

characteristic of it. In such a society, a reasonable comprehensive doctrine cannot secure the basis of social unity, nor can it provide the content of public reason on fundamental political questions. Thus, to see how a well-ordered society can be unified and stable, we introduce another basic idea of political liberalism to go with the idea of a political conception of justice, namely, the idea of an overlapping consensus of reasonable comprehensive doctrines. In such a consensus, the reasonable doctrines endorse the political conception, each from its own point of view. Social unity is based on a consensus on the political conception; and stability is possible when the doctrines making up the consensus are affirmed by society's politically active citizens and the requirements of justice are not too much in conflict with citizens' essential interests as formed and encouraged by their social arrangements.

After considering how political liberalism itself is possible and explaining the question of stability, I distinguish an overlapping consensus from a *modus vivendi*. Then I take up several objections to the idea of social unity based on a consensus of that kind. These objections need to be answered, as they stand in the way of what I believe is the most reasonable basis of social unity available to us.

§ 1. How Is Political Liberalism Possible?

1. One of the deepest distinctions between conceptions of justice is between those that allow for a plurality of reasonable though opposing comprehensive doctrines each with its own conception of the good, and those that hold that there is but one such conception to be recognized by all citizens who are fully reasonable and rational. Conceptions of justice that fall on opposite sides of this divide are distinct in many fundamental ways. Plato and Aristotle, and the Christian tradition as represented by Augustine and Aquinas, fall on the side of the one reasonable and rational good. Such views hold that institutions are justifiable to the extent that they effectively promote that good. Indeed,

beginning with Greek thought the dominant tradition seems to have been that there is but one reasonable and rational conception of the good. The aim of political philosophy—always viewed as part of moral philosophy, together with theology and metaphysics—is then to determine its nature and content. The classical utilitarianism of Bentham, Edgeworth, and Sidgwick belongs to this dominant tradition.¹

By contrast, we have seen that political liberalism supposes that there are many conflicting reasonable comprehensive doctrines with their conceptions of the good, each compatible with the full rationality of human persons, so far as that can be ascertained with the resources of a political conception of justice.² As noted before (1:6.2), this reasonable plurality of conflicting and incommensurable doctrines is seen as the characteristic work of practical reason over time under enduring free institutions. So the question the dominant tradition has tried to answer has no answer: no comprehensive doctrine is appropriate as a political conception for a constitutional regime.³

2. Before asking how political liberalism is possible let us note that the political relationship in a constitutional regime has these two special features:

First, it is a relationship of persons within the basic structure of society, a structure of basic institutions we enter only by birth

1. So likewise do the recent forms of ethical liberalism as expressed by Joseph Raz in *The Morality of Freedom* (Oxford: Clarendon Press, 1986) and Ronald Dworkin, "The Foundations of Liberalism," in *The Tanner Lectures on Human Values* (Salt Lake City: University of Utah Press, 1991), vol. XI.

2. The point here is that while some would want to claim that given the full resources of philosophical reason, there is but one reasonable conception of the good, that cannot be shown by the resources of a reasonable political conception of justice.

3. This conclusion does not mean that the liberalisms of Kant and Mill are not reasonable and appropriate doctrines which lead one to support democratic institutions. But they are two such doctrines among others, and so but two of the philosophical views likely to persist and to gain adherents in a reasonably just democratic regime. Indeed, their liberalisms have a certain historical preeminence as being among the first and most important doctrines to affirm modern constitutional democracy and to develop ideas that have been significant in its justification and defense.

and exit only by death (or so we may appropriately assume). To us it seems that we have simply materialized, as it were, from nowhere at this position in this social world with all its advantages and disadvantages, according to our good or bad fortune. I say from nowhere because we have no prior public or nonpublic identity: we have not come from somewhere else into this social world. Political society is closed: we come to be within it and we do not, and indeed cannot, enter or leave it voluntarily.⁴

Second, political power is always coercive power backed by the government's use of sanctions, for government alone has the authority to use force in upholding its laws. In a constitutional regime the special feature of the political relation is that political power is ultimately the power of the public, that is, the power of free and equal citizens as a collective body. This power is regularly imposed on citizens as individuals and as members of associations, some of whom may not accept the reasons widely said to justify the general structure of political authority—the constitution—or when they do accept that structure, they may not regard as justified many of the statutes enacted by the legislature to which they are subject.

3. This raises the question of the legitimacy of the general structure of authority with which the idea of public reason (VI) is intimately connected. The background of this question is that, as always, we view citizens as reasonable and rational, as well as free and equal, and we also view the diversity of reasonable religious, philosophical, and moral doctrines found in democratic societies as a permanent feature of their public culture. Granting

4. The appropriateness of this assumption rests in part on a fact I shall only mention here: namely, that the right of emigration does not make the acceptance of political authority voluntary in the way that freedom of thought and liberty of conscience make the acceptance of ecclesiastical authority voluntary (VI.3.2). This brings out a further feature of the domain of the political, one that distinguishes it from the associational. Immigration is also a common fact but we can abstract from it to get an uncluttered view of the fundamental question of political philosophy (I.3.3). Of course, immigration is an important question and must be discussed at some stage. I surmise this is best done in discussing the appropriate relations between peoples, or the law of peoples, which I don't consider in these lectures.

this, and seeing political power as the power of citizens as a collective body, we ask: when is that power appropriately exercised? That is, in the light of what principles and ideals must we, as free and equal citizens, be able to view ourselves as exercising that power if our exercise of it is to be justifiable to other citizens and to respect their being reasonable and rational?

To this political liberalism says: our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason. This is the liberal principle of legitimacy. To this it adds that all questions arising in the legislature that concern or border on constitutional essentials, or basic questions of justice, should also be settled, so far as possible, by principles and ideals that can be similarly endorsed. Only a political conception of justice that all citizens might be reasonably expected to endorse can serve as a basis of public reason and justification.⁵

Let us say, then, that in a constitutional regime there is a special domain of the political identified by the two features above described, among others. The political is distinct from the associational, which is voluntary in ways that the political is not; it is also distinct from the personal and the familial, which are affectional, again in ways the political is not. (The associational, the personal, and the familial are simply three examples of the nonpolitical; there are others.)

4. Given the existence of a reasonably well-ordered constitutional regime, two points are central to political liberalism. First, questions about constitutional essentials and matters of basic

5. This paragraph can be stated more rigorously if we wish. One way to do this is to look at the question of legitimacy from the point of view of the original position. We suppose the parties to know the facts of reasonable pluralism and of oppression along with other relevant general information. We then try to show that the principles of justice they would adopt would in effect incorporate this principle of legitimacy and would justify only institutions it would count legitimate. See, further, VI.4.4.