force of the best argument [3: 323].

An interesting relationship that one should consider in discussing the way Habermas understands democracy is the one between discourse and self-improvement, between democratic discourse and morality. It should also be said Habermas mainly understands the self in its cognitive dimension. Starting from analysing the radical democrats' claim that "powerlessness corrupts and absolute powerlessness corrupts absolutely" [7], Warren agrees with Habermas that democratic experience produces better people. Of course, the notion of good or bad people is highly relative, but one understands what this means if one starts considering the general democratic *dispositions* that all point to the relation with the other. Discourse, reasonable argumentation, tolerance of the different, and

willingness to cooperate are all part of the democratic mind.

What Warren means when he thinks that democracy "produces" better people is that communication transforms character structures. Going through the theory of self-development through socialisation, Warren explains that discourse forces, in fact, participants to deal with desires at the cognitive level which means enforcing the patient's communication with himself. In doing this, the participant in a discourse not only learns to *reasonably* understand his desires, but also becomes engaged in the open dialogue with the other's dealing with his desires, values.

Starting from Austin's classification of linguistic acts as locutionary acts, illocutionary and perlocutionary ones, Habermas understands communication, in the sense of *trying to reach an agreement*, solely in connection with the illocutionary ones. "By means of an illocutionary act a speaker lets a hearer know that he wants what he says to be understood as a greeting, command, warning, explanation and so forth. His communicative intention does not go beyond wanting the hearer to understand the manifest content of the speech act. Illocutionary results are achieved at the level of interpersonal relations in which participants in communication come to an understanding with one another about something in the world. Illocutionary results appear in the lifeworld to which the participants belong and which forms the background for their processes of *reaching understanding*" [4: 293]. This quotation helps us in approaching *discourse as the solution to reach an agreement* in a pluralistic democracy if one points to the desire of any speaker that what he says should be understood as an invitation to dialogue. Of course, public discourse, and especially the political one, combines the communicative and the strategic action since the participants are interested in achieving their goals as well as trying to reach consensus. But it should be clear that Habermas understands this illocutionary "part"/ aspect/ feature of communication as implicitly including the right of the other(s) to take a yes / no position in this dialogue.

Kenneth Baynes shows in *Democracy and the Rechtsstaat: Habermas's Faktizität und Geltung* [1] that for Habermas "the *legitimacy of law* derives from the fact that it has a rationality of its own, secured in the mutual guarantee of the private and public autonomy of citizens, that ultimately refers back to the bonding / binding illocutionary force inherent in communicative reason and action" [1: 212]. Thus, the law becomes "the sole medium through which the communicative power of citizens can be transformed into administrative power" [1: 213]. Baynes shows very clearly that the Habermasian version of the consent theory is one in which legal authority has its roots in the process of *communication*, whereas the Rawlsian appeal to public reason has its roots in Rawls's belief in the *fundamental moral powers of citizens*. It is clear then that the process of democratisation regards society as well as the whole legal system. Whether it is about communication or morality, the legality of a system must necessarily have the consent of the ones that are supposed to obey the law.

Deliberative democracy is a space in which citizens talk. They create a special context (the Habermasian ideal speech situation) in which they talk about the (Rawlsian) basic structure of society. They do this because, deeply divided by their private life-opinions and conceptions, they want to find a common public ground on which their society should function. They talk starting from the desire of reaching an agreement or a consensus. And in order to reach this (overlapping) consensus, they use their reasonableness and rationality.

I shall conclude with Simone Chambers's arguing that discourse is *a process in the making* that sees its result after a long, even painful debate: "A general agreement can emerge as the product of many single conversations even when no single conversation ends in agreement. Consensual agreement, if and when it does emerge, emerges gradually and is fragmentary and partial" [2: 250].

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