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Web Address for manuscript submission: http://eijh.modares.ac.ir/
Email: **eijh@modares.ac.ir**

Contents

Measuring Democracy and Justice by Public Reason: Towards a more Just Framework for Social Cooperation in Iran

Seyed Alireza Hosseini Beheshti[1]

Abstract

John Rawls introduced the idea of public reason as a precondition of decision-making processes based on justice in a well-ordered society. There are critics, however, who doubted whether the idea is consistent with deliberative democracy. While Rawls saw his idea of reasonable overlapping consensus as an outcome of public reasoning, his suggested political liberalism seems to be morally too thick to work as the basis of such a consensus in culturally diverse societies. Here, through a critical evaluation of Rawls' view, I try to use his idea of public reason with reference to the brilliant distinction he makes between 'the rational' and 'the reasonable'. I show that it is the latter, which defines the nature of 'the political', that could be employed for the relationship between different cultural identities of a society, governed by political principles justified by referring to thin or non-moral arguments that in turns allow liberal as well as non-liberal cultural communities to participate ina just framework of social cooperation. Moreover, I argue that this revised interpretation of Rawlsian overlapping consensus can help us in the democratic assessment of constitutions and revising them in order to become more legitimate to citizens. Using this theoretical framework, and as the Islamic Republic is claimed to represent a religious democracy, I suggest that the criterion of public reason can be used in assessing the Constitution of the Islamic Republic and, therefore, highlights the necessary revisions for achieving more basic democratic structures of the Iranian society.

Keywords: John Rawls; Public Reason; Constitution; Deliberative Democracy; Cultural Identity; Islamic Republic of Iran

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[1]Assistant Professor, Department of Political Science, Tarbiat Modares University, Tehran, Iran
Email: a.hosseinibeheshti@modares.ac.ir

Introduction

John Rawls(1921-2002) developed the idea of public reason in his *Theory of Justice* (1971), then in *Political Liberalism* (1993), then in *Law of Peoples* (1999) and finally in *Justice as Fairness: A Restatement* (2001). Since the most complete and elaborated account is the one which is published as an appendix to the *Law of Peoples*, here I shall mainly rely on that version. The employment of the idea of public reason can have significant implications for decision-making processes of political systems that involve the institutionalization of the relationship between citizens and the government in more just ways. Since Rawls' argument aims at the basic structure of society and, the constitution of every country includes guidelines of its political system as a part of it, we need to know how a commitment to justice would justify the enforcement of law on citizens. It is well argued by now that the main condition of recognizing a state as democracy is that its decisions are justified to the citizens. To do so, as discussed in the first section, Rawls employs the concept of reciprocity and elaborates the distinction between 'the rational' and 'the reasonable'; a brilliant means to define the nature of 'the political' and to redefine the concept of toleration in culturally diverse societies.

However, there are theorists of deliberative democracy who doubted the sufficiency of a political conception of justice in making political decisions just. For instance, unlike Rawls who regards public reasoning based on a reasonable overlapping consensus as determinate of principles that reciprocity requires in practice, Amy Guttmann and Denis Thompson (1996) give priority to public deliberation as determent of requirements of reciprocity. For a defense of Rawls' view against Guttmann and Thompson's criticism, I shall benefit from Angela White's elaborative argument. We will see in the second part of the present article how a deliberative approach to democracy is consistent with justice as fairness.

Then, in the third section, I shall examine the strength and weakness of the Rawlsian overlapping consensus as presented in *Political Liberalism*. As I have argued in my previous works, contrary to Rawls' inspiration, that political liberalism is capable of offering a freestanding conception of 'the political' and justice as fairness, not only it is originated in liberalism as a general and comprehensive doctrine, but also strongly depends to it. Consequently, it is not working as a basis for an overlapping consensus in culturally diverse societies. Employing Michael Walzer's argument in *Thick and Thin*, I shall argue that to escape such a deadlock, we need to consider two kinds of politics: one which is based on the thick aspects of moral principles, and another that is based on the thin aspect of moral principles, or even non-moral ones. I shall turn into the application of this framework to the Iranian society, here and now, at the end of the section.

Next, I shall try to show that by using Rawls' argument on the role of constitutions in representing democratic justice; we may assess how far democratic political systems succeed in their commitment to justice. It deeply depends on how far they tolerate and recognize the cultural diversity of citizens.

In the final section, while concluding the arguments of the previous sections, I shall use the criterion for a quick evaluation of the main orientation of the Islamic Republic's Constitution, which in turn will indicate the main framework in revising it to become more consistent with democracy and justice.

Public Reason and Constitution

As Rawls argues, the idea of public reason belongs to a conception of a well-ordered constitutional democratic society and the form and content of this reason, i.e. the way it is understood by citizens as to interpret their political relationship, are part of the idea of democracy itself (Rawls, 1999: 131). The reason lies in the fact of pluralism- that

a plurality of conflicting reasonable religious, philosophical or moral doctrines is a consisting feature of human societies- well recognized now by democracies. Moral and political values that regulate relationships in constitutional democracies, therefore, are determined by public reason.

The Rawlsian interpretation of public reason has a certain structure and five aspects:
(1) The fundamental political questions to which it applies; (2) The persons to whom it applies (government officials and candidates for public office); (3) Its content as given by a family of reasonable political conceptions of justice; (4) The applications of these conceptions in discussions of coercive norms to be enacted in the forms of legitimate law for a democratic people; and (5) Citizens' checking that the principles derived from their conceptions of justice satisfy the criterion of reciprocity (Rawls, 1999: 133).

Rawls notices that the idea of public reason applies only to what he calls 'the public political forum', which includes the discourse judges in their decisions, the discourse of government officials, and the discourse of candidates for public offices.

Since the public reason provides the necessary conditions for an overlapping consensus, we need to note the important distinction between 'the rational' and 'the reasonable'; a distinction, I believe, is Rawls' golden key in describing the nature of 'the political'. Reasonableness refers to readiness to propose principles and standards as 'fair conditions of cooperation' among citizens, regardless of general and comprehensive religious, philosophical or moral doctrines they held. Rationality, however, applies to "a single, unified agent (either an individual or corporate person) with the powers of judgement and deliberation in seeking ends and interests peculiarly its own" (Rawls, 1993: 50). The aim of the rational agent, therefore, is not to reach fair conditions of cooperation, whereas the reasonable agents are ready to propose principles as fair conditions of

cooperation that are acceptable to adherents of various religious, philosophical or moral doctrines. While in the former the 'truth' of different doctrines matters, in the latter whether a doctrine is more valuable than others is irrelevant. Unlike 'the rational', therefore, 'the reasonable' is characteristically public. Thus, for Rawls, 'the political' is essentially reasonable, not rational (equivalent to 'justice as fairness: political not metaphysical').

Rawls shows the relation of this distinction to the principle of reciprocity as follows: citizens are prepared to offer one another fair terms of cooperation; the fair terms based on their reasonable conceptions of political justice; and they agree to act on those terms. Here is where the idea of political legitimacy, based on the criterion of reciprocity, emerges:

Our exercise of political power is proper only when we sincerely believe that the reasons we would offer for our political actions – were we to state them as government officials- are sufficient, and we reasonably think that other citizens might also reasonably accept those reasons (Rawls, 1999: 137).

Now, as discussed in the next section, if the criterion for assessing a political system against democracy is the extents of their decisions being justified to its citizens, the way basic structures of society is formulated should be consistent with this account of public reason. Accordingly, a shared understanding of justice as fairness determines the framework of the constitution. The constitution in turn specifies a just political procedure. This conception of constitution, however, is not founded on the principles of justice or natural rights: "Rather, its foundation is in the conceptions of the person and of social cooperation most likely to be congenial to the public culture of a modern democracy" (Rawls, 1993: 339).

We know that Rawls' interpretation of justice as fairness developed from its earlier version in *A Theory of Justice* to the one in *Political Liberalism*, a consequence of

which is the claim to universal application of the concept restricted now to constitutional democratic societies. In *Political Liberalism*, basic moral values such as freedom and equality, their contents and the rights emerged from them, stem from the shared political cultures of constitutional democratic societies. Rawls turns from liberalism as a comprehensive doctrine to a purely political one appears in this later work and, therefore, replaces the agents as human beings with political agents as citizens. In the same way, both the nature and aim of social cooperation are understood now in terms of those societies' cultural contexts.

Rawls argues that the idea of public reason is in three ways: first, it is the reason of the public in terms of the reason of free and equal citizens. Second, its subject is the public good and concerns questions of political justice and, therefore, includes both constitutional essentials and matters of basic justice. Third, its nature and contents are public (Rawls, 1999: 133). He describes 'the constitutional essentials' as "questions about what political rights and liberties, …, may reasonably be include in a written constitution" (Rawls: 1993: 227-230) while matters of basic justice concerns the basic structure of the society and, therefore, questions about economic and political justice which may not be represented in the constitution.

Rawls mentions the long history of democracy and points out that from different definitions and interpretations; he is concerned with well-ordered constitutional democracy, known as 'deliberative democracy'. Then he underlines three essential elements of that kind of democracy: first, an idea of public reason; second, "a framework of constitutional democratic institutions that specifies the setting for deliberative legislative bodies"; and third, the knowledge and desire of citizens to follow public reason (Rawls, 1999: 139).

Deliberative Democracy

We have observed, so far, that for Rawls, the idea of public reason is consistent with the concept of deliberative democracy. There are, however, theorists of deliberative democracy who doubted such consistency. Amy Guttmann and Dennis Thompson, for instance, argue that it is not necessary for deliberative democracy to achieve a consensus on an ideal in order to arrive at a solution over controversial decisions. They agree with Rawls, however, that citizens should be willing to agree that, "finding fair terms of cooperation among free and equal persons is a common good for both individuals and society as a whole" (Guttmann and Thompson, 2004: 27). Before assessing the consistency or inconsistency of their view with Rawls's, however, let us outline their own theory, though very briefly.

Their starting point is the problem of how citizens who disagree with each other on political matters could achieve an agreement based on consent. They worry that citizens would neglect each other or worse, respond with contempt (Guttmann and Thompson, 1996: 12). In their view, the source of such a situation is the absence of three features in public discourse: reciprocity, publicity, and accountability (Guttmann and Thompson, 1996: 14-15). They aim to show, therefore, how their theory of deliberative democracy may resolve the problem of the legitimacy of political decision-making.

In Rawls' view, as we saw above, the political conception of justice as an outcome of a reasonable overlapping consensus, which supports constitutional essentials, determines the implications of the principle of reciprocity in practice. In Guttmann and Thompson's view, however, what determines the application of the principle of reciprocity is the procedure that confirms the best understanding of other principles. In this sense, the principle of reciprocity enjoys a priority over other principles as providing anobligation todeliberative democratic procedures. Angela D. White explains the

difference between the two views in an elucidate way:

Whereas, Guttmann and Thompson give priority to public discourse, and hold that it should determine what the principle of reciprocity requires in practice, Rawls' theory holds the reverse: public reason, based on a reasonable overlapping consensus, determines what the principle of reciprocity requires in practice (White, 2011: 120).

White argues, however, "while public discourse may be helpful for determining what meets, it may not be the best way of doing so" (White, 2011: 120) and other means such as polls, referenda, alongside sociological, political and psychological studies may reveal the standards of public reason.

The Inclusiveness of Rawlsian Overlapping Consensus

So far, we have discussed those aspects of the idea of public reason that show its relations to overlapping consensus and constitutional essentials. In his search for a more stable model of agreement between citizens of different religious, philosophical and moral doctrines, Rawls defenses the idea of overlapping consensus against the modus vivendi model, as the former is morally justified and more stable.

Two features of the overlapping consensus model are important in this respect: the distinction between 'the rational' and 'the reasonable', and the distinction between comprehensive and non-comprehensive doctrines. He holds that political liberalism is a freestanding interpretation of justice that while derived from liberalism as a general and comprehensive doctrine, is not comprehensive in itself. For this very reason, an overlapping consensus over his two political principles of justice by citizens who hold comprehensive doctrines other than liberalism is possible. It is a 'political' (in contrast with metaphysical) conception of justice that enjoys superiority over comprehensive doctrines, since even if we

believe in a comprehensive (not necessarily complete) doctrine, "we do not put forward more of our comprehensive view than we think needed or useful for the political aim of consensus" (Rawls, 1993: 153). Rawls points out three reasons for such superiority of 'the political': first, a political regime based on a comprehensive doctrine is not a constitutional democracy; second, the liberal conception of justice is the most reasonable for a democratic system; third, since it reduces conflicts, the stability of the consensus is best secured (Rawls, 1993: 156-157). He concludes that the implication of considering such a status for 'the political', is that if some citizens do not view it as consistent with their comprehensive doctrine, "they might very well adjust or revise these doctrines rather than reject those principles" (Rawls: 1993: 160).

It should be noticed, however, that this would happened if only the Rawlsian conceptions of political justice is morally thin enough to be agreeable in such a consensus and citizens who hold comprehensive doctrines other than Rawls's Kantian liberalism would be ready to do such adjustments or revisions. As I have discussed somewhere else (Hosseini Beheshti, 2007), there are fundamental concepts such as the distinction between 'the private' and 'the public', and between 'the political' and 'non-political' as presented in Rawls's political conceptions of justice which make the participation of many non-liberal (not necessarily anti-liberal) comprehensive doctrines in the Rawlsian overlapping consensus difficult, if not impossible.

However, the problem does not emerge only in case of non-liberal doctrines, but for many non-Kantian liberal theories as well. As Leif Wenar puts it, the Rawlsian appeal to the theory of public reason to resolve the conflicts between citizens' comprehensive views and Kantian constructivism suggests that "citizens can think to themselves that God or an independent moral order or whatever is the real source of objective

reasons, but must speak as if constructivism has overriding authority when engaging in political discourse" (Wenar, 1995: 56). As he rightly points out, however, public reason can give citizens reasons for appealing in public to only part of what they believe, but it cannot give them reasons to profess beliefs that contradict their beliefs at the deepest level and, therefore, there can be no stable overlapping consensus. Consequently,

[T]his sort of public reason would inevitably result in hypocrisy (where people publicly endorse policies they privately reject) or cheating (where people bend their public reasoning toward the conclusions they are really convinced of). This is not the sort of public reason in this way to solve the problem with constructivism (Wenar, 1995: 56-57).

Rawls suggests that justice as fairness as a political conception, may be accepted as the focus of a consensus. Wenar, however, rightly points out that "justice as fairness as presented in *Political Liberalism* fails to live up its self-image as a political conception" (Wenar, 1995: 33). For Rawls, political liberalism supposed to have the following characteristics: (i) a political conception that is freestanding, presented independently of and comprehensive doctrine; (ii) independent of long-lasting controversies in philosophy; and (ii) which articulates only political values. Rawls claims that many familiar religious and philosophical views could converge on it. However, as Wenar shows, very few comprehensive views will support such a consensus: many others like the followers of Bentham, Hume, Hobbes and David Gauthier are left outside. He concludes that there may be a conception of Justice within *Political Liberalism* that is independent and inclusive enough to fit Rawls's image of a political conception, but this conception is only a part of the full theory that Rawls lays out. Therefore,

The full theory that Rawls advances is, in fact, not a political conception but a partially comprehensive doctrine- a doctrine that could support a political conception within an overlapping consensus, but that is

itself too exclusionary to be the focus of such a consensus. Very few comprehensive views, such as we know them or can expect them to become, will support justice as fairness as Rawls describe it (Wenar, 1995: 33).

This shows that while Rawls initially intends to offer a consensus on which most religious, moral and philosophical doctrines can agree, at the end it turns out too narrow, excluding many doctrines and acceptable only to a Kantian liberal view. As Wenar puts it,

Rawls hopes that by presenting a political theory based on the reasonable and not the true, with a conception of objectivity and public reason, he can show us how we can come to be unified despite our diversity and to reason together despite our disagreements. In fashioning a theory that he believes strong enough attract the convergence he has built in the primacy of Kantian political values (Wenar, 1995: 60).

With respect to the source, status, subject and scope of politics, as perceived by Rawls, therefore, it is not difficult to observe that his conception is in fact derived from a particular comprehensive doctrine, i.e. liberalism. Those who hold a different conception of politics, therefore, will face difficulties in a Rawlsian liberal political system as their conception may not be based on similar distinctions, or enjoy a similar status, and so on.

How can we rescue the Rawlsian overlapping consensus from such a limited application so that while freed from its liberal thickness it would be applicable more universally? I suggest that by using Michael Walzer's interesting argument in his *Thick and Thin*, we would find a way to break the deadlock. What is required in the politics of multicultural societies is a thin moral foundation on which, diverse cultural communities can agree; a thin moral foundation that, as Walzer puts it,

[C]onsists in principles and rules that are reiterated in different times and places, and that are seen to be similar even though they are expressed in different idioms and reflect

different histories and different versions of the world (Walzer: 1994: 17).

It means that this sort of moral minimalism is dependent on "the fact that we have mora expectations about the behavior not only of our fellows but of strangers too. And they have overlapping expectations of their own behavior and ours as well" (Walzer, 1994: 17). In contrast, thick moral values are ours and define the basic structure of our comprehensive doctrines. Thus, moral concepts can be understood in two different levels: one at which cultural particularity is important and plays a significant role in forming cultural communities' distinct identities, the other that is centered on universal moral, though thin, values or non-moral principles on which different cultural communities can agree. This leads to an understanding of politics at two different levels: a kind of politics based on thick moral arguments about 'the good', which is relevant to the political relations *within* cultural societies; and the kind of politics which is concerned with the politics of cultural difference and is based on thin moral or even non-moral principles, appropriate for the political relations *between* cultural communities. As I have discussed somewhere else (Hosseini Beheshti, 2019), through this revised version of Rawlsian overlapping consensus, we may arrive at a more just political system for Iran, here and now, which I called the overlapping consensus of culturally autonomous communities. The model has the following main framework:

- The concept of national integrity at stake is not understood so comprehensive to ignore differences. Rather, it represents a common ground that may be recognized by different cultural communities as possible overlapping consensus.The recognition of difference in this way does not end necessarily in the disintegration and collapse of the nation as a whole. As Young

states, "Difference now comes to mean not otherness, exclusive opposition, but specificity, variation, heterogeneity. Difference names relations of similarity and dissimilarity that can be reduced to neither coextensive identity nor non-overlapping otherness." (Young, 1990: 171) In Iran, I think, the shared Iranian-religious identity that has developed over the last twenty-five centuries, can be considered as capturing such a common ground. It is worth mentioning that the two components (the 'Iranian' and the 'religious') of this common identity go hands to hands and none may be reduce to the other. Muslims are the largest religious community in the country. However, it should be noticed that many of the religious rituals are more or less culturally localized without undermining the universalistic nature of Islamic beliefs. However, a few peoples in the region enjoy such a historically constructed unifying identity and for most of them membership of either transnational communities (such as being Arabs) or local communities is more recognizable than their national identity. The Iranian national identity can encompass most of the various sub-cultural identities like the Azaris, Kurds, Lors, Baluches and Arabs who live in different parts of the country but recognize themselves as Iranian and Muslims. Members of religious minorities such as Jews and Christians, the two Abrahamic religious traditions close to Islam, and Zoroastrians and many other religious minorities recognized themselves as religious Iranian too. The Iranian-religious identity,

therefore, may be well recognized as a basis for the consensus.

- Governance in this model of autonomy is cultural identity-oriented rather than territory-based; a tradition experienced both in the ancient history of Iran and the prophet Mohammad in Medina in the 7th century. Moreover, the non-territorial-based cultural autonomy model reveals a more practically acceptable approach in the present conditions of cultural diversity in Iran. Today, because of changes emerged according to the Iran-Iraq war (1980-1988) and the increasing rate of immigration from rural to urban areas, ethnic and religious communities are more shattered than before. The model would also reduce anxieties over the possible disintegration of the nation and the potential danger of segmentation of the country.

- The decentralization of the political power of the national government in favor of the empowerment of cultural communities is practicable in issues that are justified for political reasons compatible with the republican character of the political system, and for moral and humanistic reasons compatible with its Islamic character. It should be noticed, however, that the processes of such decentralization is gradual and, therefore, necessary legal structure and cultural grounds could be developed in the meantime. It would take place in verity of forms such as the transition of economic tenure to the public sphere, the distribution of national budget with regard to cultural demands, and increasing the public awareness on cultural diversity

through the media, education system and arts.

Since founded on national common interests and the respect for different cultural identities, the national solidarity achieved in this way would be more stable against possible foreign treats. Moreover, it helps to increase the social capital and hence, results in balanced and sustainable development, which, in turn, would strengthened the national government authority in regional and international aspects.

The Idea of Public Reason: Criterion for Assessing Democratic Dimension of Constitution

Despite all such criticisms on Rawlsian overlapping consensus and his political theory of justice, it should not forget howhis arguments are insightful in dealing with the problem of the coexistence of cultural diversity and democracy. Rawls rightly points out three facts about our contemporary societies, which necessitates the idea of overlapping consensus: the fact of reasonable pluralism; the fact of oppression; and the fact that "an enduring and secure democratic regime, one not divided into contending doctrinal confessions and hostile social classes, must be willingly and freely supported by at least a substantial majority of its politically active citizens" (Rawls, 1993: 38).

These undeniable facts are closely connected to the criterion for assessing how far a political regime is democratic, namely, that political decision by the government must be justifiable to the citizens. We may conclude, therefore, that the more a political regime moves towards 'the politics of inclusion' and away from 'the politics of exclusion', the more democratic it would

be.It is, I believe, a clear and practically assessable criterion for measuring democracies. In other words, the more a political regime recognizes the cultural diversity of its political society, or to put it even more clearly, the existing diversity of conceptions of good life chosen by its citizens, and considers mechanisms for institutionalizing it the constitution, the more successfully the fulfilment of democracy is. According to this criterion, and with regard to what Rawls elaborately explains as 'public reasoning', the degrees of democracy in the constitutions of different countries are assessable. The significance of this criterion lies in acknowledging an important fact, that is, in our contemporary world which is described as 'post-cold war', we do not confront with the dichotomy of democratic vs. authoritarian political regime, but mostly with a spectrum of democratic and semi-democratic regimes (For an insightful argument on this topic, see for example Marina Ottaway, 2003).

Where is the Islamic Republic to be located in such a spectrum? Certainly, in order to find an accurate answer would require a very careful study through referring to unbiased information and verified documents about both its structures and behaviors; a task far from the limits of the present article. To outline some general and preliminary points, however, may be useful.

The first concerns the historical context of the formation of the constitution. It is important to remember that the constitution is an outcome of a revolution. Overthrowing a monarchy and replacing with a republic mean that the political system had to be designed almost entirely from the outset. Its importance lies in underlining the fact that the lawmakers, i.e. people's representatives

in the Constitutional Assembly (Majlise Khobregane Ghanune Asassi), were mostly engaged in discussions concerned with the divisions of power, the main branches and their relationships. This caused over-neglecting the importance of the articles of the third chapter of the constitution that concerns citizens' rights. It could be also due to the time pressure to approve it as soon as possible,which needs further explanations not to be discussed here. It would be unfair, however, not to admire the willing of the revolution's leaders on institutionalizing the new regime through established laws, while in most revolutions, leaders desire to be open-handed, at least for the few first years, in their decision-making.

Second, in the democratic assessment of the constitution we observe that it does recognize the cultural (mostly religious) diversity in the country, but not as much as was required to confirm the realities of the time. For instance, while the positive discrimination towards religious minorities to have their secured seats (regardless of the number of their members) in the Parliament is admirable, ethnic and sexual discriminations received little attention. Again, this could be the case that at the time, post-revolutionary Iran faced radical claims for separation by some ethnic minorities, which in turn, gave rise the fear of endangering territorial integrity.

We should notice, however, that in the constitution of 1979, there are some potential for further democratization. Despite radical disagreement between the members of the Constitutional Assembly over competence or incompetence of women for the position of presidency of the republic, for instance, they agreed at the end of the day not to mention the sex of presidential candidacy explicitly, using the

term 'rajole siasi", which is open to interpret men only or women as well.

Conclusion

We saw how the idea of public reason together with a revised version of the Rawlsian overlapping consensus, may help usin measuring the democratic characteristics of constitutions. Today, after about frothy years of the emergence of the Islamic Republic of Iran and the ratification of its constitution, as our understanding of pluralism and cultural diversity has developed significantly, it could be the case that Iranians' public reason has come to a fuller sense of different dimensions of cultural diversity than mere toleration of such diversity, to an important factor included in decision-making processes.For this purpose, I believe, an Iranian version of the Rawlsian model of overlapping consensus could be very helpful. To reach such a consensus, we may go back tothe comparatively more democratic 1979 version of the constitution. We may even need go further and revise it more radically to reach a more citizen-oriented constitution. What is important is that the constitution become closer to the democratic criterion derived from public reasoning, i.e. become more justifiable to the widest possible range of Iranian cultural identities (as individuals and members of cultural communities). The outcome would be, I hope, a more democratic political regime, based on the Iranian historically shared national identity.

References
[1] Hosseini Beheshti, Seyed Alireza (2007). 'Dialogue among Cultures and Political Theory', in Dallmayr and Manoochehri (eds.) *Civilizational Dialogue and Political Thought* (New York: Lexington Books): 7-18
[2] Hosseini Beheshti, Seyed Alireza (2019). 'Accommodating Cultural Difference and National Solidarity in Iran: In Search of a Conceptual Framework', *Geopolitics Quarterly*, Volume: 14, No 4, Winter, 234-271
[3] Guttmann, Amy, Thompson, Denis (1996). *Democracy and Disagreement* (Cambridge, Mass.: Belknap Press of Harvard University Press)
[4] Ottaway, Marina (2003). *Democracy Challenged: The Rise of Semi-Authoritarianism* (Washington, DC: Carnegie Endowment for International Peace)

[5] Rawls, John (1971). *A Theory of Justice* (Cambridge, Massachusetts: Belknap Press of Harvard University Press)
[6] _____ (1993). *Political Liberalism* (New York: Columbia University Press)
[7] _____ (1999). *The Law of Peoples* (Cambridge, Massachusetts: Harvard University Press)
[8] _____ (2001). *Justice as Fairness: A Restatement* (Cambridge, Massachusetts: Belknap Press)
[9] Walzer, Michael (1994). *Thick and Thin: Moral Argument at Home and Abroad* (Indiana: Notre Dame Press)
[10] Wenar, Leif (1995). 'Political Liberalism: An Internal Critique, *Ethics*, Vol. 106, No. 1
[11] White, Angela D. (2011).
[12] Young, Iris Marion (1990). *Justice and the politics of difference* (New Jersey: Princeton University Press)

سنجش مردم‌سالاری و عدالت با خرد همگانی:
به سوی چارچوبی عادلانه‌تر برای نظام همکاری اجتماعی در ایران

سیدعلیرضا حسینی‌بهشتی¹

چکیده

یکی از ایده‌هایی که جان رالز در طی فرایند تکاملی نظریه‌اش درباره عدالت به مثابه انصاف به عنوان پیش‌شرط تعیین‌کننده عادلانه بودن فرایندهای تصمیم‌گیری در یک جامعه قانون‌مدار سامان‌مند مطرح کرد، ایده خرد همگانی است. در سازگاری یا ناسازگاری این ایده با الگوی مردم‌سالاری هم‌اندیشانه، مباحث ارزنده‌ای مطرح شده است که توجه به آن در تبیین دقیق‌تر ایده مفید است و در نوشتار حاضر از برخی از نکات برجسته اشتراک و افتراق میان این دو بهره برده شده است. رالز اجماع همپوش عقلایی را محصول این ایده می‌داند، اما به نظر می‌رسد لیبرالیسم سیاسی رالزی به لحاظ محتوای اخلاقی بیش از آن فربه است که در جوامع فرهنگی متعدد و متنوع کانون محل اجماع قرار گیرد. از همین رو، ضمن ارزیابی نقادانه دیدگاه رالز، تلاش شده با تفکیک دو گونه سیاست، راهی برای بهره‌گیری از این ایده در کنار شاهکار رالز در تمایز بین امر عقلانی و امر عقلایی و محدود ساختن ساحت سیاست به دومی، باز شود. در بخش دیگری از این نوشتار نشان داده شده که رویکرد بازسازی شده ایده اجماع همپوش رالزی، ما را در سنجش میزان مردم‌سالاری و عادلانه بودن قوانین اساسی کشورها و اصلاح آنها برای افزایش مشروعیت و مقبولیت‌شان یاری می‌رساند. بر اساس همین چارچوب نظری و با توجه به این که نظام سیاسی حاکم بر ایران بر مبنای مردم‌سالاری دینی پایه‌ریزی شده است، ظرفیت‌های کاربرد ایده خرد همگانی برای شهروندان ایرانی، اینجا و اکنون، مطرح شده و جهت‌گیری کلی قانون اساسی جمهوری اسلامی مورد ارزیابی قرار گرفته است؛ ارزیابی‌ای که تعیین جهت‌گیری کلی اصلاح آن را برای دستیابی به تجلی مردم‌سالاری در ساختارهای اساسی جامعه ایرانی میسر می‌سازد.

واژه‌های کلیدی: جان رالز، خرد همگانی، قانون اساسی، مردم‌سالاری دینی، مردم‌سالاری هم‌اندیشانه

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۱. استادیار علوم سیاسی دانشگاه تربیت مدرس ، تهران، ایران a.hosseinibeheshti@modares.ac.ir