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THE IMPLAUSIBILITY OF RAWLS' PUBLIC REASON VIS-À-VIS THE PHENOMENON OF POLITICAL DYNASTIES

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Abstract. In this essay, to draw attention to Rawls' ideal of Public Reason I underscore the phenomenon of political dynasties and the various political problems it inevitably engenders. I will try to show the implausibility of Rawls' idea of Public Reason from a theoretical vantage point, which is a problem grounded **not** only on the political theory but on the concrete political traditions present in some democratic states.

Keywords: Public Reason, Political Dynasties, Duty of Civility

Introduction

Democracy, whose leaders are chosen by the majority of the constituents, is one of the best forms of government. It guarantees that the helm of the state is not controlled by an individual (or a closed group) who has taken authority by means of coercion. Democracy allows for a delegation of political functionaries whose purpose is to bestow to the right people the authority to do the state's "household chores." The tasks of executing, legislating, and adjudicating are conferred upon individuals who possess the capacity to fulfill the positions in the business of public service.

While good governance is one thing, the exercise of choosing who will govern is another thing. The latter is beyond the extent of the quality of the governing body. No matter how mature a government is with regard to political matters, the quality of the people's political involvement (say, during elections) remains an unpredictable variable in the entire equation. There are two political factors that must be

considered if we were to determine why elections done through majority vote do not necessarily translate into a well-governed state. One is the political consciousness of the people and, second, the perennial problem of *political dynasties*.

It is not difficult to infer that even if elections were free from fraud, the choice of the majority in terms of *who governs or legislates best* is a contentious point. The political awareness or critical aptitude (or lack thereof) of the general populace is not a given. This point is where the usual argument against democracy gravitates. Good government is a result of a good governing body, and a good governing body is a result of an intelligent choice by the majority. Hence, if the people (i.e. the electorate) lack even at least the level of political consciousness required of an average citizen, chances are, they would end up blindly supporting traditional politicians, and hence, traditional policies.

The second factor that is a common political phenomenon in almost all democratic states is the issue concerning the perpetuation of a pedigree of politicians. Such will be the focus of this essay. I do not intend, however, to make a survey of political dynasties and add to the heap of articles and essays that expose this fact. My aim, on the other hand, is to connect the thought between the occurrences of family dynasties in the Philippine political arena and Rawls' concept of Public Reason. To be specific, this paper would try to answer only one question, that is, Will Rawls' idea of Public Reason stand against the backdrop of political dynasties which are prevalent in the country and in other constitutional democratic states?

My paper is divided into three parts: I begin by discussing the key concept of Rawls' Public Reason with an allusion to its potential problem. The second part exposes the nature of political dynasties with an emphasis on its damaging upshot in the general health of democracy. And lastly, as a way of analysis, I will juxtapose the idea of *public reason vis-à-vis* the occurrence of political dynasties.

Public Reason and the Duty of Civility

The liberal political conception of justice, according to Rawls, essentially includes the ideal of public reason, which is "the reason of equal citizens who, as a collective body, exercise final political and

coercive power over one another in enacting laws and in amending their constitution” (Rawls 1996, 214). This conception presupposes that all citizens in a democratic state possess equal share of such political and coercive power insofar as the basic freedom and equality of everyone are respected and preserved. Since everyone is entitled to exercise such power, each therefore has a reasonable justification for whatever s/he brings into the public arena. This justification has to be in consonance with public reason, which may be accepted and even endorsed by other citizens despite the differences in their background culture. Moreover, the duty of civility, which for Rawls is a moral duty imposed by the ideal of citizenship, must enable citizens to “explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason” (Ibid., 217).

It may be well to note that for Rawls, when it comes to the political affairs of a state, citizens ought to act in accordance to public reason. This means that the matters that concern the entire state should be free from the influence of the “background culture” (which Rawls considers non-public). Public Reason is limited only to the concerns pertaining to constitutional essentials and basic justice. He says, “Our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational” (Ibid.). Hence, just like Kant, when acting on a scenario which has wide political repercussions, one ought to act in sync with certain set of principles and political values which are accepted universally (or at least within a state) and not merely on the basis of one’s personal inclinations. Each citizen, therefore, must carefully consider the level of rationality and acceptability of his actuations and decisions in the public arena.

The only legitimate way by which citizens can directly participate in the political processes is through the exercise of the right to suffrage. Such right amounts to a political power which people exercise over one another in the public domain, where public reason must take precedence. Rawls argues that citizens “should be ready to explain the basis of their actions to one another in terms each could reasonably expect that others might endorse as consistent with their

freedom and equality” (ibid. 218). Though the electorate chooses different candidates with varying reasons (or without reasons), they have to at least keep in mind that these must be justifiable in the realm of public reason. Arguing for or against a public concern should not be done on the basis of one’s personal convictions as influenced by one’s religion, philosophy or affiliations. The ideal of public reason, therefore, must provide a certain restriction against the tendency to bring non-public reasons into matters that require only public reason.

If the decision to vote for a candidate should be done in keeping with public reason, how can an individual practically do so without impinging on the limits of non-public reasons, as Rawls suggested? In other words, how can an individual keep his non-public reasons at bay when deciding who to vote? Here, Rawls provides us an answer from his *The Law of Peoples* where he argues that citizens should think about voting as though they were members of the legislature that will be enacting laws. By assuming the role of a legislator, the electorates can, Rawls believes, legitimately choose and decide the candidates to vote or not to vote with reasonable justification. Hence, for an individual who is conscious of the necessity to provide public reason in the act of voting, s/he has to employ some restraint on his/her reasoning disallowing the background culture to dominate, knowing that not everyone may agree with a justification coming from non-public reasons.

In *Political Liberalism*, Rawls contends that public reason “applies in official forums and so to legislators when they speak on the floor of parliament, and to the executive in its public acts and pronouncements” (Rawls 1993, 216). Since elected officials are in charge of governing the entire state, it is they who are directly concerned with its conduct. The rest of the citizens, having the equal coercive political power upon one another, can only take part concretely in the whole enterprise of public reason during elections. After elections, the entire government apparatus ensues on its own with the elected officials leading its course.

However, elections by the majority of the people do not guarantee the exercise of public reason among officials holding public positions. Public reason among officials stands on a rather shaky hypothetical condition. Rawls mentions that, “If they [public officials]

honor public reason, then citizens are indeed given public reasons for the laws they are to comply with and for the policies society follows” (Rawls 1996, 217). What the people can expect therefore from their elected officials are mere suppositious anticipations. No doubt, there’s a lot of backroom for the reversal of political agendas from pre-election platforms to post-election performance.

The Prevalence of Political Dynasties

Justice Antonio Carpio defines political dynasties as a “phenomenon that concentrates political power and public resources within the control of a few families whose members alternately hold elective offices, deftly skirting term limits” (GR No. 180050). What this practically refers to is the rule of oligarchic families, which are prevalent in many countries including the Philippines. Such has been a perennial political tactic of securing a family’s economic interests. Access to politics is much open to those families whose members had held public positions. Also, families who own businesses with national and international proportions are likely to get involved in politics with the apparent intention to serve the public, but most importantly, with the covert goal to secure the political conditions favorable to the interests of their economic endeavors. This practice of patronage politics perpetuates the systemic equation whereby economic power is oftentimes translated to political power.

In the Philippine context, the phenomenon of political dynasties is a symptom of a political problem which traces its root from the lack of seriousness in implementing enabling laws in accordance to the highest law of the land: the constitution. What really happens in the political arena is nothing but a complex political skirmish where each participant seeks to secure interests, whether of one’s own, family or constituents. At a larger scale, this complexity is manifest in the existence of different political parties in a republican democratic state. Each political party represents a minority group who seek to lobby laws in the Congress in accordance to its interests. In a more inconspicuous manner - but equally extensive and problematic as the system of political parties – political dynasties, in effect, seek to build family empires which operate on the basis of popularity, economic control and most importantly, name-recall. Murray notes, “the reason that

political progeny are so plentiful is simple: a famous last name confers instant recognition among voters, and very often Mom's or Dad's network of donors, too" (Murray 2004, 52). Simply by having the surname that evokes an idea of honor or suitability can potentially keep competitors at bay.

The usual reason for the existence of political dynasties point to a country's past. Most countries whose political histories are replete with political dynasties were once feudal or tribal. They have inherited a hierarchic tradition which favors the leadership of a few influential families. For these countries, it would be difficult to rise above a tradition that already has taken root for centuries and has impressed a particular psychological mindset among constituents. Those who come from a long line of politicians actually owe their political powers solely neither to their campaign apparatuses nor to their credibility, but to their kin who have established a name in the political arena.

It is noteworthy that these political families were once catalysts of change during the stage of colonization. They spearheaded certain political reforms and led transitions from an old regime to a new and independent government. Though these accounts are in themselves laudable, the downside is the tendency to bequeath a political legacy unto their own kinfolk. These "heirs" most probably witnessed personally their fathers and forefathers perform their duties, but only a handful of them may have possibly developed the skill and interest for real public service. Those who join the bandwagon without any real political credibility are simply hangers-on who take advantage of their roots' political contributions.

Analysis

In this section, I will highlight the kinds of political questions to which the public reason applies, namely, questions concerning *constitutional essentials* and matters of *basic justice*. "The ideal of Public Reason is that citizens are to conduct their public political discussion of constitutional essentials and matters of basic justice within the framework of what each sincerely regards as a reasonable political conception of justice, a conception that expresses political values that others as free and equal also might reasonably be expected reasonably to endorse" (Rawls 1996, 1). In my analysis, these two kinds

of political questions are the domains in which the phenomenon of political dynasty overlaps. Better yet, these are precisely the political questions which political dynasties trample upon.

Rawls mentions that “as to whom public reason applies, we say that it applies to citizens when they engage in political advocacy in the public forum, in political campaigns for example and when they vote on those **fundamental questions**” (Ibid., 252). Rawls believes that on matters pertaining to these questions, each citizen has an equal political and coercive right over one another. These are not simply left to the hands of those holding political powers. Indeed, Rawls regards these questions as truly fundamental since these are the very foundations which a society must build on in order to be just.

However, political dynasties, in part, cause the reversal of the ideal of public reason. Citizens can engage in a direct political activity only during elections. In such occasions, it is even doubtful if their choice of leaders runs along the lines of public reason. On the other hand, elected officials get to exercise whatever type of reason in the public arena during the entire length of their term. There wouldn't be a problem if these officials honor public reasons during deliberations on matters pertaining to the state at large. But history attests that not all public officials are really serving the public.

This scenario is further exacerbated by the perpetuation of political dynasties. Most often than not, for decades political power is concentrated on a few who are blood-related. This makes us question: “how public their reasons might be?” By and large, within political dynasties there is not only a monopoly of power, but also a monopoly of reason. This shows that the longstanding tradition of political inheritance has gradually corrupted the constitutional ideals of a state which is basically based on the theory of democracy. Rawls' ideal of Public Reason, faithful to the spirit of libertarian and democratic principles, appears to be too utopian and idealistic, but in fact, it is what precisely democratic states should strive for. The defect is not in the theory which serves as the blueprint, but in the corrupt political traditions a state refuses to overcome.

There's more to the ideal of public reason than simply being a political pursuit mainly exercised by elected officials. Rawls further claims that “the ideal (of public reason) expresses a willingness to

listen to what others have to say and being ready to accept reasonable accommodations or alterations in one's view" (Ibid., 253). The same is true when it comes to the public office. Growth and development in a democracy are stifled when public offices do not allow for a plurality of voices. So long as the aim is for the general public and not only for a certain family or clan, a multiplicity of voices can be tolerated. This is what precisely what public reason further asks, that is, "the balance of those (political) values we (citizens) hold to be reasonable in a particular case is a balance we sincerely think can be seen to be reasonable by others" (Ibid.). When there is a monopoly of reason, there can be no room for genuine public forums. A discussion about whether or not a particular political issue is generally reasonable is not even possible. At the end of the day, familial reason rules and applies.

This, for me, calls for a radical move of de-emphasizing the value of family in the public sphere. Though family is the basic unit of the society where the latter gets its strength, its influence must be limited only within the private sphere. When the interests of family starts to extend outside its private realm and encroach into the public, political problems will most likely ensue. What can bring this move into fruition is the enactment of enabling laws which will safeguard the state from being controlled by a family oligarchy. However, this presupposes a degree of political maturity among those who currently hold positions of power to be able to legislate against the immortalization of political dynastic rule. Also, the general electorate may think of an idea which may be referred to as the *ethics of not-voting* and the *duty of un-civility* to make a bold message against these political dynasties.

The Ethics of Not Voting

I will attempt to connect Rawls' idea of Public Reason to the non-exercise of the right to suffrage; and show that, theoretically, the discussion of public reason provides an explication for a possible "ethics of not voting." I will argue that there are cases when not voting becomes more reasonable than voting and that one can actually provide reasons, which *may* be elevated to the level of the public, for not exercising the right to suffrage.

It may be well to bring into the equation the usual disparity between the general population of the governed and the population of

those who vote for the one who will govern. This brings us to the two basic political concepts of “people” whose essential difference is oftentimes overlooked. Primarily, “people” refers to the citizens as a “corporate”. This notion points to the general public as the constituents of a state regardless of their participation in whatever forms of political processes, say, election. The second notion of “people” signifies the citizens as the “electorate”, meaning, those who are registered voters and who actually cast votes during elections. It is not difficult to point the usual fact that those who are voted to govern the entire “corporate” were actually voted by only a fraction of the “electorate”. Hence, when we talk about public reason in matters pertaining to constitutional essentials and the basic conception of justice, in reality, only the elected members of the executive, legislative, and judiciary are actually taking part in the political process. Rawls argues that “If they [legislators, for instance] honor public reason, then citizens are indeed given public reasons for the laws they are to comply with and for the policies society follows” (ibid., 217). It is then quite clear that for Rawls, public reason is usually, and perhaps aptly, exercised only by public officials and merely followed by the general public. At most, what citizens can do, in relation to public reason, is to exercise their legitimate political and coercive right, that is, suffrage.

A discussion regarding the ethics of *not* voting arises from the limits of public reason and the one-sidedness of the duty of civility. For Rawls, political values are to settle fundamental questions which are constitutive of constitutional essentials, such as the right to vote. Public Reason has a special role in sorting out the myriad of political concerns which have a direct impact on the public. However, none of these include the viability and importance of the equal right *not* to exercise the right to vote. It seems that Rawls took *this* out from the entire discussion, or did not see the need to expound it, for the reason that the non-exercise of such right strikes at the very heart of a constitutional democratic and representative government. In other words, not voting is simply detrimental to the political health of a state, or worse, a probable cause of its own demise.

However, arguing from the ground up, there are a lot of cases whereby the decision not to vote becomes more reasonable and

morally legitimate than the decision to do otherwise. In societies where the cancer of political dynasty abounds and where voters vote on the basis of personality not platform, it is likely that the sanctity of the ballot loses its value. Rawls' ideas regarding Public Reason and the Duty of Civility vis-à-vis the right to suffrage only hold water in an ideal utopian state, but not in real countries which struggle to fight cases of corruption and widespread dishonesty. Public Reason then is not really "public" in the purest sense of the word.

The Duty of Un-Civility

This is where an idea of a certain "duty of un-civility" comes into the picture. Rawls argues that each citizen, having an equal share of the political and coercive power of the state, should be ready to provide public reasons concerning matters of state-wide proportions, and must act in accordance to his/her moral duty of civility which ensures and preserves everyone's freedom and equality. This goes to say that since perfect accord among all citizens is just not possible, what must dominate in public discussions and actuations is the duty to be civil, which is demanded of them from the ideal of citizenship. Nevertheless, this duty is rather restraining, if not oppressive. To always abide by the ideal of public reason and the duty of civility is tantamount to disallowing a dissident opinion to ever survive in the public arena. This is why electorates who choose not to vote on the basis of a firm opposition against the system or towards the "available choice" of candidates, would opt to stay silent while abstaining. They'd rather stay out of the polls without any clamor (there's no sanction anyway) since apparently their reasons, which are better if kept private, will never be heard in the level of public reason. However, this is not altogether true.

Non-public reasons inform public reason. Rawls seems to miss that public reason does not come from a vacuum which is totally immune from the background culture. In other words, a clear-cut provision of public reason uninformed by overlapping non-public reasons is simply not possible. Lott argues that even if a person is committed to Rawls' ideal of public reason, this does not provide a good reason for exercising restraint on his/her non-public reasons when acting in the public political arena (see Lott 2006, online).

Needless to say, the gap between non-public and public reasons is too narrow. Legislators, for instance, actually lobby for certain bills that are congruent with their political party affiliations, moral belief systems, or personal vested-interests, which Rawls considers to be non-public reasons.

In societies where patronage politics are practically practiced, the thin line that divides public and non-public reasons are blurred. When politicians are chosen by virtue of popularity not performance, there is clearly something wrong with the system, both arising from the electorates and the candidates. Sovereignty, which is supposed to emanate from the people through informed and educated voting, is almost sidetracked due to extreme politicking and the perpetuation of political dynasties. How can an honest voter choose in accordance with public reason when the “available” candidate does not even have an opponent to begin with? How can a progressive voter (who may have legitimate justifications) decide when all there is to choose are the same names over the last decade? Clearly, there are cases when not exercising the right to vote becomes more valid and reasonable than voting. Hence, I argue that each citizen has the moral duty not to exercise his/her right to suffrage when the political process overshadows the ideals of democracy. This means that everyone is duty-bound to go against his duty of civility and become “uncivil” in the face a democratic government operating undemocratically.

The Constitution of the Philippines states that: “The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law” (Article II, Sec. 26). Though it is clear that political dynasties are “prohibited” by the constitution, a law has never been passed to actually stop this phenomenon from continuing. Hence, there is a need to constantly reform our basic conception of justice and realign our political processes to the democratic ideals enshrined in the constitution. The only practical way to do this is to abstain from voting. It is only during elections that the voice of the public becomes loud and clear. Hence, abstention brings a message across inasmuch as voting does. This however, for Rawls, will never pass on to the level of public reason; that is, one can never have a legitimate political and coercive power to

compel other citizens not to vote. This is where Rawls, in my estimation, has failed.

Conclusion

I have tried to present an argument which draws attention to Rawls' ideal of Public Reason in relation to the concrete existence of political dynasties. At most, Rawls discussion provides us a high political standard by which constitutional democratic states may fashion a climate within which individuals holding public offices can engage in political matters on the basis of public reason. On the other hand, the ubiquity of political dynasties make it troublesome, if not impossible, to conduct political affairs with respect to public reason. In a state or a province run by a progeny of politicians, power is concentrated among the few, and the exercise of public reason is determined within the confines of the clan. In such cases, public reason is nothing but non-public clan-related reasons glazed with an appearance of a seemingly 'public reason'. This is why I argue that from a theoretical point of view, Rawls' idea of public reason appears too ideal and detached from the concrete political realities of certain democratic states; but a second glance will show that the problem is actually **not** in the theory but in the political tradition that has already been deeply embedded on the very fibers of a state. Consequently, I proposed to de-emphasize the value of the family in the public sphere. Certain enabling laws pursuant to the provision and spirit of the Constitution must be enacted which in turn will provide limitations as to the extent of a dynasty's grip on the political powers of a state.

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