

## DEMOCRACY, LIBERTY AND POLITICAL TOLERANCE<sup>1</sup>

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### ABSTRACT

Without a doubt, recognising that democratic societies are plural and multicultural gives rise to a challenge to which the theoreticians of democracy are obliged to respond. It is also a fact that contemporary societies characterise themselves by a pluralism of values: that is to say, a pluralism related to ways of life and perspectives that are often in conflict.

In this context, there is an inevitable tension between freedom and democracy, between the values which protect individual liberty and those which respect the will of the majority and between the principle of liberal legitimacy and the democratic principle

These seem good arguments for analyzing the extent to which the concept of representative government and freedom maintained by John S. Mill can shed light on contemporary views of political liberalism which try to overcome this tension between democracy and liberty. These views incorporate the recognition of pluralism and the idea of political tolerance based on accepting an ideal of common justice that is some way universal.

**Keywords:** Democracy, political tolerance, John Stuart Mill, J. Rawls, justice, pluralism, liberty.

### RESUMEN

Sin duda, el reconocimiento de que nuestras sociedades democráticas son plurales y multiculturales ha supuesto un desafío al que tienen que hacer frente los teóricos de la democracia.

Pues, es un hecho que las sociedades contemporáneas se caracterizan por la existencia de un pluralismo de valores, en definitiva, un pluralismo de formas de vida cuyas visiones la mayoría de las veces están en conflicto.

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En este contexto es ineludible la tensión entre libertad y democracia, entre los valores que protegen la libertad individual y los que respetan la voluntad de la mayoría, entre el principio de legitimidad liberal y el principio democrático.

Por ello he considerado interesante analizar, en el presente trabajo, hasta que punto el concepto de gobierno representativo y libertad de J. Stuart Mill puede ilustrarnos hacia concepciones contemporáneas del liberalismo político que intentan superar esa tensión entre libertad y democracia incorporando el reconocimiento del pluralismo y la idea de la tolerancia política a través de la aceptación de un ideal de justicia común y en cierta medida universalizable.

**Palabras clave:** Democracia, tolerancia política, John Stuart Mill, J. Rawls, justicia, pluralismo, libertad.

Although today it is generally admitted that liberal democracy has triumphed, it is a fact that western liberal societies are afflicted by a multitude of social problems. According to many critics both inside and outside liberal thought, these problems can be attributed to an individualistic culture and a breakdown of common values for which liberal thought itself is responsible (S. Sheffler, 1994).

With such criticism, the need for greater social unity and cohesion tends to be confirmed. However, it is evident that the idea of a liberal society as a single national community with a common culture is also under attack. An increasingly diversified population produces conflicts with this society's own history of exclusion and accommodation as a result of the demands of multiculturalism and cultural pluralism (M<sup>a</sup> P. González Altable, 2004: 82).

When examining the paradigm of the liberal political community, a series of key points is focused on. Weaknesses in liberal theories have been uncovered in contemporary debates between liberals and communitarians and between universalists and relativists. Liberal theory has thus been forced to consider different ways of approaching the growing challenge posed by multicultural vindications. These vindications exist precisely when differences are acknowledged because culture itself is considered an essential component of each individual's personal identity.<sup>3</sup> In short, the problem is how to articulate these differences within a common structure.

Thus, reflecting upon democracy becomes a crucial activity, whether it be from a normative point of view or from a more empirical or scientific analysis. Perhaps, as Fernando Vallespin pointed out, this is because democracy is a curious concept that seems to require minimal conditions,

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3 See Carlos Thiebaut (1993, 1994), Amy Gutmann (1993).

although it is never able to satisfy the expectations that it generates. Democracy is not only a normal form of government; it is also an ideal loaded with values such as “justice”, “liberty”, “equality”, or “respect”. This ideal sustained by the concept of democracy makes it difficult for people to be satisfied with any of its distinct concrete manifestations. Yet a continual critical evaluation of political reality can also be carried out. In brief, the normative aspects of the concept of democracy have to be elaborated and its principles and basic values studied.

For this reason, it is not strange that, while these aspects are being elaborated, the role of democratic tolerance becomes vindicated as an essential element in achieving harmony within a plural society.

A democratic conception of society must allow for division, contradictions and plurality. At the same time, it must admit a shared commonground: the agreed-upon acceptance of the rules for the democratic game, the possibility of discussion, tolerance through discourse, and the acceptance of common basic values and principles (liberty, equality, justice, respect) that permit co-inhabitancy within this plurality of options (M<sup>a</sup> P. Gonzalez Altable, 2004:82).

The problem arises when it is time to determine which interpretation of those principles is the most adequate so that a balance that allows for co-inhabitancy among distinct ways of life is truly achieved. Without a doubt, this poses a challenge for those who reflect upon the possibility of finding an ideal of justice that can function as that minimal universalizable ideal which puts the democratic ideal within reach.

To make this point, it seems essential that the tradition of liberal thought is alluded to, albeit briefly given the space limitations on the present work. In particular, John Stuart Mill's contribution stands out. He demonstrates how, since the modern era, there has already existed a clear interrelationship between democracy, tolerance and autonomy.<sup>4</sup>

Mill- just like many other thinkers of the modern era, such as Rousseau, Hume or Kant- places autonomy at the foundation of their respective systems of thought. All of them show how important it is for people to provide themselves with their own rules and to have a free choice in the way of life with which they are associated. Their life projects are respected, not because these projects contain choices with which people can identify, but more so because people respect how the individual decides for himself. Equal value may not be given to the result of each choice. Rather, one's “right” to choose and one's autonomy in this choice is explicitly supported (Rafael del Aguila, 2004: 17).

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4 See also M. Escamilla (2004), F.R. Berger (1984).

According to Mill, liberty and democracy make human excellence possible. Liberty of thought, discussion and action are necessary conditions for developing an independent mind and autonomous judgment; they are vital to human rationality or reason. In this sense, Mill clearly marked the way for modern liberal democratic thought. (D. Held, 1992).

According to F.R. Berger (1984 : 227-99), Mill drew attention to two basic ideas central to contemporary thought. On the one hand, the principle of liberty rests on a conception of the individual as autonomous, and therefore sovereign. On the other hand, the social dimension of man is acknowledged, alongwith the idea that a plurality of ways of life exist and that everyone has the right to create his own life for himself.

In this way, as Rafael del Aguila<sup>5</sup> shows, John Stuart Mill describes a concept of autonomy serving the choice of the individual's vital ends. The principle, therefore, is that of almost absolute liberty and individual self-expression, with a single limitation: the harm that one's actions and choices can cause other people.

"...The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign. ..., because damage, or probability of damage, to the interests of others, can alone justify the interference of society" (John Stuart Mill, 1991: 14,104).

Thus, in Mill, it is possible to find an affirmation of individual autonomy with respect to the State and to the tyranny of the many, through public opinion or custom, for instance. Also upheld is the diversity or pluralism that permits people to learn from difference and to choose according to their inclinations. Moreover, a dangerous increase in the power of the state or of the majority is impeded.<sup>6</sup>

These ideas are present in the development of earlier liberal thought and once again there is the challenge entailed in acknowledging differences. At the same time, a catalogue of common principles must be confirmed to guarantee co-inhabitancy and everyone's right to shape his rational life plan.

There have been many attempts from contemporary liberal thought to meet this challenge. However, given the reasons outlined above, the paradigm of deliberative democracy that extends from Rawls to Habermas will be focused on, with particular reference to the political conception of Rawlsian justice. This is because it may be considered one of

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<sup>5</sup> Rafael del Aguila, (2004: 20-21 and 21-22).

<sup>6</sup> See Rafael del Aguila, (2004: 21-22), John Stuart Mill, (1991: 59, 62-63, 70, 75, 84-85, 92-93).

the most significant and widely debated normative projects within the contemporary panorama.

For today's society, multiculturalism and relativism may rest uneasily alongside social justice. It may lead one to question the feasibility of universally acceptable standards of justice that allow for cooperation and the democratic development of society, or, even more so, a political conception of public justice, such as a complex of abstract normative principles that have a certain universal character (A. Gutmann, 1993).

The problem is knowing whether objective, universal and impartial ethics are possible. Moral values are not empirical and do not rest on demonstrable knowledge. Ethical norms are not established and verifiable general scientific laws. They give a precise meaning to human existence and, therefore, they belong to the field of philosophical, rather than scientific, knowledge (Sebreli, 1992: 73).

The question then is the following: Where can anyone find an Archimedean point, outside of a cultural and political community, from which to justify the local understanding that predominates?

Man has, without a doubt, a capacity to create his own identity from everything that he receives, which neither cultural nor political relativism acknowledges sufficiently (A. Gutmann, 1993). As Gutmann points out, it is not necessary to situate oneself within just one particular culture in a desire to approach or justify the standards of social justice that permit co-inhabitancy. Basic interests, like dignity<sup>7</sup> or the moral reason of human beings, can be found, despite their culture.

Therefore, the point of departure for universalism must be precisely that the pluralism of cultures or ways of life is acknowledged. This is an essential characteristic of contemporary societies when there is an attempt to justify norms that make social cooperation possible so that society is increasingly just and free. Nevertheless, the reality of pluralism is how different ways of life coexist; it is not the trivial and banal truth that individuals hold distinct personal ideals.

It is a fact, on the other hand, that a democratic conception of society does not postulate unity, but that, on the contrary, it accepts division, contradictions, and plurality. However, this division is not absolute. There is a common ground: the agreed-upon acceptance of rules for the democratic game, the possibility for discussion, tolerance through discourse, and the acceptance of some common basic values such as "liberty", "equality", "individuality" or "rights" and the possibility of standards for shared social justice (M<sup>a</sup> P. González Altable, 2004).

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7 See the analysis of J. Griffin for the concept of dignity and personhood as fundamental to human rights.

In this context, the *political liberalism* of John Rawls and his followers<sup>8</sup> supports the idea that their conception of political justice is the nucleus of an overlapping consensus. As such, it can be accepted by people who have different conceptions of good. It also contributes to co-inhabitancy and the harmonisation of social order.

It may be argued, when approaching Rawls's work, that the first clarification to be made is that he does not intend to manifest a justification of liberal institutions in absolute terms with liberal society serving as a model for all communities and societies of the world. Rather, he sets out a less ambitious, although no less important and transcendental, goal. That goal is to vindicate the basic norms of justice so that democratic regimes can be considered constitutional and indicative of western liberal democratic societies and well-organized regimes.

At the end of his work, *A Theory of Justice*,<sup>9</sup> Rawls develops a public conception of justice for a well-organized society formed by citizens that see themselves as moral, free, equal, rational and reasonable persons.

Because of this, Rawls focuses his normative reflection in *Political Liberalism* not so much on the justification of the political conception of justice, but more on its application, validity, stability, and feasibility in constitutional democratic societies. He is driven by two concerns: how stable a democratic society is and whether the principles of liberal legitimacy and, its complement, democratic legitimacy, are valid. These lead him to delimit questions subject to public discussion and the minimum that both institutions and their participants must comply with when solving questions in the public domain so that they can be considered just. Thus, three of his lectures, *The Idea of an Overlapping Consensus*, *Priority of Right and Ideas of the Good* and *The Idea of Public Reason*,<sup>10</sup> complement and add to *Theory of Justice*.

The point of departure is a political conception of *free-standing* justice: *justice as fairness*. This does not present itself as a conception of true justice. It is meant to underpin voluntary and informed political agreement and, in practical terms, provide the basis for a public justification of constitutional agreement within a democracy.

The key question and starting point for Rawls's political liberalism is now the following: How can a just and stable society of equal and free citizens deeply divided by incompatible rational, moral, religious and philosophical doctrines exist in time? Or, to put it another way, how can

8 See J. Gray, (2001: 24.). J. Gray is critical of Rawls's position. However, he considers it necessary to rethink liberalism so that it adapts itself to a situation in which the different ideals of life coexist within the same society and often within the same individuals.

9 J. Rawls, (1971). For a more complete analysis of Rawls's work, see Mª P. González Altable (1993, 1995, 2004).

10 J. Rawls (1993).

comprehensive doctrines that are rational, but conflicting, coincide, and thereby confirm the conception of political justice within a constitutional democratic regime? The problem of political liberalism, therefore, is to produce a conception of political justice for a democratic regime that a plurality of religious, moral and philosophical doctrines can subscribe to without any intention of replacing them or giving them true grounds.

For Rawls, a distinction should be made between the public basis for justifying fundamental political questions generally accepted by citizens and the non-public basis for doing so, which belongs to many comprehensive and acceptable doctrines only from the point of view of those that affirm them. Given the rational pluralism that characterises democratic societies, the intention of Rawlsian political liberalism is to favour, and not to impede, the possible conditions for a rational public basis of justification in terms of essential political questions

In this respect the *principle of democratic tolerance*; the *overlapping consensus* of moral, religious, and philosophical doctrines concerning the political conception of justice; the *priority* of the *right* concerning the *good* and the *limitations of public reason* play a central role. Moreover, there is a *dualism in political liberalism* between the points of view supposed by, on the one hand, the political conception and, on the other, the distinct comprehensive doctrines. This dualism originates from the special nature of the democratic political culture marked by rational pluralism.

It is essential to remember how political liberalism presupposes that rational pluralism is one of comprehensive- religious and non-religious- doctrines. This pluralism is not seen as a disaster. It is more like what naturally results from the activity of human reason under free and lasting institutions. Without a doubt, the success of liberal constitutionalism comes from the discovery of a new social possibility: one of a harmonious rationality and a stable pluralist society. Before pacifistic tolerance was practised, this possibility had been nonexistent in societies with liberal institutions.

Therefore, it is vital that one condition can be stated with perfect conviction: it would be unreasonable for people to strengthen their own comprehensive vision through political power. This is the case even though these people hold that view and consider it to be reasonable or true. A plurality of doctrines or a single reasonable doctrine may attempt to justify using State-held political power as a sanction. Its conception of what is a good life is imposed on the rest, sanctioning those who do not agree with them. At that moment, the conception becomes an unreasonable doctrine. It goes beyond constitutional essence and ideal principles that justify the equality of forces among the plurality of viewpoints characterising democratic societies.

For this reason, Rawls defends State neutrality<sup>11</sup> with respect to the conceptions of good and the priority of “right” over the “good”. The next step is to ask how it is possible to affirm and maintain a comprehensive doctrine and, at the same time, affirm that it would be unreasonable to use the State to make the other members of society adhere to it.

Political values are essential, governing the basic system of social life as well as the fundamental terms of social and political cooperation. Together with those essential values that express the liberal political ideal is the idea that political power is the coercive power of free and equal citizens within a corporative body. This power should be exercised when the constitutional essentials and the basic questions of justice are challenged and only if citizens are expected to subscribe to it through the use of reason.

Political liberalism attempts, therefore, to describe these values such as those belonging to a special, political domain. On an individual basis, citizens are left to determine how those values should relate to and be compatible with the other values that form part of the comprehensive doctrine. It is presumed that citizens have two perspectives- one comprehensive and the other political- which means that their global vision of things can be divided in two parts that are complementary and comfortably interconnected.

It is essential to affirm the complementary relationship that has been ratified by the history of philosophy and religion. What is revealed is that there are many ways in which the very values of the political domain are related. Furthermore, they are congruent with the global system of values shared by comprehensive moral, philosophical, and religious doctrines. All of this leads one to question the stability of the political conception of justice that exists through an overlapping consensus among reasonable moral, religious and philosophical conceptions.

The main point here is about applying the principle of liberal legitimacy. However, this would not be done in an attempt to get those who reject a conception to accept it, or to use feasible sanctions to get those people to act according to it. That would mean that the objective is to find ways of imposing this conception once its solidity was recognised. It is not the case that justice as fairness is an indifferent or sceptical conception with respect to moral, philosophical or religious values. Before anything else, it aims to guarantee an overlapping consensus that in turn ensures social stability and unity.

The problem is how this consensus can be produced over certain political rights and liberties. In virtue of which political values can the

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11. This has led some authors, such as Rafael del Aguila (2003), to speak of Rawlsian “tolerance as neutrality”. See also Susan Mendus (1989) for an analysis of liberal tolerance.

liberal principles of justice achieve loyalty towards them as part of a constitution?

It is a confirmed fact that, at present, there is no universally valid agreement on how institutions of a constitutional democracy should be configured if they have to satisfy the fair terms of cooperation among citizens considered free and equal (M<sup>a</sup>P. Gonzalez Altable, 2004:84). Because of this, perhaps, the most important part of Rawls's work has been to demonstrate the need for an overlapping consensus over some principles, or basic values, which are not seen simply as a *modus vivendi*.

Rather, they should exemplify the incorporation of tolerance as a hierarchical relation. They should be seen as a principle that, together with the obligation of civility, permits co-inhabitancy and the harmonisation within the existing plurality of contemporary societies. With this approach, a solution to all of the problems arising from democratic theory today is elusive. Nevertheless, thanks to the debates that it has caused, there is now a space in which each of these dimensions finds full satisfaction within a scheme of social cooperation among free and equal citizens.

To conclude, the main challenge for a democratic model is perhaps to manage to stimulate an interest in common democratic life within the pluralism of ways of life or in coexistence. Thus, an equilibrium is achieved between the Rawlsian overlapping consensus and a tolerant *modus vivendi* based on negotiation and compromise.

In this respect, the line developed by the liberal tradition of Locke, Mill and others, and its new formulations through Rawls, Walzer, Raz and Berlin, with their differences and concomitances, open the way toward democratic tolerance<sup>12</sup>. This tolerance supposes the acknowledgment of basic principles and values within a universalist reach. At the same time, the consequences, as well as the practical and concrete environment, within the existing social pluralism are not forgotten.

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12 See Rafael del Aguila (2004).

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