

## **Which societies are liberal democracies?**

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*Abstract.* Political philosophers sometimes write of liberal democracies, but which societies, if any, are liberal democracies? John Rawls says that in the public political culture of a liberal democracy, we find the principle that this society should be a fair system of cooperation between free and equal individuals. In this paper, I draw attention to how, if we grant Rawls's definition, a society can easily be mistaken for a liberal democracy when it is not. I then argue that Andrew March, Gabrielle Badano and Alasia Nuti have not given sufficient evidence for treating various European societies as Rawlsian liberal democracies.

### **Introduction**

Political philosophers sometimes write of liberal democracies as if some societies are liberal democracies and others are not (e.g. March 2007; Pasternak 2009; Nuti and Badano 2018). The term “a liberal democracy” is short for a society which has a democracy and a liberal political system.<sup>1</sup> But which societies are liberal democracies? The most influential figure in contemporary political philosophy is John Rawls. He makes a contribution to answering this question in his book *Political Liberalism*. According to Rawls, within the public political culture of a liberal democracy, we find a commitment to the principle that this society should be a fair system of cooperation between free and equal individuals (Rawls 1993: 14). This statement uses the concept of the public political culture, which requires

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<sup>1</sup> I believe this is Dora Marsden on the two qualities: “It is not by accident for instance that Democracy and Liberty preach in pairs. Liberty is as necessary to Democracy as the second blade is to a pair of shears. Democracy boldly affirms government: Liberty whispers “Don’t govern.” Liberty plays ‘Conscience with a task to’t.’ It is the ghostly spirit the moralists would have the meek always carry inside their waistcoats: it plays the policeman inside the man.” (1914: 1)

some clarification. Rawls tells us that, in a democratic society, the public political culture consists of the constitution and the public tradition of its interpretation, as well as any texts that are common knowledge in the society (1993: 13-14). I am not sure how best to further clarify this notion, but Rawls looks at the constitution's list of rights, the design of its government, and the historic decisions of important courts in search of which principles a society is committed to (Wenar 2021).

Has Rawls identified a necessary condition for being a liberal democracy? I shall present examples in this paper which challenge a yes answer, but my aims below are different. We can refer to a society which fits with Rawls's conception of a liberal democracy as a Rawlsian liberal democracy. One of my aims is to draw attention to the danger of misclassifying a society as a Rawlsian liberal democracy. A second aim is to raise the concern that this is actually happening.

### **Three fictional societies**

In this section, I present some fictional countries. Although they have resemblances to certain actual countries, it is likely that they also differ in significant ways from anything actual. They are "toy examples" to help illustrate the risk of misclassifying a society as a Rawlsian liberal democracy.<sup>2</sup> I do not wish to express a preference for any one country below.

The first country is called Principalia. Principalia was formed by people who escaped oppression from various other countries. It has a constitution, whose content is very understandable in light of this history. The constitution explicitly says, "This society should be a fair system of cooperation between free and equal individuals." The constitution

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<sup>2</sup> I have taken inspiration from examples presented by Alex Leveringhaus in a seminar.

specifies a set of basic rights which all adult citizens have, where adult citizens are regarded as ones over the age of 18. The main rights are: the right to vote and the right to be eligible for public office; freedom of speech and of assembly; freedom of thought; freedom of movement; the right to hold personal property; freedom from arbitrary arrest and seizure; the right to a fair trial and formal equality of opportunity for all jobs (Hart 1973: 539). Principalia is a democracy with two main parties. One party are the Minimalists. They think that the government should protect the rights specified in the constitution and do no more. The other party are the Maximinists. They think that in addition to protecting these rights, the government should try to improve the opportunities and income levels of the worst-off group in society. They think that the minimum one gets in this society should be as high as possible – that we should maximize the minimum.

The second country is called Intuitiva. Intuitiva is much older than Principalia. It has had few wars or revolutions in its history. Its history is one of gradual change. Most people in Intuitiva are sceptical of the idea that one can capture what is required of a government by a system founded on a few simple general principles. Rather they think that a good government must balance different values, finding a compromise between them, and that achieving this balance requires intuition. Some people are not good at such balancing. They promote one value only, at the cost of all others. People in Intuitiva say that they lack common sense. There is no written constitution in this country, so there is no written constitution which gives all adult citizens rights, such as the right to freedom of speech. But in this case, the laws restricting freedom of speech are few, so citizens are said to have this right.

There is a democracy in Intuitiva and different political parties, of which I shall mention three. The Iconic Party believes in an intuitive balancing of different values, but places a special emphasis on preserving world-famous features of Intuitiva's territory and

society, such as its castles and picturesque countryside. More weight is given to this value. The Soft Capitalist Party also believes in an intuitive balancing of different values, but places a special emphasis on achieving a form of capitalism which avoids the excesses of environmental damage and many people in a state of poverty. Thirdly, the Working Families Party aims to replace the current mixed economy, which has a large private sector, with an economy that is better for “working families.” The party also regards citizens of the country as like a large family. This family must care for its vulnerable members, find ways to overcome the destabilizing tensions that sometimes arise, and pass on knowledge of its history.

Principalia is a Rawlsian liberal democracy. What about Intuitiva?<sup>3</sup> Someone who visits Intuitiva might well characterize it as a liberal democracy. People are relatively free, there is a democracy, and any adult citizen can campaign to get themselves elected. But if one applies the criterion from Rawls, it is not a liberal democracy. The principle that Rawls specifies is not part of its public political culture: that this society should be a fair system of cooperation between free and equal individuals. Some laws are indeed justified by appealing to the value of fairness towards individuals, but that is different from conceiving the society as one which is, or should be, a fair system of cooperation between free and equal individuals. Indeed, other laws are justified by appealing to other values, such as the value of protecting the natural environment or the value of preserving heritage or the value of sporting achievements. (And if you ask people in Intuitiva, many of them have doubts about Rawls’s principle. They think that one can go overboard with trying to achieve a fair system of cooperation between individuals, and that there are other things that matter. For example,

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<sup>3</sup> I have some reservations about the names, because a society can be organized according to a system of principles without being liberal and one can have intuitions that are remote from what is called common sense. But I found the other names I tried less satisfactory. Perhaps “Sensibilia” for “Intuitiva.”

supporters of the Iconic Party and the Working Families Party say that this society is a community and that we have to think about the good of the community as a whole.)

A description of Intuitiva as a liberal democracy is plausible because of various features, notably the existence of a democracy and relatively high levels of freedom. The description makes especially good sense in a world where many states do not have these features. But I cannot see why we should treat Intuitiva as a Rawlsian liberal democracy. Here is an analogy that will hopefully be of help: like many birds, bats can fly, but it does not seem a good idea to treat bats as if they were birds.

Perhaps some readers will say that it is easy to distinguish Intuitiva from a Rawlsian liberal democracy. Only a fool would make the mistake I am drawing attention to. I am not so sure. Anyway, at this point, I shall introduce a third fictional society, by drawing on a concept presented by Gloria Origgi (2011) and related to research by Origgi and Diego Gambetta (2013). The purpose of this third society is to reveal how difficult it can be to determine whether a society genuinely is a Rawlsian liberal democracy. The concept is that of a kakonomy.<sup>4</sup> In a kakonomy, people make agreements but neither party properly fulfils an agreement and they both prefer this situation, because then one is under less pressure to do exactly what one agreed to. The other person did not, so why should I? Origgi illustrates this concept by referring to builders who never meet the deadlines they agreed to, but in turn do not expect you to pay when you agreed to (2011). She and Gambetta say that a preference for not meeting agreements is pervasive in at least one European country (2013: 4). They suggest that this was a reason for why they left (2013: 10).

Using the concept of a kakonomy, we can imagine a society which officially presents

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<sup>4</sup> The concept she presents in the article is, strictly speaking, a related one: the concept of kakonomics.

itself as a fair contract between free and equal individuals; but actually few people take contracts that seriously, including this “contract,”<sup>5</sup> and people are generally aware of this, though it is not much spoken about. The vast majority, including people in official positions, are colluding in an effort to realize a specific ideal of what a good life is: a life in which citizens can relax more and do not need to exactly fulfil their agreements. Those who have a different ideal of a good life have little option but to endure the dominant ideal or leave. Is this a Rawlsian liberal democracy? While the principle we have been focusing on is stated within its constitution, the tradition of constitutional interpretation in this country does not treat it as a strict requirement, making it a tricky case. There is reason to think that the society merely gives a surface impression of being Rawlsian. In the terminology of contemporary political philosophy, it seems to be a perfectionist society, despite not fitting with the standard image of such a society, because it is oriented towards realizing a specific ideal of the good life. A genuine Rawlsian society sets the rules and leaves individuals to pursue their different ideals of a good life within these rules. Call the society just described *Kakonomia*. This fictional society shows that one has to be very careful when classing an actual society as a Rawlsian liberal democracy.

### **Actual societies**

Let us begin looking into research about actual societies with some quotations from Andrew F. March. March writes about the relationship between Islam and “political liberalism” – the term is being used in a specialist sense to refer to the kind of liberalism that Rawls recommends. Here is how March presents political liberalism, in an article from 2007:

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<sup>5</sup> A way of not taking this one too seriously is by not taking what are literally contracts too seriously.

Political liberalism, by contrast, is purely a doctrine of social and political cooperation. It seeks to elaborate the most reasonable public conception of justice and citizenship for free and equal citizens... Political liberals value the right to individual freedom from being coerced to live a certain way based on a certain conception of the good, as well as social solidarity based on mutual recognition and a fair distribution of resources. (2007: 401)

March contrasts political liberalism with another kind of liberalism, called comprehensive liberalism, and then says that some actual societies implement political liberalism:

Which doctrine best characterizes contemporary European and North American societies? Broadly speaking, a form of political liberalism holds sway, although not usually by that name. (2007: 402)

I am not an empirical researcher, but there are reasons to doubt that this is true without doing specialist empirical research. For example, at the time when March was writing, it was well-known that the United Kingdom had a monarchy. The same situation obtained when Rawls wrote and still obtains today. How can this be if the public political culture favours a society which is a fair system of cooperation between free and equal individuals? March does not consider this question.

Alasia Nuti and Gabriele Badano also treat European societies as Rawlsian liberal democracies. But they say that the liberalism of these countries is under threat because of recent right-wing political trends:

The rise of RWP [right-wing populism] should concern political liberals for at least two reasons. First, it constitutes a concrete example of how the number of unreasonable persons can increase in broadly liberal societies. (2018: 147)

However, Nuti and Badano also do not consider challenges to their conception of European

societies as Rawlsian liberal democracies, such as the existence of a monarchy in the UK. If a society has this, it is doubtful that its public political culture is committed to the principle of society as a fair system of cooperation between free and equal individuals. One may or may not approve of the British monarchy, but the fact of its existence has to be acknowledged.<sup>6</sup>

It may be said that this particular monarchy is fair because it provides economic gains for the country, through the tourism it generates. However, the kind of fairness that Rawls is interested in involves an equal distribution of certain basic rights. The UK monarch has the right to refuse any bill passed by parliament. Convention says she should never refuse a bill, so in practice she functions as a constitutional monarch and plays the symbolic role of head of state. But only a certain person from a certain family has a right to play this role, which clearly contradicts both the letter and the spirit of Rawls's thinking. Furthermore, it is not as if the UK is an isolated case. Quite a few other European countries have monarchies at present.<sup>7</sup>

Perhaps March, Nuti and Badano will claim that European societies with monarchies do not perfectly realize the Rawlsian conception of a liberal democracy but they are approximately Rawlsian democracies. One worry about this claim is that, if it is to be understood in terms of approximate commitments, it is unclear what it means to be approximately committed to the fairness principle we have focused on. At first glance, it looks as if the public political culture is either committed to this principle or it is not, though perhaps there is some small room for manoeuvre here. Another worry is that the presence of a

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<sup>6</sup> I am reminded of Margot Bennett's essay on popular confessional writing from the first half of the twentieth century which, regarding the conventions of such writing, tells us, "Everything is strictly middle class—no dukes, no lorry drivers." (1945: 117) Perhaps there is some strategic value in this approach, but parts of the British monarchy have been more politically (and philosophically) active recently.

<sup>7</sup> I used certain biological analogies earlier, but it is a good question whether some contemporary European societies with monarchies are better compared to a mythological being with the head of one kind of creature and the body of another.

monarchy is glaringly inconsistent with the Rawlsian conception, meaning that it is unclear how the claim can be defended.

The points I have made in this paper parallel a point that has already been made in the philosophy literature. In Rawls's philosophy, there is a danger of misclassifications at the level of individuals as well. Rawls refers to citizens who are committed to the principles of a Rawlsian liberal democracy as reasonable citizens. A danger that has already been acknowledged is that one will treat some citizens who seem reasonable, by everyday standards, as if they are reasonable citizens in Rawls's specialist sense of that term.<sup>8</sup> Here is one Rawlsian philosopher's acknowledgment of the danger:

In everyday language, I am reasonable if I am willing to moderate my claims in response to the claims of others, consider issues from other people's perspective, and play by the rules when others are likewise playing by the rules. Nazis and psychopaths fail this standard. But the standard of reasonableness invoked by many public reason theorists is much higher... Even seemingly reasonable liberals such as John Stuart Mill, Jean Hampton, and Joseph Raz therefore count as unreasonable, according to these accounts.

(Lister 2018: 67)

What I have done in this paper is draw attention to a related danger of misclassification at the societal level: classifying a society as a Rawlsian liberal democracy because it seems quite liberal. The researchers who treat actual societies as if they were Rawlsian liberal democracies have not given us sufficient evidence that they are avoiding this danger. Furthermore, common knowledge leads one to doubt that they are avoiding it.

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<sup>8</sup> Although I am able to accept the use of ordinary words in specialist senses, I believe Rawls's use brings with it risks. The ordinary use figures heavily in legal systems – what would a reasonable citizen do? – and there is a worry that in his ideal society, this use will be replaced.

## Appendix

I have focused on constitutions and the public tradition of their interpretation. But beyond this focus, Nuti and Badano represent European societies as if the vast majority of citizens in these societies are committed to Rawls's fairness principle. These citizens supposedly have a commitment to their societies' being fair systems of cooperation between free and equal citizens. Even many supporters of right-wing populist movements are said to be committed to this principle. In Nuti and Badano's eyes, most supporters of this trend are people who are acting against the principle without being aware of this fact (2018: 151). They are unwittingly falling outside the category of Rawlsian reasonable citizens.<sup>9</sup>

Nuti and Badano's paper is a significant treatment of how to solve the problem of an increasing number of unreasonable citizens within a hypothetical Rawlsian society; but what evidence do they offer for their characterization of actual right-wing citizens today? I find that they offer very little evidence and that they take certain pieces of information to be evidence on the basis of a controversial assumption. One piece of information is how leaders of right-wing movements address followers. Consider the quotation below:

Indeed, the unreasonable message of such leaders is often framed as a defence of liberal democratic values. For example, Marine Le Pen—the leader of the Front National—has repeatedly invoked French liberal tenets (for example, women's rights and the rejection of homophobia) in her attacks against the Muslim population. (2018: 151)

Nuti and Badano make the following assumption: that convergences between the policy

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<sup>9</sup> This topic could benefit from a detailed analysis of what commitment is, at the individual and cultural levels, a task which I have skipped passed. My impression is that the problems raised will not be resolved by this means.

recommendations of right-wing citizens and standard liberal policy recommendations are best explained by thinking of these citizens as committed to Rawlsian liberal values. I do not accept this assumption.

Perhaps Nuti and Badano have captured the outlook of some citizens,<sup>10</sup> but here is a plausible alternative interpretation of how the majority of Front National supporters think. They are in favour of women's rights and rights for homosexuals from a belief that there should be equality of opportunity specifically for citizens who are committed to the preservation of French cultural identity and achievements. For example, a woman with such a commitment has just as much right to be a politician as a man and should not face formal or informal obstacles owing to the fact that she is a woman. But a person who is not committed to this project of preservation should face informal obstacles in virtue of this attitude, such as by selection committees within political parties. At present, I cannot see why taking the majority of Front National supporters to be committed to Rawlsian liberal values is the best way of interpreting them.<sup>11</sup> This is not to say that I agree with the lines they draw on what can and cannot be accommodated within French culture. There are a lot of dangerous individuals and groups in the city where I live, and it is a rather tricky question which combinations can work. It would not be surprising if parts of France are similar in this respect.

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<sup>10</sup> If these citizens are influential, despite not attracting a large following, this would increase the importance of Nuti and Badano's contribution.

<sup>11</sup> The two interpretations are pleasant compared to what some will say.

26: 145-168.

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