Studies / Studien

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Civil Society, Public Sphere, and Justice in the Philosophy of Iris Marion Young

Abstract

Iris Marion Young accepts the concepts of the private and the public, but denies the social division between public and private spheres, each with different kinds of institutions, activities, and human attributes. Young defines "private" as that aspect of a person's life and activity that he or she has a right to exclude others from. The private in this sense is not what public institutions exclude, but what the individual chooses to withdraw from public view.

According to Young the public in a democratic society is heterogeneous. "Indeed, in open and accessible public spaces and forums, they should expect to encounter and hear from those who are different, whose social perspectives, experience, and affiliations are different." An important characteristic of a developed democratic society is a developed civil society. Civil society is voluntary associational life that is distinguished from the state and economy, and helps with the transfer of private problems to the public agenda. They are voluntary, in the sense that they are neither mandated nor run by state institutions, but spring from the everyday lives and activities of the communities of interest. Distinguishing voluntary associational life from economy as well as state helps refine the role of civil society in promoting social justice.

Keywords

Iris Marion Young, civil society, democracy, private, public sphere, justice, voluntarism

> "For a norm to be just, everyone who follows it must in principle have an effective voice in its consideration and be able to agree to it without coercion. For a social condition to be just it must enable all to meet their needs and exercise their freedom; thus justice requires that all be able to express their needs."
>
> Iris Marion Young, *Justice and the Politics of Difference*

1. Introduction

In an attempt to discuss the relationship between civil society, public sphere, and justice in the philosophy of Iris Marion Young, it is necessary, at the very beginning, to indicate the relationship between public sphere and civil soci-

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ety. Although there are no unambiguous definitions of the aforesaid social phenomena, the hypothesis can be postulated that public sphere is a social phenomenon that refers to 'events' in public space. However, civil society, even if it refers to the public sphere, is a partially institutionalized and standardized social phenomenon.

Public sphere and civil society are mostly associated with the liberal democracy as a political system ensuring all the forms of political freedom and rights that guarantee development in the public sphere as well as in the civil society. It cannot be ignored that civil society organizations, in their most elemental or perhaps most radical form appear in non-democratic political regimes as well, for the purpose of the process of democratization. However, it is a much broader topic not to be discussed here. In this paper the focus is on the analysis of the role of civil society and public sphere in liberal democracy, in the terms of securing ground for democracy within democracy itself.

Historically speaking, the public sphere was related to the sphere of *polis* being considered as the sphere of freedom and the public. But also, *oikos* was related to the private sphere including also the sphere of labour (slaves) and everything else associated with the household.

"The reproduction of life, the labour of the slaves, and the service of the women went on under the aegis of the master's domination; birth and death took place in its shadow; and the realm of necessity and transitoriness remained immersed in the obscurity of the private sphere."[1]

Such a distinction between the public and the private was taken over by the liberal-democratic political tradition. The idea of the public is connected, as shown in the philosophy of Immanuel Kant, with the idea of the Enlightenment. By defining the idea of Enlightenment I. Kant demands from each individual to educate their mind, and find the courage to use it. *Enlightenment* stands for abandoning self-induced immaturity. Immaturity is the inability to use one's own mind without the guidance of another.[2] Thus conceived, the idea of Enlightenment holds the view that each individual should be provided the opportunity to express their own and free opinion. This was the very beginning of postulating the fundamental liberal freedoms.

The idea of the public, as developed by Immanuel Kant and implied in the moral law,[3] actually becomes the backbone of the universalism present in liberal thought.[4] Together with contract theories, the public reason, which is combined with the universalistic principles, becomes the main criterion for legitimization the liberal-democratic political order. Considering numerous criticisms of such a notion of the public sphere, especially the feminist criticism including Marion Young's, contemporary authors (post-modern authors),[5] have been trying to thematise the public sphere from the beginning. Trying to defend the public sphere against critics, Jürgen Habermas develops discursive theory.

"Public opinion is not representative in the statistical sense. It is not an aggregate of individually gathered, privately expressed opinions held by isolated persons."[6]

According to J. Habermas, communicative structure (communication structure) is the essential part of the public sphere, but unlike other aspects of communicative action it does not refer to the functioning or the content of everyday communication. It covers social space that is generated in a communicative action. However, within the limits of the public sphere, or at least the liberal public sphere, protagonists can only achieve (public) influence, but no real political power.

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"The influence of a public opinion generated more or less discursively in open controversies is certainly an empirical variable that can make a difference. But public influence is transformed into communicative power only after it passes through the filters of the institutionalized procedures of democratic opinion – and will-formation and enters through parliamentary debates into legitimate lawmaking."[7]

Therefore, Nancy Fraser claims that the public sphere is not a political sphere in terms of state but *the informally mobilized body of nongovernmental discursive opinion that can serve as a counterweight to the state*.[8]

Given all the heterogeneity of the democratic public, the fluidity of the public sphere has increasingly begun turning to the associations within the civil society looking for their own space in the public sphere in a more or less institutionalized way. Jean L. Cohen and Andrew Arato, theoreticians who have prepared a major study on the topic of civil society, *Civil Society and Political Theory*, state that civil society is not the opposition to economy and state, but a sphere that provides the interaction between them. It consists of an intimate sphere (private sphere – families), social associations, social movements, and the forms of public communication.[9] It is about voluntary associations, meaning that these are neither organized nor managed by state institutions, but created as a result of everyday life and interests of community members. The civil society is focused on external activities that bring benefits to wider social circles, the entire country, and the entire world. In his work, *Facts and Norms*, J. Habermas defines *civil society* as a composition of more or less spontaneously created associations, organizations and movements. These are directed towards the analysis of the impact of social issues in an individual's public sphere, and deal with the transfer of reactions from the private to the public sphere.

"More or less emerging from the private sphere, this public is made of citizens who seek acceptable interpretations for their social interests and experiences and who want to have an influence on institutionalized opinion- and will-formation."[10]

1
Jürgen Habermas, *The Structural Transformation of the Public Sphere. An Inquiry into a Category of Bourgeois Society*, translated by Thomas Burger, The MIT Press, Cambridge (MA) 1991, p. 3.

2
See: Immanuel Kant, "Odgovor na pitanje: Što je to prosvjetiteljstvo?" ["Answer to the Question: What is Enlightenment?"], *Pravno-politički spisi* [*Writings on Law and Politics*], translated by Zlatko Posavec, Politička kultura, Zagreb 2000, pp. 33–41, p. 35.

3
See: John Rawls, *A Theory of Justice*, The Belknap Press (MA), London 1971, p. 133, fn. 8.

4
See: John Gray, *Liberalism. Concepts in Social Thought*, University of Minnesota Press, Minneapolis (MN) 1995.

5
For example: Michel Foucault, Jean-François Lyotard, Seyla Benhabib. See: Dana R. Villa, "Postmodernism and the Public Sphere", *Ame-rican Political Science Review* 86 (3/1992), pp. 712–721. doi: https://doi.org/10.2307/1964133.

6
Jürgen Habermas, *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy*, translated by William Rehg, The MIT Press, Cambridge (MA) 1996, p. 362.

7
Ibid., p. 371.

8
Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy", *Social Text* 25/26 (1990), pp. 56–80, p. 75. doi: https://doi.org/10.2307/466240.

9
Jean L. Cohen, Andrew Arato, *Civil Society and Political Theory*, MIT Press, Cambridge (MA) 1994, p. 20.

10
J. Habermas, *Between Facts and Norms*, p. 367.

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For this reason, it could be said that civil society ensures for the private sphere topics to be placed on the public sphere agenda.

“The core of civil society comprises a network of associations that institutionalizes problem-solving discourses on questions of general interest inside the framework of organized public spheres.”[11]

The basic function of civil associations and civil society as a whole consists precisely in the effort to express the aspirations and desires of marginalized individuals. Civil society activists are usually spokespersons for excluded and marginalized individuals and social groups. The crucial thing for J. Habermas is that these movements gain influence, but not direct power. That influence is filtered by going through institutionalized procedures of democratic formation of opinion and will. Only for that reason it becomes a kind of communicative power which is at the same time limited by these filters. Unlike private associations, civil associations tend to be 'inclusive' in terms of being open to everyone. Civil society and its associations are not public in the sense of always allowing universal access to all, but they are public in the sense of being a part of that anonymous public conversation in a democracy.[12] However, not all theoreticians of liberal orientation share the same vision of civil society. In his theory known as political liberalism, John Rawls perceives civil society as a background culture.[13] According to Rawls, it is the culture of social, rather than political life – the culture of everyday life and many of its associations such as churches, universities, scholar and scientific clubs, groups and organisations. It also includes all matters that are taken off the political agenda. When speaking about background culture, J. Rawls also uses the term *non-public reason*, of which there are many. For sure, those reasons are social and not private.[14] In fact, J. Rawls notes that the distinction between the public and the non-public is not the same as the distinction between the public and the private. When he speaks about the concept of the public he also speaks about the public mind.

“The point of the ideal of public reason is that citizens are to conduct their fundamental discussions within the framework of what each regards as a political conception of justice based on values that the others can reasonably be expected to endorse and each is, in good faith, prepared to defend that conception so understood.”[15]

Rawls also argues that his concept of public mind is not to be confused with Habermas's public sphere. What Habermas meant by public sphere is actually what J. Rawls defines as background culture. Seyla Benhabib says Rawls's public sphere is not really located in civil society, but in the state and its organizations including the legislative sphere and its institutions.[16]

Civil society can be said to have the institutional and qualitative dimension. Institutional dimension includes all social groups and social relations that we are involved in: family, community, religious organizations, social movements, trade unions, ethnic groups and so on. When speaking about the qualitative dimension, it implies the quality of social life that includes security, companionship, respect for diversity, and social order.[17] By comparing civil society and the public sphere J. Habermas states that the public sphere is actually a communication structure that is rooted in the lifeworld through the associational network of civil society.

This extended introduction contains remarks about civil society and public sphere as essential characteristics of a democratic society characterized by liberal ideology. The fundamental role of civil society and the public sphere consists in monitoring whether democracy functions properly and preventing

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it from becoming a tyranny of the majority. Unlike civil society, being cleaved into groups that can be picky from one reason or another, the public sphere, as a factor of a democratic society legitimization, requires equality of access. The premise in liberal democracy is that the public sphere should be blind to all the differences and particularities existing in a society and ensure the equality in participation to all, according to the model of impartiality. That, it is assumed, is the way to ensure justice in a society.

On the other hand, some theoreticians disagree with the above-mentioned idea of equality and impartiality and do not believe such practice leads to justice in a society. One of the authors who criticises the ideal of impartiality is an American philosopher Iris Marion Young. She claims that the abstraction of human specificities (human body, feelings) represents a huge problem in society, because it passes the criteria of justice only at the formal level. The following part of this paper is concerned with the philosophy of Iris Marion Young and her view of the public sphere, civil society, and justice.

2. The politics of difference

In Marion Young's work *Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy*, N. Fraser asks the question:

"Is the idea of public sphere an instrument of domination or a utopian ideal?"[18]

I. M. Young replies with certainty that the universally formulated liberal public sphere is a fundamental instrument of domination.

"Policies that are universally formulated and thus blind to differences of race, culture, gender, age, or disability often perpetuate rather than undermine oppression."[19]

Starting from this assumption, I. M. Young develops her own politics of difference. The analysts of this concept refer to Young's critical and normative project as associated with two central features of her understanding of society: the account of social groups and the notion of mediated social relations.[20]

From her feminist point of view, I. M. Young states that it is a universal normative system that leads to the underlying source of injustice in society, since

11
Ibid., p. 367.

12
Seyla Benhabib, "Toward a Deliberative Model of Democratic Legitimacy", in: Seyla Benhabib (ed.), *Democracy and Difference. Contesting the Boundaries of the Political*, Princeton University Press, Princeton 1996, pp. 67–94, p. 76.

13
Martha C. Nussbaum, "Rawls and Feminism", in: Samuel Freeman (ed.), *The Cambridge Companion to Rawls*, Cambridge University Press, 2003, pp. 488–520, p. 495. doi: https://doi.org/10.1017/ccol0521651670.015.

14
John Rawls, *Political Liberalism*, Columbia University Press, New York 1993, p. 54.

15
Ibid., p. 203.

16
See: S. Benhabib, "Toward a Deliberative Model of Democratic Legitimacy".

17
Caroline Hodges Persell, "The Interdependence of Social Justice and Civil Society", *Sociological Forum* 12 (2/1997), pp. 149–172, p. 150. doi: https://doi.org/10.1023/a:1024693631382.

18
N. Fraser, "Rethinking the Public Sphere", p. 62.

19
Iris Marion Young, *Justice and the Politics of Difference*, Princeton University Press, Princeton 1990, p. 173.

20
Adam James Tebble, "What Is the Politics of Difference?", *Political Theory* 30 (2/2002), pp. 259–281, p. 260. doi: https://doi.org/10.1177/0090591702030002004.

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every form of denial of the existence of differences, contributes to the oppression and marginalization of different social groups. Social groups differ among themselves by their culture, practices or lifestyle. As such, they do not exist apart from individuals, but are prior to individuals in society, and the identity of an individual is partly developed under the influence of the group to which one belongs. Groups like these arise but are never established, and their fundamental feature is defined by the sense of identity, rather than a number of common characteristics. The person first discovers the identity of the group by default, and then takes it over in a certain way.

"Group oppressions are enacted in this society, not primarily in official laws and policies, but in informal, often unnoticed and unreflective speech, bodily reactions to others, conventional practices of everyday interaction and evaluation, aesthetic judgments, and the jokes, images, and stereotypes pervading the mass media."[21]

Why is there oppression? According to I. M. Young, the public sphere of liberal democracy recognizes only one identity – the civil one i.e. the one corresponding to the Enlightenment.

"The ideal of impartial moral reason corresponds to the Enlightenment ideal of the public realm of politics as attaining the universality of a general will that leaves difference, particularity, and the body behind in the private realms of family and civil society."[22]

The basic ideal of the majority of contemporary moral conceptions and conceptions of justice is the very ideal of impartiality. According to I. M. Young, impartiality has its political equivalent in the ideal of civil public. In compliance with that ideal, all moral situations should be judged according to the same rules and in the same way for all. In moral theory, the ideal of impartiality is reduced to the logic of identity that tries to bring differences down to uniqueness, and at the same time to separate the universal and the particular, the public and the private, the mind and the feelings. Young says that *the veil of ignorance* puts everything in the hands of an impartial intellectual thinker, who accepts the transcendental "view from nowhere". The idea of an objective point of view stems from avoiding obvious particularities of a person in a real situation. With the attempt of reducing plurality to unity, impartiality requires a transcendental moral subjectivity. Since the impartial subject takes into account all perspectives, it should not recognize any entities other than themselves and their own interests, opinions, and wishes.[23] However, it happens that the projection of the viewpoint belonging to the dominant group in society is universal and impartial. When such a viewpoint is proclaimed universal, it offers scope for justification of the hierarchical structure of decision-making. When criticising liberal impartiality, Young uses the same criticism as Michael J. Sandel stating that liberal impartiality is the impersonal view of the situation, since it advocates moral reasoning. For this reason, liberal impartiality is not able to recognise the foundations of group differences; therefore, it is not in a position to put them in practice.[24] M. Sandel concludes that the praised independence of the deontological subject is the illusion of liberalism that does not accept or does not understand the "sociability" as a fundamental human nature.[25]

The ideal of impartial decision which everybody involved could agree with, if we take into account their relationship of mutual respect and equal power, has been a sticking point in liberal thought.

"Impartiality designates a point of view that any rational person can adopt, a detached and universal point of view that takes all particular points of view equally into account."[26]

I. M. Young says that government, which impartially oversees any specific interests, is actually above society. The latter is most clearly explained in

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Hegel's political philosophy. Hegel makes a distinction between an individual as part of civil society (with the specific interests at work, but their exchange leads to harmony and satisfaction), and as a member of a state (when an individual is not the carrier of specific desires and interests, but the holder of universally expressed rights and responsibilities). The position of the state and law transcends all specific interests and expresses the universal and rational spirit of humanity. The effectuation of general interests is incompatible with the effectuation of specific interests in the same person. Therefore, G. W. F. Hegel advocates the red tape that is completely autonomous and impartial, thus being a social example of the moral law idea. I. M. Young says that the idea of a neutral state, which goes beyond particular interests and conflicts of civil society, is a myth if among classes, groups or interests exists significant differences in power, resources, access to the public and media exposure. In such a case, the decision-making procedures that should be impartial, in terms of allowing equal formal conditions for all to promote their own interests, produce results for the sake of the more powerful.

"The achievement of formal equality does not eliminate social differences, and rhetorical commitment to the sameness of persons makes it impossible even to name how those differences presently structure privilege and oppression."[27]

In her book, *Inclusion and Democracy*, Young responds to criticisms of the politics of differences.

"They each construct group-specific justice claims as an assertion of group identity, and argue that the claims endanger democratic communication because they only divide the polity into selfish interest groups."[28]

Young says that the politics of differences cannot be reduced to 'identity politics' as some critics claim. It may refer to 'identity politics' in one way, when describing certain aspects of social movements, but bringing it completely down to it is entirely wrong.

"Those who reduce a politics of difference to 'identity politics', and then criticize that politics, implicitly use a logic of substance, or a logic of identity, to conceptualize groups. In this logic, an entity is what it is by virtue of the attributes that inhere in it, some of which are essential attributes. We saw above that the attempt to conceptualize any social group–whether a cultural group like Jews, or structural groups like workers or women–become confused when they treat groups as substantially distinct entities whose members all share some specific attributes or interests that do not overlap with any outsiders. Such a rigid conceptualization of group differentiation both denies the similarities that many group members have with those not considered in the group, and denies the many shadings and differentiations within the group."[29]

21
I. M. Young, *Justice and the Politics of Difference*, p. 148.

22
Ibid., p. 97.

23
Ibid., p. 101.

24
A. J. Tebble, "What Is the Politics of Difference?", p. 262.

25
See: Michael J. Sandel, *Liberalism and the Limits of Justice*, Cambridge University Press, Cambridge (MA) 2007.

26
I. M. Young, *Justice and the Politics of Difference*, p. 112.

27
Ibid., p. 164.

28
Iris Marion Young, *Inclusion and Democracy*, Oxford University Press, New York 2000, p. 83.

29
Ibid., p. 89.

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Differences among groups are not "natural" facts but are constantly being created and continuously processed in social interactions in which people identify themselves and others. Differences among groups are important for the identification of oneself and others, and they cannot be ignored in everyday interactions as they are in our society. The Liberal requirement that differences are not important, actually approves the silence about what people, at the level of practical consciousness, know about the importance of differences between groups. Young clearly points out that her approach is directed 'among and outside' the alternatives that advocate atomistic individualism and collectivistic communitarianism. She approaches the existing differences in a much more serious way than both traditions, liberalism and communitarianism, do. Liberalism calls for the abstraction of cultural particularities, while communitarianism integrates them into a single or collective view of the world.[30] The contemporary democratic societies are not homogeneous, and each attempt to create homogenization actually leads to marginalization and oppression. The politics of difference, advocated by Young, require the identification and the inclusion of all differences in a political discourse.

"Indeed, in an open and accessible public spaces and forums, they should expect to encounter and hear from those who are different, whose social perspectives, experience, and affiliations are different."[31]

Unlike the assimilation model, the politics of difference support and advocate 'the democratic cultural pluralism'.

According to Young, from this perspective, a good society

"… does not eliminate or transcend group difference"; rather, it entails "equality among socially and culturally differentiated groups who mutually respect and affirm one another in their differences."[32]

3. The relationship between the public sphere
and civil society in the philosophy of Iris Marion Young

Analysing the public in her book *Justice and the Politics of Difference* Iris Marion Young claims that the public is not exclusive but indicates what is public and available. Although, in this respect, the public is seen as general, and as such it cannot be homogenous and universalist.[33] This is what Young's criticism of the universalist ideal of the public is based on. The modern view of the public actually seems to be exclusionary, since it challenges the public to ignore aspects like gender, age, race, etc. It also requires that all the people should participate in a society on equal terms. Young explains this with the fact that this approach excludes the specific aspects of a person from the public. Instead of defining the private as something that the public excludes, Young suggests that the term is defined as the aspect of life or activity of an individual that he or she has the right to hide from others. In this case, the private is not what public institutions exclude, but what an individual decides to opt out of the public.[34] Generally speaking, Young cites three characteristics of the public. Firstly, publicity refers to the constitution of a site for communicative engagement and contest. Secondly, it refers to a relationship among citizens within this site. Finally, publicity refers to the form that speech and other forms of expression take.[35] Nancy Fraser's approach to the public is similar. The public sphere cannot always be theorized as a space of consensus where identities, interests, and needs are non-problematic and where the conflicts around such issues can be nullified through rational debate and deliberation

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about the common good. Public sphere is, more than anything else, a space of difference and a space of power, where consensus is always bound to hegemonic practices as well as cultural and material dominance. Both authors agree that in a pluralistic democratic society, the public needs to be understood as heterogeneous. I. M. Young states that the concept of heterogeneous public implies two political principles. The first principle refers to the assumption that no person, no person's act or aspect of life should be forced to privacy. The second principle relates to the institutions and practices and it reads as follows: no social institution or practice should be a priori excluded as an appropriate topic for a public discussion and expression.[36] Unlike Young, who speaks about a singular public sphere, Fraser goes a step further and develops the idea of multiple public spheres, as she thinks that even a perfectly egalitarian society, in which there is no structural inequality, will not be able to create cultural homogeneity by ensuring the freedom of association and the freedom of expression. Even in such an ideal society, according to Fraser, there is a possibility of oppression if there is a single public sphere.[37]

Iris Marion Young does not advocate the rejection of the ideal of the public sphere, with the exception of its Enlightenment alternative. Young proposes, as S. Benhabib states, the term *civil public*, which includes the heterogeneous public, to be used instead of the public sphere.[38] It is the heterogeneous public that enables the articulation of demands coming from civil society, because through the heterogeneous public the space is given for the civil society development. Young states that civil society – or civil association – is completely independent of the state and the economy. It also has no political aspirations, but it is primarily the result of the association of individuals who do not have the possibility to express their own attitude in the public sphere. Thus, by merging they create a critical mass that puts pressure on the public to update certain (until then) marginalized topics (e.g. suffragettes, the suffrage movement, Greenpeace, etc.). The function of civil associations, i.e. civil society as a whole, lies in the fact that it gives space to all those individuals who are, for various reasons, politically and socially marginalized, i.e. individuals whose experiences, interests, and needs are marginalized. In this way, civil society puts the topics that promote communicative democracy and social changes on the public sphere agenda.

"Some social change does come about, however, because people act in civil society itself through the mediation of public criticism and discussion."[39]

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Fred Dallmayr, "Democracy and Multiculturalism", in: S. Benhabib (ed.), *Democracy and Difference*, pp. 278–294, p. 281.

31
I. M. Young, *Justice and the Politics of Difference*, p. 119.

32
F. Dallmayr, "Democracy and Multiculturalism", p. 283.

33
I. M. Young, *Justice and the Politics of Difference*, p. 119.

34
Ibid., p. 120.

35
I. M. Young, *Inclusion and Democracy*, p. 168.

36
Ibid., p. 147.

37
N. Fraser, "Rethinking the Public Sphere", p. 69.

38
S. Benhabib, "Toward a Deliberative Model of Democratic Legitimacy", p. 82.

39
I. M. Young, *Inclusion and Democracy*, p. 174.

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In her book *Democracy and Inclusion*, Young says that the public sphere is perceived as heterogeneous. Therefore, as the sphere that reflects all phenomena in civil society, it has three main functions. The first function, which Young calls *opposition and accountability*, actually tries to restore the power in the hands of the people – whatever that means. Today's democracy seems merely formal, as there has been the separation between power and people, and the power is placed in the hands of individuals, groups and institutions. It is civil society that indicates the existence of illegitimate power within a society with its movements, organizations and community groups. Through its activities, criticism and being exposed to public humiliation, civil society actually exposes the illegitimate authority of the 'dangerous' sources of power. In achieving the goal of exposure, the final word is given by the public sphere that takes over the public criticism, and thus puts pressure on the competent authorities to act against the illegitimate sources of power. This is public sphere's important mechanism that ensures that social and economic inequalities do not become political inequalities as well.

The second function of public sphere refers to *influence over policy*. It has become harder to gain influence on the political events by voting. Voting is an extremely weak form of influence. Civil society plays a key role there. As a non-political body, it has no political aspirations, but demands social changes that are achieved through politics. Civil society identifies problems, interests and needs within a society, and brings them to the public sphere agenda. The public sphere provides public support and holds up the requirements to be politically resolved as soon as possible. There are numerous historical examples of how social movements of civil society have actually led to political changes by placing a problem into the public sphere. *The Americans with Disabilities Act of 1990* in the United States is one example of the success of citizens with serious social and policy concerns capturing a place in the public agenda and winning a major legislative reform.

The third function of the public sphere, according to I. M. Young, refers to *changing society through society*, which means that political decisions are not always necessary to bring about a social change. Sometimes it is necessary to promote a different way of social life publicly in order to achieve a social change. Civil society provides a relatively transparent and safe space, so that people can experiment with different ways and styles of living. Sometimes the practiced alternatives are entirely desirable for the wider community and society as a whole. The public sphere provides the expansion of such ideas and practices in a society. One of the most important examples of this kind of change is the gender division of household chores. As such, there is no legislation that defines the division of household chores within a family, but the public discussion and public presentation of men and women as equal has led to the fact that housework is not something naturally attributed to women.

4. The role of civil society and public sphere in the promotion of justice

According to Iris Marion Young, the public and the public sphere are the very basic 'places' where justice is discussed. However, the contemporary theories of justice and democracy, although taking into account the fact of heterogeneity, have still not adequately managed to respond to the key conclusions of the post-modern theories. I. M. Young believes that there are two reasons for this.

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The first relates to the reliance of modern theories of justice and democracy on a restrictive way of thinking about the public sphere by referring to the paradigm of 'distributive justice'. Distributive logic defined by liberal individualist theories, such as John Rawls's theory, is based on the assumption that human beings are primarily consumers. For this reason political debates are focused on "what individual persons have, how much they have, and how that amount compared with what other individuals have".[40] Young finds that the second reason lies in the fact that the offered models of democracy (e.g. deliberative democracy) are still based on universalistic assumptions that come into conflict with the heterogeneous public.

"Its tendency to restrict democratic discussion to argument carries implicit cultural biases that can lead to exclusions in practice. Its assumption that unity is either a starting point or goal of democratic discussion, moreover, may also have exclusionary consequences."[41]

According to Young's words, deliberative theorists tend to show, in an entirely inappropriate way, that the process of discussion that should result in understanding begins with shared understanding or takes a common good as its goal.

"Deliberative theorists, moreover, tend inappropriately to assume that processes of discussion that aim to reach understanding must either begin with shared understandings or take a common good as their goal."[42]

Therefore, Young suggests that the differences in culture, social perspectives or individual needs should be taken as a means to reach understanding in democratic debates, and not as the differences that need to be overcome. Accordingly, the public should not only be understood, but also accepted as heterogeneous and plural, including all the forms of civil society that may occur within it. In her work *Diversity and Democracy: Representing Differences* Carol C. Gould says that justice requires the retrieval of negative freedom in terms of the equal political rights, as well as the retrieval of positive freedom in terms of insuring the conditions for the implementation of various forms of self-development. If this is true, then justice entails not equal conditions for all, but equivalent conditions determined by differentiated needs.

"Justice then entails a recognition of and consideration for relevant differences. It sees equal treatment as inherently responsive to and defined by difference."[43]

Trying to propose a more adequate model of democracy, I. M. Young develops the idea of so-called communicative democracy. Communicative democracy assumes that when entering a public space, we can never know whom we will meet and what attitude that person will have. Therefore, it is necessary to articulate the assumption that our attitudes may change depending on whom you meet in a public space. It is about taking responsibility for structural injustice and readiness to cooperate with others in order to organize a collective

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Christy Friend, "From the Contact Zone to the City: Iris Marion Young and Composition Theory", *JAC* 19 (4/1999), pp. 657–676, p. 658.

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Iris Marion Young, "Communication and the Other: Beyond Deliberative Democracy", in: S. Benhabib (ed.), *Democracy and Difference*, pp. 120–135, p. 122.

42

Ibid., p. 120.

43

Carol C. Gould, "Diversity and Democracy: Representing Differences", in: S. Benhabib (ed.), *Democracy and Difference*, pp. 171–186, p. 180.

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action to change these structures.[44] However, pointing out structural injustice is the act that presupposes people's readiness to change themselves.

"In this process peoples own initial preferences are transformed from subjective desires to objective claims and the content of these preferences must also often change to make them publicly speakable, as claims of entitlement or what is right. Peoples ideas about the solution to collective problems are also sometimes transformed by listening to and learning about the point of view of others."[45]

Communicative democracy holds that democratic legitimation requires that all to whom democratic decisions relations refer to should be included in the discussion about these decisions. The initial situation consists of the 'recognition' of others as equal and as different.

If people had the same opinions about everything, there would be no need for polity. Polity appears when there is a conflict.

"A polity consists of people who live together, who are stuck with one another."[46]

However, in a modern society we cannot assume that there will be shared understanding that we can call upon in conflict situations. That which community members need to agree on are the procedural rules of fair hearing and decision-making. According to Young, this is actually the basic prerequisite for the establishment of communicative democracy. Other conditions are: significant interdependence and formally equal respect.[47] When speaking about the assumption of the common good, it is about the weaker conditions than those assumed. Critics however claim that Young's policy of differences destroys the idea of the common good. In the opinion of Jean Elshtain, viable democracy presupposes active citizens and active civil society working together in the public spirit that seeks the common good. Citizens who advocate democracy should accept the responsibility for and commitment to the community, and therefore leave behind all what sets them apart. However, Elshtain argues that it has been increasingly noticed that social movements and civil society actions do not advocate this kind of public-spiritedness. Quite the opposite, the politics of difference destroys the public commitment to the common good.

"These movements have turned politics into a cacophony of self-interested demands for recognition and redress, where groups within their private identities are unwilling or unable to communicate and co-operate."[48]

Young replies that social structures are the true cause of injustice in society since these place individuals in unequal power relations, which leads to unfair allocation of resources and discursive hegemony. The requirements of social groups to redefine the social structures actually stand for the struggle for equal status in society. Non-recognition of differences by social structures creates and produces injustice in society, which then leads to conflict and instability in a democratic order. *Democratic communication* is the best response to these problems and conflicts because it does not call upon the common good, but takes into account all the diversities that exist in society.[49] People who understand the meaning of sharing responsibilities realize why it is so important to include diversities in a public discourse. Communicative democracy does not require reaching the common identity and unique position, but advocates the recognition and acceptance of a heterogeneous public where discussion takes place from individual positions.

"Different social positions encounter one another with the awareness of their difference. This does not mean that we believe we have no similarities; difference is not total otherness. But it means that each position is aware that it does not comprehend the perspective of the others differently located, in the sense that it cannot be assimilated into one's own. There is thus something to

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be learned from the other perspectives as they communicate their meanings and perspectives, precisely because the perspectives are beyond one another and not reducible to a common good."[50]

Seriously accepting differences in the public sphere requires much more than simply reformulating the principles of equity. According to Carol C. Gould, it requires a radical increase in opportunities for participation in the context of joint activities. This does not only refer to participation in the public sphere, but also to involvement in the work and activities of all economic, social and political spheres.

"This includes participation in decision-making in the institutions of work, that is, in the firm, in social and cultural institutions, as well as in contexts of politics and government. This would also include the voluntary associations, social movements, and informal groupings of the public sphere. Thus the conception here of what I would call the public domain represents a broader arena for activity than that included on the discursive model."[51]

In order to achieve this situation in society it is essential to transform social relations, which can take place in three ways. The first method assumes that by confronting different perspectives, interests and cultural meanings, I get new knowledge and new experiences about my own perspectives. In the situation that requires solving some common problems, new challenges appear that put my opinions and arguments at risk. These challenges create the need in me that I, with a view to the realization of a more just society, change my own attitudes and the perception of self-interest. The third way is the transformation of social relations in a way that the examination and the expression become the social knowledge of all participants. Young states that participants do not abandon their own perspectives, but by listening to and discussing with others expand them with new knowledge and experiences. When internalizing the mediating understanding of a plural position, participants get a broad picture of social processes in which their partial experience is built in.[52]

Young sees the possibility of achieving a more just society only if public life ceases to be blind to the real differences among people. Justice keeps various theories within the limits of formal and universal principles that define the context in which each person can achieve their personal goals by not preventing others from doing the same. According to M. J. Sandel, this implies not only too narrow a conception of social life, but too narrow a conception of justice as well. As a virtue, justice cannot be opposed to personal needs, feelings and desires, but it rather stands for the institutional conditions that allow people to meet their needs and express their wishes. The specific needs of each person can be expressed in a heterogeneous public. Let us suppose

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Iris Marion Young, *Responsibility for Justice*, Oxford University Press, New York 2011, p. 112. doi: https://doi.org/10.1093/acprof:oso/9780195392388.001.0001.

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I. M. Young, "Communication and the Other", p. 125.

46
Ibid., p. 126.

47
Ibid.

48
Jean Bethke Elshtain, *Democracy on Trial*, Basic Books, New York 1995, p. 74.

49
I. M. Young, *Inclusion and Democracy*, p. 87.

50
I. M. Young, "Communication and the Other", p. 127.

51
C. C. Gould, "Diversity and Democracy", p. 181.

52
I. M. Young, "Communication and the Other", p. 18.

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that social equality is the goal of social justice. Equality refers not only to the distribution of social goods, but also the full participation and involvement of all groups and individuals in the major institutions of society. Those who seek social equality believe that the policy that is neutral towards groups or the policy that does not take into account the differences among the groups does not contribute to their cause.[53]

"The call to 'be just' is always situated in concrete social and political practices that precede and exceed the philosopher. The traditional effort to transcend that finitude toward a universal theory yields only finite constructs which escape the appearance of contingency usually by recasting the given as necessary."[54]

If fair democratic decision-making is understood as a policy of interpreting needs, democratic institutions must facilitate the public expression of the needs concerning those who are socially marginalized or subjected to cultural imperialism. Such an expression is facilitated by the representation of various groups in the public through civil society's activities.

According to Young, democratic public should provide: a) self-organization of group members so that they achieve collective empowerment and a reflective understanding of their collective experience and interests in the context of the society; b) group analysis and group generation of policy proposals in institutionalized contexts where decision makers are obliged to show that their deliberations have taken group perspectives into consideration; c) group veto power regarding specific policies that affect a group directly.[55]

"For a norm to be just, everyone who follows it must in principle have an effective voice in its consideration and be able to agree to it without coercion. For a social condition to be just it must enable all to meet their needs and exercise their freedom; thus justice requires that all be able to express their needs."[56]

According to Young, civil society is the central area for the fight against injustice. Nancy Fraser only partially agrees with this idea. She says that even the best organized civil society is not an adequate tool of representation or democratic legitimization for the reform of justice. The problem is that these social forms do not have an adequate capacity to convert their own demands into political decisions. Consequently, even though they are able to introduce new requirements in the public debate, they actually need political support for their implementation.[57]

I. M. Young is indeed aware of the problem, but she believes that inclusive democracy cannot exist without a strong and developed civil society. State institutions need to be in a constant dialogue with the civil society.[58]

Conclusion

"I don't think there is any other concept that helps describe the phenomenon of social movement that exists across a large segment of a mass society, raising issues and being able to call power structures to account, and shifting public opinion. I think that's what the concept is about. Everyday politics isn't usually like that, but there are moments, not infrequent moments, when you see the public sphere. And it does depend on civil society as a phenomenon and the freedom that the civil society makes possible."[59]

Iris Marion Young was an activist who lived as she wrote: radically and with emancipatory fervour, in every respect. In accordance with post-modern thinking, the author reveals, in terms of time, a post-modern political thought that is substantially stuck in the universalistic ideologization of the modern. Such a political thought accepts heterogeneity as an undeniable fact, but in

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its attitudes it does not move, not even a step further, from the homogeneity of opinions, views and experiences. That is precisely what Young calls into question in her philosophy.

If we want a fairer society, then we must not close our eyes to the injustice we encounter every day. Formalistic approach to justice deceives all of us, and Lady Justice, covering her eyes with her hand in the name of impartiality, actually participates in injustice. According to Young, justice demands masks – the hand covering the eyes – the bandage – to be removed and diversity to be confronted eye to eye with the ideal of equality.

Citizens are those who decide what belongs to the private sphere and what does not. Domestic violence, for a long time defined as a matter of the private sphere, becomes the topic of the public sphere only after the victims have joined together, and through civic associations appealed to politicians via the public sphere. The same happened with disabled people, homosexuals and all members of social groups who have been put aside by the universalistic approach and marginalized because of their differences. True, they have always had their political rights and freedoms guaranteed, but could not practice them for they were labelled as different.

Young's philosophical thought advocates that the private sphere, civil society, the public sphere and the state should be closely intertwined. Only in this way can democracy in a democracy be reached and the tyranny of the powerful, whether minority or majority, prevented.
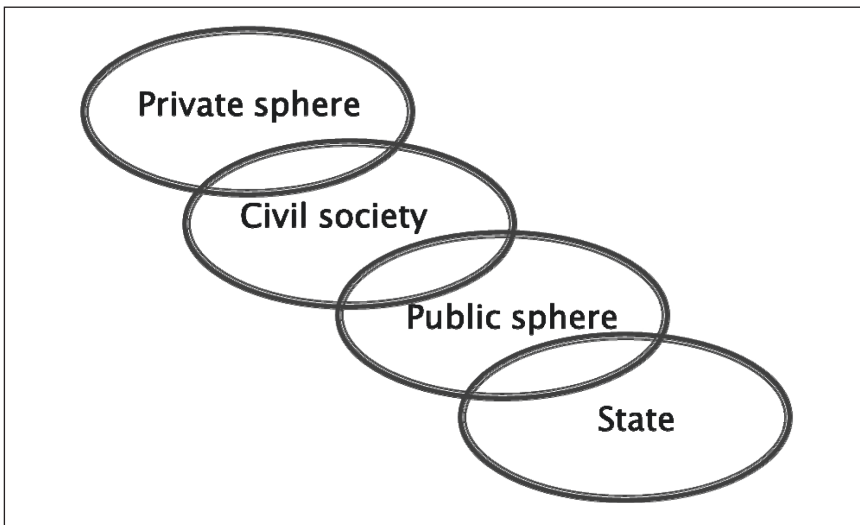
Image 1: Relations between the spheres – interpenetration and interrelation

53
I. M. Young, *Justice and the Politics of Difference*, p. 173.

54
Ibid., p. 5.

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Ibid., p. 184.

56
Ibid., p. 34.

57
N. Fraser, "Rethinking the Public Sphere", p. 141.

58
I. M. Young, *Inclusion and Democracy*, p. 157.

59
Vlasta Jalušič, Mojca Pajnik, "When I Think about Myself as Politically Engaged, I Think of Myself as a Citizen: Interview with Iris Marion Young", in: Ann Ferguson, Mechthild Nagel (ed.), *Dancing with Iris: The Philosophy of Iris Marion Young*, Oxford University Press, New York 2009, pp. 21–32, p. 32.

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Marita Brčić Kuljiš

Civilno društvo, javna sfera i pravednost u filozofiji Iris Marion Young

Sažetak

Iris Marion Young prihvaća distinkciju na privatno i javno, ali negira društvenu podjelu na javnu i privatnu sferu, svaku s različitim vrstama institucija, aktivnosti i ljudskih osobina. Young privatno *definira kao aspekt osobnog života i djelovanja iz kojeg, on ili ona, imaju pravo isključiti druge. Privatno nije ono što javno isključuje, nego ono što osoba sama odluči isključiti iz javne sfere. Prema Young, javnost je u demokratskom društvu heterogena. »Doista, u otvorenim i pristupačnim javnim mjestima i forumima, za očekivati je da ćemo susresti one koji su drugačiji, čija je društvena perspektiva, iskustvo i sklonost drugačija.« Važno obilježje razvijenog demokratskog društva razvijeno je civilno društvo. Civilno društvo odnosi se na dobrovoljna udruženja javnog života koji se razlikuje od države i gospodarstva, a koji omogućava prijenos problema privatnog života na dnevni red javnosti. Oni dobrovoljno – u smislu da nisu ovlašteni, ali ni ni vođeni od strane državnih institucija – već proizlaze iz svakodnevnog života i aktivnosti zajedničkih interesa. Razlikovanje dobrovoljnog udruženja od ekonomije i države omogućava još jasnije objasniti ulogu civilnog društva u promicanju društvene pravednosti.*

Ključne riječi

Iris Marion Young, civilno društvo, demokracija, privatno, javna sfera, pravednost, voluntarizam

Marita Brčić Kuljiš

Zivilgesellschaft, öffentliche Sphäre und Gerechtigkeit in der Philosophie Iris Marion Youngs

Zusammenfassung

Iris Marion Young akzeptiert die Distinktion zwischen privat und öffentlich, verneint jedoch die gesellschaftliche Einteilung in öffentliche und private Sphäre mit jeweils unterschiedlichen Arten von Institutionen, Aktivitäten und menschlichen Eigenschaften. Young definiert „das Private" als den Aspekt des persönlichen Lebens und Handelns, wobei er oder sie das Recht haben, andere daraus auszuschließen. Privat ist nicht jenes, was das Öffentliche exkludiert, sondern jenes, was eine Person selbst von der öffentlichen Sphäre abzusondern beschließt. Young zufolge ist die Öffentlichkeit in einer demokratischen Gesellschaft heterogen. „Tatsächlich ist es in offenen und zugänglichen öffentlichen Plätzen und Foren zu erwarten, dass wir diejenigen treffen, die anders sind, deren soziale Perspektiven, Erfahrungen und Vorlieben unterschiedlich sind." Ein bedeutendes Merkmal einer entwickelten demokratischen Gesellschaft ist eine ausgebaute Zivilgesellschaft. Die Zivilgesellschaft bezieht sich auf freiwillige Vereinigungen des öffentlichen Lebens, das sich vom Staat und der Wirtschaft unterscheidet und die Übertragung von Problemen des Privatlebens auf die öffentliche Agenda ermöglicht. Sie gehen freiwillig – im Sinne, dass sie von staatlichen Institutionen weder bevollmächtigt noch geleitet werden – aus dem alltäglichen Leben und den Aktivitäten von gemeinsamen Interessen hervor. Die Unterscheidung zwischen einer freiwilligen Vereinigung und Wirtschaft sowie Staat bietet die Gelegenheit, die Rolle der Zivilgesellschaft bei der Förderung der Social Justice *noch deutlicher zu erläutern.*

Schlüsselwörter

Iris Marion Young, Zivilgesellschaft, Demokratie, Privates, öffentliche Sphäre, Gerechtigkeit, Voluntarismus

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La société civile, la sphère publique
et la justice dans la philosophie d'Iris Marion Young

Résumé

Iris Marion Young accepte la distinction entre le privé et le public, mais refuse une division de la société en sphère publique et privée, chaque sphère étant caractérisée par des institutions, des activités et des propriétés humaines différentes. Young définit le privé *comme un aspect de la vie et de l'activité personnels à partir desquels, il ou elle, a le droit d'exclure les autres. Le privé n'est pas ce que le public exclut, mais ce que la personne elle-même décide d'exclure de la sphère publique. Selon Young, la sphère publique est hétérogène dans la société démocratique. « En effet, au sein des lieux et des forums publics ouverts et accessibles, nous nous attendons à rencontrer ceux qui sont différents, qui ont une perspective de la société, une expérience et des penchants différents ». La caractéristique importante d'une société démocratique avancée est la société civile avancée. La société civile se rapporte à des associations volontaires de la vie publique, et se distingue de l'État ou de l'économie, mais permet d'amener les problèmes de la vie privé à l'ordre du jour dans la sphère publique. Ces associations émergent spontanément – au sens où elles n'ont pas les pleins pouvoirs, et où elles ne sont pas dirigées par des institutions étatiques – de la vie quotidienne et des activités communes. Distinguer les associations volontaires de l'économie et de l'État permet d'expliquer plus clairement le rôle de la société civile dans l'acte de promouvoir la justice sociale.*

Mots-clés

Iris Marion Young, société civile, démocratie, privé, sphère publique, justice, volontarisme