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Mission Impossible: Establishing a Consensus in a Pluralist Democratic Society

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ANON, APR 23 2012

As theorists from two distinct political eras, Jean-Jacques Rousseau and John Rawls adapt alternative perspectives to explicate the existence of electoral consensus in the diverse political atmosphere of democratic governance. In *On The Social Contract*, Rousseau reintroduces the ancient Athenian conception of the polis to emphasize the inferiority of individual interests in the political sphere. Formulating an idealized conception of democracy, Rousseau imagines a body politic that suppresses personal ambitions in order to pursue prioritized communal interests in the form of the general will. Alternatively, in his analysis of liberalism's influence on modern democratic institutions, Rawls presents his theory of overlapping consensus to demonstrate the potential for stability in a pluralistic political society. Although Rawls recognizes the inevitability of factionalism, he attempts to establish a system of reconciliation that rationally synchronizes personal beliefs into a more inclusive and tolerant version of the general will. Similar to Rousseau's use of ancient democratic norms, Rawls incorporates the normative consideration of the virtuous citizen to illustrate the importance of compromise in a democratic political system. Therefore, although neither Rousseau's general will nor Rawls' overlapping consensus addresses the realistic implications of political dissent, Rawls' conception of individual interests as rationally interconnected more adequately demonstrates the potential for consensus in the pluralistic environment of democratic governance.

As an Enlightenment thinker during the French Revolution, Rousseau considers the complexity of individual interests in the formation of governmental institutions. Modifying Hobbesian and Machiavellian conceptions of human nature as naturally evil, Rousseau explores man's moral evolution from the selfish primate in the state of nature to the accommodating voter in the democratic community. In his analysis of the social contract, Rousseau emphasizes the change in rights and responsibilities that must occur in order for the populous to enjoy stable governance. When joining a political arrangement, men are expected to forfeit their personal interests in order to pursue the general will (Rousseau, 1987: 24). Adapting an idealized conception of cooperation, Rousseau assumes that man's willingness to surrender his unlimited freedom when leaving the state of nature is indicative of his prioritization of the community's interests. Rousseau attempts to justify this drastic and sudden loss of personal liberty with an alternative perspective on the role of the individual in a political community. He writes, "Since the sovereign is formed entirely from private individuals who make it up, it neither has nor could have an interest contrary to theirs... The sovereign, by the mere fact that it exists, is always all that is should be" (Rousseau 26). In this passage, Rousseau uses the individual to legitimize the supremacy of the general will. Since the citizen is the foundation of the body politic, the general will must technically incorporate individual interests.

This harmonization of private and general wills, however, conflicts with Rousseau's understanding of why an individual joins a community. If motivation for the construction a social contract is considered from a Lockean perspective, the formation of a society is dependent upon the needs of the individual; a man will not relinquish his freedom unless doing so will result in the acclimation of personal benefits. Rousseau states, "For since men cannot engender new forces, but merely unite and direct existing ones, they have no other means of maintaining themselves but to form by aggregation a sum of forces that could gain the upper hand" (Rousseau 23). The desire to protect private interests motivates men to abandon the state of nature and establish a communal form of rule. Thus, Rousseau admits that collective governance is built upon selfish motivations; at some point in the state of nature, "they have no other means of maintaining themselves." Although divergent individual interests exist as a basic

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condition of humanity, Rousseau solves political plurality by assuming that individual will always corresponds with the general will. Since the sovereign body is composed of individuals, Rousseau argues, "it neither has nor could have an interest contrary to theirs" (Rousseau 26). This optimistic claim runs contrary to all empirical evidence on democratic governance. Men join the social contract for personal gains, and such selfish desires do not miraculously disappear with the formation of a body politic. From ancient Athens to present-day America, all democracies must find mechanisms to accommodate the diversity of opinions inherent in this system of rule. Therefore, although the individuals join the sovereign body, this does not necessarily create a harmonious blend of interests.

A contemporary of Rousseau, James Madison purports a more realistic understanding of consensus through his analysis of factionalism. In the eighteenth century, the United States, a nation divided by divergent conceptions of the general will, experienced first-hand the inevitability of conflicting interests in a democracy. When the Constitutional Convention failed to receive the required nine state votes to ratify the Constitution, Madison postulated solutions for the inclusion of diverse interests in one system of governance. He states,

The latent causes of faction are thus sown in the nature of man...A zeal for different opinions concerning religion, concerning government, and many other points...have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to cooperate for their common good (Federalist Papers 10).

The common good, or the general will according to Rousseau, is not the priority of the individual citizen. Since different values necessarily lead to differences in opinions, the probability of a society identifying and pursuing a common interest is highly unlikely. Although Rousseau constructs a correlation between the creation of the sovereign body and the enforcement of the general will, no such relationship exists. Just as the plebeians and patricians pursued conflicting interests in the ancient Roman tribunals, so too does the American system of democracy struggle to reconcile federalists and antifederalists conceptions of the general will. Rousseau anticipates this weakness in his argument and offers a solution by returning to the classical conception of the polis. In Pericles' funeral oration after the Peloponnesian War, he explicates the virtuous attributes of Athenian men and, consequently, their successful implementation of a stable democracy. Throughout the eulogy, Pericles emphasizes the prioritization of the city over the individual, stating, "His merit as a citizen more than outweighed his demerits as an individual" (Pericles, 1903: 125). With a system of direct democracy, Athenian citizens were defined by their political roles.

Although this anti-liberal form of democracy has fallen out of vogue since the Enlightenment era, Rousseau refers to this type of political arrangement to explicate a necessary precondition for the implementation of the general will. Since dissent is a natural occurrence within a community, the only solution to ensure the formation of a prosperous, stable society is through the suppression of the individual's will. Rousseau states, "When private interests begin to make themselves felt, the common interest changes and finds opponents. Unanimity no longer reigns in the votes; the general will is no longer the will of all" (Rousseau 80). The annihilation of the general will is not due to structural inadequacies, but rather the promotion of individual interests. This elaboration legitimizes the theoretical possibility for a government to exist under the general will. Since, as Madison notes, individual opinions are the source of factionalism, a society that places communal will over individual desire would solve the issue of political dissent. Therefore, returning to the virtuous origins of democratic governance, Rousseau utilizes the supremacy of the Athenian polis to illustrate a necessary precondition for the implementation of the general will.

In addition to the suppression of individual interests, Rousseau enumerates logistical requirements that are necessary to ensure the survival of the general will. One of Rousseau's most hated political phenomena is the republican procedure of representation. The section entitled, "On Deputies or Representatives," traces the origins of republicanism to the rise of commerce, a system that implicitly promotes individual interests. Rousseau argues, "Once public service ceases to be their chief business of the citizens, and they prefer to serve with their wallet rather than with their person, the state is already near its ruin... by dint of laziness and money, they finally have soldiers to enslave the country and representatives to sell it" (Rousseau 73). Referring to the system of representation as a commercial transaction, Rousseau alludes to Machiavelli's disapproval of mercenary soldiers to illustrate the dangers of indirect governance. In both *The Prince* and *The Discourses*, Machiavelli warns against the hiring of foreign soldiers; they fight for money, so their political allegiance is uncertain and their commitment to combat is weak

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(Machiavelli, 1994: 139). Since representative government robs citizens of their political obligation to participate in elections, like how mercenary soldiers strip citizens of their responsibility to protect their nation, republicanism is a self-destructive practice.

In his polarizing understanding of direct and indirect democracy, Rousseau asserts that representation is not a proper instantiation of the general will because, “the will does not allow of being represented. It is either itself or something else; there is nothing in between” (Rousseau 74). Therefore, the will of the people can only be revealed in direct elections. As with most of his arguments, however, Rousseau fails to solve the practical issues that plague this precondition. Postulating the logistical implications of a direct form of democracy, Rousseau recognizes the necessity of leisure in order to provide men with the capability to vote. Again returning to ancient Athens, Rousseau summarizes how slaves offered masters the time to pursue political participation (Rousseau 75-76). Earlier in his writings, however, Rousseau delegitimizes slavery in defense of natural rights. When the two concepts clash in his critique of representative governance, Rousseau acknowledges this paradox, yet offers no solution to combine such concerns into a comprehensive framework. Therefore, although Rousseau considers participation a necessary precondition for the existence of the general will, he fails to offer a practical means of implementing direct democracy that does not resort to the reimplementation of slavery.

Since a system of representation is not permitted, citizens must engage in the voting process in order to determine the general will. Although Rousseau prefers a vote of unanimity, he recognizes the difficulty of achieving a consensus on all political matters, and thus approves the system of majority rule. As he details proper voting procedure, Rousseau suggests that the voting process is not a measurement of varying interests in society, but rather a means of searching for the common good (Grofman & Feld, 1988: 568). He states, “The declaration of the general will is drawn from the counting of votes. When, therefore, the opinion contrary to mine prevails, this proves merely that I was in error, and that what I took to be the general will was not so” (Rousseau 82).

Since every man in Rousseau’s ideal political society is voting for what they believe to be in the best interest of the community, elections should reveal the general will. If, however, the winning decision does not correspond with some of the individual ballots, it is because these particular voters made an error in judgment; the decision they voted for, no matter how valid, was not the general will. This contentious understanding of the electoral process introduces a potential empirical dilemma in which a wrong vote gains majority support. In Robert Dahl’s analysis of political factionalism, he recognizes that although majority rule is “more likely than any other to lead to correct decisions,” (Dahl, 1989: 141) there is no guarantee that such governance will consistently produce desirable outcomes. The American Supreme Court case, *Buck v. Bell*, demonstrates the potential dangers of majority rule. Supreme Court Justice Oliver Wendell Holmes approved the sterilization of unwed mother Carrie Buck after she gave birth to a child with mental deficiencies (*Buck v. Bell*). Justice Holmes, internalizing the majoritarian views of his time, approved of eugenics legislation, stating, “Three generations of imbeciles are enough” (*Buck v. Bell*). Two decades later, Nazi Germany used the science of eugenics to enact a genocide campaign against the Jews. The Supreme Court decision and Adolph Hitler’s rise to power were both results of majority rule, thus conforming to Rousseau’s conditions for the general will. When examined retrospectively, however, neither decision is considered a reflection of society’s best interests.

Although Rousseau supports the inauguration of the general will through a democratic process of direct election, he draws a divide between the general will and the will of all to distinguish proper decision-making from mob rule. Rousseau states,

The general will is always right and always tends toward the public utility. However, it does not follow that the deliberations of the people always have the same rectitude. We always want what is good for us, but we do not always see what it is. The populace is never corrupted, but it is often tricked, and only then does it appear to want what is bad (Rousseau 31).

Thus commences Rousseau’s integral defense of the general will as superior to majoritarian electoral systems. In this passage, Rousseau continues to assert that the general will is always a positive reflection of the community’s best interests. Therefore, when a decision is made that is later found to be detrimental to the body politic, the

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deliberations of the people (not the general will) are at fault. This argument leads Rousseau to draw a strict physical, yet vague conceptual, demarcation between associational consensus and the true general will. When men meet in the public sphere, they are influenced by the private opinions of others. As it spreads through society, this once solitary interest gains the support of the majority (Rousseau 32). At this point, it still cannot be considered the general will because it reflects individual, rather than communal, interests. Rousseau's solution for the corruption of opinions is to ensure that each citizen has a chance to "make up his own mind" (Rousseau 32). Again, Rousseau is returning to his foundational separation of private and public interests, stating that an unfavorable decision can only be made if individual concerns reign supreme over the general will. Although Rousseau attempts to separate the general will from the will of all, his explanation is noticeably weak. The general will and what people believe to be the best course of action are by definition interconnected, yet Rousseau designs his model so that the people, not the general will, are responsible for any detrimental outcomes. Despite Rousseau's interpretation stating otherwise, an individual interest that gains public support is no longer just a private interest. It is the general will. Defined exclusively in terms of its positivistic outcomes, the general will is a model of perpetual success with no realistic foundations and no empirical evidence of successful implementation.

Rousseau's separation of his prized general will from its deceiving double, collective private interests, critiques Rawls' theory of overlapping consensus before the American philosopher ever had a chance to publish his solution for political plurality. Switching focus from an idealized society of direct elections with consistently perfect outcomes, Rousseau's realist counterpart, Rawls, offers his alternative conception of liberal democracy in which the pluralist citizenry agree to a vague, albeit adequate, form of consensus. In his lecture, Rawls proposes to solve a question: "How a well-ordered democratic society of justice as fairness may establish and preserve unity and stability given the reasonable pluralism characteristic of it" (Rawls, 1996: 133-134). Therefore, Rawls is attempting to explicate the existence of stable government in the diverse political environment of democracy. He defines his solution as follows: "It is left to the citizens to individually-as part of liberty of conscience-to settle how they think the values of the political domain are related to other values in their comprehensive doctrine" (Rawls 140). Through an emphasis on individual will, this passage establishes an alternative theory that challenges the very foundations of Rousseau's general will. Although Rawls' ultimate goal is to construct a means of establishing a communal consensus, he utilizes the lone citizen to explicate how such arrangements are formed. Similar to Rousseau's analysis, Rawls divides political will into two familiar categories: individual and general. In his explanation, however, the two wills are no longer mutually exclusive. Instead, Rawls assigns the citizen the responsibility of formulating a comprehensive overlap of interests between personal desires and the best course of action for the community.

Returning to the ancients, Rawls establishes the preconditions of individual virtue and political supremacy to qualify the successful implementation of the overlapping consensus model. He states, "...the virtues of tolerance and being ready to meet others halfway, and the virtue of reasonableness and the sense of fairness. When these virtues are widespread in society and sustain its political conception of justice, they constitute a very great public good" (Rawls 157). Here, Rawls states that although men are entitled to their own opinions, they must exhibit tolerance in order to actively pursue the cooperation necessary for the formation of the overlapping consensus. This precondition of the accommodating citizen brings into question Rawls' solution for political pluralism as suppression of self-interest for the greater good. As theorist Michael Barnhart notes, there are scenarios in which one's personal value system could conflict with the values necessary to construct such a consensus, most notably a disrespect of individual equality (2004: 263-264). If, for example, a Hindu were to join this democratic society, he would envision the body politic as a caste system, thus favoring one man's opinion over another (Barnhart 263). This religious view, in turn, would prevent the realization of Rawls' goal- justice as fairness- stated in his original question of interest. Although Rawls addresses this problem, he does so by implementing the same impractical assumption found in Rousseau's preconditions for the general will; he suggests that "political values normally outweigh whatever nonpolitical values conflict with them" (Rawls 146). Thus commences Rawls' descent into the same unrealistic confines of Rousseau's general will. Just as Rousseau claims that the general will reigns supreme over individual interests, so too does Rawls suggest that the political will gains priority over individual values. Therefore, since the overlapping consensus involves a constant process of compromise, this system no longer reflects the diversity of political opinions in the body politic. Through the formulation of a singular will of the people, or a general will, Rawls conceals the problem of electoral dissent behind his pseudo-liberal solution of overlapping consensus. Although Rawls presents a scenario of liberal diversity, he offers a solution that eliminates the potential for unrestricted political plurality in a stable system of

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democracy.

As he traces the causes of public dissidence, Rawls admits that there are some instances in which an overlapping consensus is not possible. Although he allows for the inclusion of philosophical or religious considerations at the individual level, Rawls attempts to separate the overlapping consensus from such normative variables. He writes,

...it could not lay aside fundamental religious, philosophical, and moral questions because they are politically difficult to settle... Certain truths, it may be said, concern things so important that differences about them have to be fought out, even should this mean civil war (Rawls 151).

Some debates, Rawls suggests, are too entwined with individual morale, and thus no political consensus can be achieved. He offers the modern American example of the Constitutional provision that calls for a separation between church and state. This guideline conflicts with basic liberties in the Bill of Rights, most notably freedom of expression and freedom to practice one's religion. Although this concern has a political dimension, it also incorporates individual religious concerns. Therefore, in this example, the prioritization of the political is an impossibility. Rawls offers no solution to this dilemma, a weakness that Michael Sandel critiques in his analysis on Rawls' conception of the individual. In *Liberalism and the Limits of Justice*, Sandel argues that Rawls' citizen is inconsistent with the true self's motivations, commitments, and values. In a realistic political scenario, men are less likely to engage in cooperation, a virtue that Rawls establishes as a precondition for the achievement of overlapping consensus (Sandel, 1982: 96-103). Thus, the separation of church and state example is one of many inevitable instances of unsolvable political dissent. Overlapping consensus is meant to function in a fair society of reasonable pluralism, but Rawls fails to include reflections on individual commitments and motivations, unanswered variables that weaken the feasibility of Rawls' argument. Although Rawls attempts to incorporate liberal concerns in his model, he fails to address variables concerning the human condition, thus weaken the feasibility of the overlapping consensus as an effective solution for political pluralism.

One area in which Rawls and Rousseau express a clear divergence of opinions concerns their evaluations of political persuasion and public deliberation. As mentioned earlier, Rousseau considers the imposition of one's private interests on the body politic to be a violation of the general will. He calls such an arrangement the will of all, a political process similar to an oppressive manifestation of majoritarian rule. Whereas Rousseau wants men to independently decide how to vote, Rawls promotes interactions and negotiations amongst the electorate. Since Rawls is attempting to turn thousands of individual private opinions into one, he resorts to persuasion as a method of political conversion. Rawls argues,

Political groups must enter the public forum of political discussion and appeal to other groups who do not share their comprehensive doctrine. This fact makes it rational for them to move out of the narrower circle of their own views and to develop political conceptions in terms of which they can explain and justify their preferred policies to a wider public so as to put together a majority (Rawls 165).

Here, Rawls includes the importance of rationality in the construction of the overlapping consensus. Through the use of human reason, the electorate finds inherent connections between the consensus of the community and their individual interests. Thus, everyone supports the overlapping consensus, but based on different rationales. For Rawls, this form of agreement is the best one can hope for in a democracy. To formulate such a consensus, individuals must enter the public sphere and engage with their fellow voters in order to gain support for their particular interests. This political interaction leads to positive circumstances for the community as a whole. Since the individual desires to gain support, he is forced to expand beyond his limited conception of the issue, and construct an inclusive foundation for his argument in order to persuade others. Assuming that the average voter has a basic level of intelligence, these political discussions help to sift through the less rational opinions until all that remains are inclusive, beneficial interests. Although one's motivations for pursuing a particular opinion might vary from the intentions of its founder, the pluralism inherent in the original situation is consolidated into one convenient overlapping consensus. Rawls' elaboration on how the overlapping consensus manifests in the political sphere is more reasonable than Rousseau's model. Political deliberation can lead to intimidation in its more extreme form, but it also forces men to explicate their position beyond simplistic reasons of personal preference. This, in turn, increases

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the chances of consensus amongst the population, a feat that becomes logistically impossible in the isolationist environment of Rousseau's general will. Therefore, the use of public discussion to formulate and spread rational interests is a legitimate model for the construction of an overlapping consensus. Although his conception of the individual is plagued with idealized notions of dispassionate complicity, Rawls' explanation for the formulation of an overlapping consensus is a theoretically sound argument.

As democratic theorists, both Rousseau and Rawls recognize the importance of formulating a consensus amongst the individuals of the body politic. Rousseau approaches the dilemma through an idealized reconstruction of the ancient Athenian polis. Emphasizing the prioritization of the community over the individual, the general will demands the sacrifice of natural liberty in exchange for the right to vote. Since the body politic is a collection of individuals, such a system would never pursue harmful ventures that conflict with the interests of its members. Although the general will is a utopic manifestation of democracy, it can only exist in theoretical speculation; a society of virtuous men who always know the most beneficial course of action for the polis is a scenario of preconditions and assumptions that extend beyond the limitations of Rousseau's explanations. Whereas Rousseau ignored the characteristic political plurality of democracy, Rawls attempts to formulate a model in which individual interests do not conform, but rather overlap, with the general will. Through the inclusion of the virtuous citizen as a precondition, the overlapping consensus encounters the same impractical obstacles inherent in Rousseau's argument. Although Rawls formulates a more realistic model for the compatibility of diversity and consensus, both Rousseau and Rawls fail to provide an empirically sound explanation for how modern democracy achieves stability. Therefore, from the impractical structure of the general will to the anti-liberal underpinnings of the overlapping consensus, Rousseau and Rawls attempt to solve the elusive mystery of consensus in the pluralist environment of ancient and contemporary systems of democracy.

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