CHAPTER – 5

Overlapping Consensus and Public Reason

The term overlapping consensus is coined by John Rawls in his *A Theory of Justice*.¹ The term refers to how supporters of different comprehensive doctrine can agree on a specific form of political organization. In Rawls’ case this is applied to a liberal society where everyone should be free to express his opinion and beliefs. Rawls’s hopes for a stable liberal society rest on an overlapping consensus. In an overlapping consensus, citizens support the same basic laws for different reasons. In Rawlsian terms, each citizen supports a political conception of justice for reasons internal to her own comprehensive doctrine. A political conception is freestanding: it is a “module” that can fit into any number of world views that citizens might have. In an overlapping consensus each reasonable citizen affirms this common “module” from within her own perspective.²

Citizens within an overlapping consensus works out for themselves how the liberal “module” fits into their own world views.³ Some citizens may see liberalism as derived directly from their deepest beliefs, others may accept a liberal conception as attractive in itself but mostly separate from their others concerns. All citizens will

³Ibid.
view the values of a political conception of justice as very great values, that normally outweigh their other values, should these conflicts on some particular issue.

Rawls sees an overlapping consensus as the feasible basis of the most desirable democratic stability. Stability on the basis of an overlapping consensus is superior to a mere balance of power among citizens who hold contending worldview. Any balance of power might shift, and social stability then be lost. In an overlapping consensus citizens affirm a political conception whole-heartedly from within their own perspectives, and so will continue to do so even should their group gain or loss political power. Rawls says that an overlapping consensus is stable for the right reasons; each citizen affirms a moral doctrine for moral reasons. Abiding by liberal basic laws is not a citizen second best compromise in the face of the power of other, but each citizen’s first best option given what they themselves believe.

Rawls does not assert that an overlapping consensus is achievable in every liberal society or that once established one will always endure. Citizens in some societies may have too little in common to coverage on a liberal political conception of justice, and in other societies unreasonable doctrines may spread until they overwhelm liberal institutions. Rawls does believe that history shows both deepening truth and convergence in beliefs among citizens in some liberal societies, which proves that an overlapping consensus can be possible. And he claims that where an overlapping consensus is possible, it is the best support for social stability that a free society can hope to attain.

Having seen how Rawls addresses the problems of legitimacy and stability we can return to legitimacy and its criterion of reciprocity: Citizens must reasonably believe that all citizens can reasonably accept the enforcement of a particular set of
basic laws. It is unreasonable for citizens to attempt to impose what they see as the whole truth on others – political power must be used in ways that all citizens may reasonably be expected to endorse with his doctrine of public reason. Rawls extends this requirement of reciprocity to apply directly to how citizens explain their political decisions to one another. In essence, public reason requires citizens to be able to justify their political decisions to one another using publicly available values and standards.

Rawls’s doctrine of public reason says that citizens engaged in certain political activities have a duty of civility to be able to justify their decisions on fundamental political issues such as the value of fair cooperation among citizens on a footing of mutual respect are extremely important values and can be acknowledge as such by conflicting moral conceptions, by views that disagree with one another about ultimate values and about the best way to live. To be sure, those views will explain the importance of political values in very different terms, for example, as rooted in autonomy, or self-realization, or human happiness properly understood, on the appropriate response to life’s challenges, or the value of individuality, or the equality of human beings as God’s creatures. These competing explanations of the political values will in turn manifest themselves in conflicting views about individual conduct


URL = http://www.jstor.org/Stable/1600311.
and personal virtue by reference only to public values and public standards.\(^6\)

The public values that citizens must be able to appeal to, are the values of a political conception of justice those related to the freedom and equality of citizens and the fairness of ongoing social cooperation. Among public value are the freedom of religious practice, the political equality of women and racial minorities, the efficiency of the economy, the preservation of a healthy environment, and the integrity of the family as securing the orderly reproductions of society from one generation to the next. Non public values are the values internal to associations like churches or private clubs which cannot be squared with public values such as these.

Similarly, citizens should be able to justify their political decisions by public standards of inquiry. Public standards are principles of reasoning and rules of evidence that all citizens could reasonably endorse. So citizens are not to justify their political decisions by appeal to divination or to complex and disputed economic or psychological theories. Rather, publicly acceptable standards are those that rely on common sense, on facts generally known, and on the conclusions of science that are well established and not controversial.

The duty to abide by public reason applies when the most fundamental political issue are at stake issues such as who has the right to vote, which religious are to be tolerated, who will be eligible to own property, and what are respect categories

for making employment decisions. These are what Rawls calls constitutional essentials and matters of basic justice. Public reason applies more weakly, if at all, to less momentous political questions, for example, to most law that change the rate of tax, or that put aside public money to maintain national parks.

Citizens have a duty to constrain their decisions by public reason only when they engage in certain political activities, usually when exercising powers of public office. So judges are bound by public reason when they issue their rulings, legislators should abide by public reason when speaking and voting in the legislature, and the executive and candidates for high office should respect public reason in their public pronouncement. Significantly, Rawls says that voters should also need public reason when they vote. All of these activities are or support exercises of political power, so all must be justifiable endorse. However, citizen are not bound by duties of public reason when engaged in other activities, for example, when they worship in church, perform or stage, pursue scientific research, send letters to the editor, or talk polities around the dinner table.

The duty to be able to justify one’s political decisions with public reason is a moral, not a legal, duty: it is a duty of civility. All citizens have full legal rights to free expression, and overstepping the bounds of public reason are never itself a crime. Rather citizens have a moral duty of mutual respect and civic friendship not to justify political decision on fundamental issues with partisan values or controversial standards of reasoning that could not be publicly redeemed.

In an important proviso, Rawls adds that citizens may speak the language of their controversial comprehensive doctrines even as public officials and even on the most fundamental issues – so long as what they say can be translated into the
language of public reason. So president Lincoln, for instance, could legitimately condemn the evil of slavery using Biblical imagery, since his pronouncements could have been expressed in terms of the public values of freedom and equality. Thus even within its limited range of application, Rawls’s doctrine of public reason is rather permissive concerning what citizens may say and do within the bounds of civility.

The aims of political philosophy depend on the society it addresses. In a constitutional democracy one of its most important aims is presenting a political conception of justice that can not only provide a shared public basis for the justification of political and social institutions but also helps ensure stability from one generation to the next. Now a basis of justification that rest on self-or group-interests alone cannot be stable; such a basis must be, needed is a regulative political conception of justice that can articulate and order in a principled way the political ideals and values of a democratic regime, thereby specifying the aim the constitution is to achieve and the limits it must respect. In addition, this political conception needs to be such that there is some hope of its gaining the support of an overlapping consensus, that is, a consensus in which it is affirmed by the opposing religious, philosophical and moral doctrines likely to thrive over generations in a more or less just constitutional democracy, where the criterion of justice is that political conditions itself.

The historical and social conditions of a modern democratic society require us to regard a conception of justice for its political institutions in a certain way or rather, they require us to do so, if such a conception is to be both practicable and consistent with the limits of democratic politics. What these conditions are, and how they effect the features of a practicable conception, can be noted in connection with the following
three features of a political conception of justice. 7

Firstly, a political conception of justice is, a moral conception. It means, among other things, that its content is given by certain ideals, principles and standards, and that these norms articulate certain values, in this case political values, it is a moral conception worked out for a specific kind of subject, namely, for political, social and economic institutions. In particular, it is worked out to apply to what we may call the “basic structure” of a modern constitutional democracy. A society’s main political, social and economic institutional and how they fit together into one unified scheme of social cooperation. But a political conception of justice as a conception framed in the first instance solely for the special case of the basic structure, that is, we are to focus first on the basic structure, we can then try to extend it to further cases, of which one of the most important is the relations between states and the system of cooperation between them.

The second feature complements the first: a political conception is not to be understood as a general and comprehensive moral conception that applies to the political order, as if this order was only another subject, another kind of case, falling under that conception. Thus, a political conception of justice is different from many familiar moral doctrines, for these are widely understood as general and comprehensive views. Perfectionism and utilitarianism are clear examples, since the principles of perfection and utility are thought to apply to all kinds of subjects ranging from the conduct of individuals and personal relations to the organization of society

as a whole, and even to the law of nations. Their content as political doctrines is specified by their application to political institutions and questions of social policy. Idealism and Marxism in their various forms are also general and comprehensive. By contrast, a political conception of justice involves so far as possible, no prior commitment to any wider doctrine. It looks initially to the basic structure and the tries to elaborate a reasonable conception for that structure alone.

Now one reason for focusing directly on a political conception for the basic structure is that, as a practical political matter, no general conception of justice. By a publicly acceptable basis, it means a basis that includes ideals, principles and standards that all members of society can not only affirm but also mutually recognize before one another. A public basis involves, then, the public recognition of certain principles as regulative of political institutions, and as expressing political values that the constitutions is to be framed to realize.⁸

The social and historical conditions of modern democratic regimes have their origins in the wars of Religion following the reformation and the subsequent development of the principle of toleration, and in the growth of constitutional government and of large industrial market economies. These conditions profoundly affect the requirements of a workable conception of justice: among other things, such a conception must allow for a diversity of general and comprehensive doctrines, and for the plurality of conflicting, and indeed incommensurable conceptions of the meaning, value and purpose of human life affirmed by the citizens of democratic

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This diversity of doctrines – the fact of pluralism – is not a mere historical condition that will soon pass away, it is, a permanent feature of the public culture of modern democracies. Under the political and social conditions secured by the basic rights and liberties historically associated with these regimes, the diversity of view will persist and may increase. A public and workable agreement on a single general and comprehensive conception could be maintained only by the oppressive use of state power. Since we are concerned with securing the stability of a constitutional regime, and wish to achieve free and willing agreement on a political conception of justice that establishes at least the constitutional essentials, we must find another basis of agreement than that of a general and comprehensive doctrine. And so, as this alternative basis, we look for a political conception of justice that might be supported by an overlapping consensus. The idea of an overlapping consensus of a political conception is to show how, despite a diversity of doctrines, convergence on a political conception of justice, may be achieved and social unity sustained in long-run equilibrium, that is, over time from one generation is the next.

The public role of a mutually recognized political conception of justice is to specify a point of view from which all citizens can examine before one another whether or not their political institutions are just. It enables them to do this by citing what are recognized among them as valid and sufficient reasons singled out by that

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conception itself. Questions of political justice can be discussed on the same basis by all citizens, whatever their social position, or more particular aims and interests, or their religious, philosophical or moral views. Justification in matter of political justice is addressed to another who disagrees with us, and therefore it proceeds from some consensus, from premises that we and others recognize as true, or as reasonable for the purpose of reaching a working agreement on the fundamentals of political justice. Given the fact of pluralism, and given that justification begins from some consensus, no general and comprehensive doctrine can assume the role of a publicly acceptable basis of political justice.

Now comes the third feature of a political conception of justice, namely, it is not formulated in terms of a general and comprehensive religious, philosophical or moral doctrine but rather in terms of certain fundamental intuitive ideas viewed as latent in the public political culture of a democratic society. These ideas are used to articulate and order in a principled way its basic political values. We assume that in any such society there exist a tradition of democratic thought, the content of which is at least intuitively familiar to citizens generally. Society’s main institutions, together with the accepted forms of their interpretation, are seen as a fund of implicitly shared fundamental ideas and principles. We suppose that these ideas and principles can be elaborated into a political conception of justice and exhibiting the way in which it could be thus supported. It’s also likely that more than one political conception may be worked up from the fund of shared political ideas, indeed this is desirable, as these rival conception will then compete for citizens allegiance and be gradually modified and deepened by the contest between them.

The political conception of justice can be seen as starting with the fundamental
intuitive ideas of political society as a fair system of social cooperation between citizens regarded as free and equal persons, and as born into the society in which they are assumed to lead a complete life. The problem of justice is then understood as that of specifying the fair terms of social cooperation between citizens so conceived. The conjecture is that by working out such ideas, as implicit in the public political culture, we can in due course arrive at widely acceptable principles of political justice.¹⁰

What is important here is that these fundamental intuitive ideas are not taken for religious, philosophical or metaphysical ideas. For example, when it is said that citizens are regarded as free and equal persons, their freedom and equality are to be understood in ways congenial to the public political culture and explicable in terms of the design and requirements of its basic institutions. The conception of citizens as free and equal is, therefore, a political conception, the content of which is specified in connection with such things as the basic rights and liberties of democratic citizens.¹¹ The hope is that the conception of justice to which this conception of citizens belongs will be acceptable to a wide range of comprehensive doctrines and hence supported by an overlapping consensus.

But success in achieving consensus requires that political philosophy try to be, so far as possible, independent and autonomous from other parts of philosophy, especially from philosophy’s longstanding problems and controversies. For given the

¹⁰Dworkin’s, Ronald, A Matter of Principle, Cambridge, Harvard University Press, 1986, the essays is in part three on liberalism and justice.

aim of consensus, to proceed otherwise would be self–defeating. But we may not be able to do this entirely when we attempt to answer the objection that claims that aiming for consensus implies skepticism or indifference to religious, philosophical or moral truth. We can present a political view either by starting explicitly from within a general and comprehensive doctrine, or we can start from fundamental intuitive ideas regarded as latent in the public political culture. These two ways of proceeding are very different, and this difference is significant even though we may sometimes be forced to assert certain aspects of our own comprehensive doctrine. So while we may not be able to avoid comprehensive doctrines entirely, we do what we can to reduce relying on their more specific details, on their more disputed featured. The question is: what is the least that must be asserted; and if it must be asserted, what is it, least controversial form?¹²

Finally, connected with a political conception of justice is an essential companion conception of free public reason. This conception involves various elements. A crucial one is this: just as a political conception of justice needs certain principles of justice for the basic structure to specify its content, it also needs certain guidelines of enquiry and publicly recognized rules of assessing evidence to govern its applications. Otherwise, there is no agreed way for determining whether those principles are satisfied, and for settling what they require of particular institutions, or in particular situations. Agreement on a conception of justice is worthless – not an effective agreement at all – without agreement on these further matters. And given the

fact of pluralism, there is, no better practicable alternative than to limit ourselves to
the shared methods of, and the public knowledge available to, common sense, and the
procedures and conclusion of science when these are not controversial. It is these
shared methods and this common knowledge that allows us to speak of public reason.
As the acceptance of this limit is not motivated by skepticism or indifference to the
claims of comprehensive doctrines; rather, it springs from the fact of pluralism, for
this fact means that in a pluralist society free public reason can be effectively
established in no other way.

According to Hobbes the contentious divisions of his day between religious
sects, and between the crown, aristocracy and middle-classes, the basis of his appeal
was self interest: men’s fear of death and their desire for the means of a commodious
life. On this basis he sought to justify obedience to an existing effective sovereign.
Hobbes did not think this form of psychological egoism was true: but he thought it
was accurate enough for his purposes. The assumption was a political one, adopted to
give his views practical effect. In a society fragmented by sectarian divisions and
warring interests, he saw no other common foothold for political argument.¹³

How far Hobbes’ perception of the situation was accurate we need not
consider, for in our case matters are different we are the beneficiaries of these
centuries of democratic thought and developing constitutional practice; and we can
presume not only some public understanding of, but also some allegiance to,
democratic ideals and values as realized in existing political institutions. This opens
the way to elaborate the idea of an overlapping consensus on a political

¹³Rawls, John, The Idea of an Overlapping Consensus, oxford Journal of Legal
conception of justice: such a consensus, as we shall see, is moral both in its object and
grounds, and so is distinct from a consensus, inevitably fragile, founded solely on
self-or group-interest, even when ordered by a well-framed constitutions. The idea of
an overlapping consensus enables us to understand how a constitutional regime
characterized by the fact of pluralism might, despite its deep divisions, achieve
stability and social unity by the public recognition of a reasonable political conception
of justice.¹⁴

Kant’s liberalism that is his ideal of autonomy and his connecting it with the
values of the enlightenment, and Mill’s ideal of individuality and his connecting it
with the values of modernity. These two liberalisms both comprehend for more than
the political. They are both general and comprehensive moral doctrines: general in
that they apply to a wide range of subjects, and comprehensive in that they include
conceptions of what is of value in human life, ideals of personal virtue and character
that are to inform our thought and conduct as a whole. Both Kant’s and Mill’s
doctrines of free institutions rest in large part on ideals and values that are not
generally, or perhaps even widely, shared in a democratic society. They are not a
practicable public basis of a political conception of justice, and may be the same is
true of many liberalisms besides those of Kant and Mill.¹⁵

As it is noted above that a conception of justice is supported by an overlapping

¹⁴Rawls, John, The Idea of an Overlapping Consensus, oxford Journal of Legal

¹⁵Ibid.
consensus. It means that it is supported by a consensus including the opposing religious philosophical and moral doctrines likely to thrive over generations in the society effectively regulated by that conception of justice. These opposing doctrines we assume to involve conflicting and indeed incommensurable comprehensive conceptions of the meaning, value and purpose of human life, and there are no resources within the political view to judge those conflicting conceptions. They are equally permissible provided they respect the limits imposed by the principles of political justice. Yet despite the fact that there are opposing comprehensive conceptions affirmed in society, there is no difficulty as to how an overlapping consensus may exist. Since different premises may lead to the same conclusions, we simply suppose that the essential elements of the political conception, its principles, standards and ideals, are theorems, as it were, at which the comprehensive doctrines in the consensus intersect as converge.

A model case of an overlapping consensus can be used to indicate what is meant, and it contains three views: one view affirms the political conception because its religious doctrines and account of faith lead to a principle of toleration and underwrite the fundamental liberties of a constitutional regime, the second view affirms the political conception on the basis of a comprehensive liberal moral doctrine such as those of Kant and Mill; while the third supports the political conception not as founded on any wider doctrine but rather as in itself sufficient to express political values that, under the reasonably favorable conditions that make a more or less just constitutional democracy possible, normally outweigh whatever other values may oppose them. Observe about this example that only the first two views – the religious doctrine and the liberalism of Kant or Mill – are general and comprehensive. The
political conception of justice itself is not, although it does hold that under reasonably
favorable conditions, it is normally adequate for questions of political justice. Observe
also that the example assumes that the two comprehensive views agree with the
judgments of political conception in this respect.¹

To begin with objection: some will think that even if an overlapping consensus
should be sufficiently stable, the idea of political unity founded on an overlapping
consensus must still be rejected, since it abandons the hope of political community
and settles instead for a public understanding that is at bottom a mere modus vivendi.
To this objection, we say that the hope of political community must indeed be
abandoned, if by such a community we mean a political society united in affirming a
general and comprehensive doctrine. This possibility is excluded by the fact of
pluralism together with the rejection of the oppressive use of state power to overcome
it. There is no practicable alternative superior to the stable political unity secured by
an overlapping consensus on a reasonable political conception of justice. Hence, the
substantive question concerns the significant features of such a consensus and how
these features effect social concord and the moral quality of public life.

The typical use of the Phrase “Modus vivendi” is to characterize a treaty
between two states whose national aims and interests put them at odds. In negotiating
a treaty each state would be wise and prudent to make sure that the agreement
proposed represents or equilibrium point; that is, that the terms and conditions of the
treaty are drawn up in such a way that it is public knowledge that it is not

¹Rawls, John, The Idea of an Overlapping Consensus, oxford Journal of Legal
advantageous for either state to violate it. The treaty will then be adhered to because doing so is regarded by each as in its national interest, including its interest in its reputation as a state that honors treaties. But in general both states are ready to pursue their goals at the expense of the other, and should conditions change they may do so. This background highlights the way in which a treaty is a mere modus vivendi. A similar background is present when we think of social consensus founded on self-or group-interests, or on the outcome of political bargaining, social unity is only apparent as its stability is convergence of interests.

Now it is clear that overlapping consensus is quite different from a modus vivendi is clear from our model case. The object of consensus, the political conception of justice, is itself a moral conception. And second, it is affirmed on moral grounds, that is, it includes conceptions of society and of citizens as persons, as well as principles of justice, and an account of the cooperative virtues through which those principles are embodied in human character and expressed in public life.

The preceding two aspects (moral object and moral grounds) of an overlapping consensus connect with a third aspect, that of stability: that is, those who affirm the various views supporting the political conception will not withdraw their support of it should the relative strength of their views in society increase and eventually become dominant. So long as the three views are affirmed and not revised, the political conception will still be supported regardless of shifts in the distribution of political power. We might say: each view supports the political conception for its own sake, or on its own merits; and the test for this is whether the consensus is stable with respect to changes in the distribution of power among views. This feature of stability
highlights a basis contrast between an overlapping consensus and a modus Vivendi, the stability of which does depend on happenstance and a balance of relative forces.¹

Another objection to the idea of an overlapping consensus on a political conception of justice: namely, that the avoidance of general and comprehensive doctrines implies indifference or skepticism as to whether a political conception of justice is true. This avoidance may appear to suggest that such a conception might be the most reasonable one for us even when it is known not to be true. As if truths were simply beside the point. In reply, it would be fatal to the point of a political conception to see it as skeptical about, or indifferent to, truth, much less as in conflict with it. Such skepticism or indifference would put political philosophy in conflict with numerous comprehensive doctrines, and thus defeat from the outset its aim of achieving an overlapping consensus. In following the method of avoidance, as we may call it, we try, so far as we can, neither to assert nor to deny any religious, philosophical or moral views, or their associated philosophical accounts of truth and the status of values. Since we assume each citizen to affirm some such view or other, we hope to make it possible for all to accept the political conception as true, or as reasonable, from the standpoint of their own comprehensive view, whatever it may be.¹

The idea of overlapping consensus is the idea that all people can – for the different reasons provided by their own reasonable comprehensive moral views-think


¹Ibid.
that the same conception of justice is correct and not merely an accommodation required to ensure a stable peace under conditions of moral pluralism. Rawls imagines, for example, an overlapping consensus composed of four views, each of which is reasonable and each of which provides a rational for political liberalism: one rooted in a Kantian morality of autonomy, another in utilitarianism, and a third in a religious conception that endorses free faith, while the fourth treats political liberalism as one part of a pluralistic ethical view – a part that needs to be adjusted to the other parts, though it is not derived from them.¹¹

Consider, for example, the political conception of citizens as free. How might these four views endorse the idea that citizens are free as a shared basis for political argument? One aspect of political liberalism – captured in the veil of ignorance – is that citizens have the capacity to revise their aims and an interest in favorable conditions for such revision, should they wish to pursue it, but that for the purposes of an account of justice the determinate aims of citizens are irrelevant. The Kantian view accepts this aspect of political liberalism because the Kantian conceives of the reflective choice of ends as a feature of an autonomous life and holds that the protection of citizens who wish to pursue such choice is required by respect for their dignity as autonomous. The utilitarian might endorse the interest in revising aims as fundamental because true happiness--Whether consisting of pleasurable feelings or

the satisfaction of rational desires – depends on the possibility for such revision.²⁰ The conception of free faith also endorses this interest because of its connections with the appropriate fulfillment of religious obligations: that such fulfillment must reflect genuine “inward persuasion of the mind”²¹ In short, each view accepts, for its own reasons, a conception of persons and their basic interests that provides shared ground in political argument.

But an overlapping consensus on a conception of justice cannot be sustained simply by the existence of points of agreement, for point of disagreement among reasonable views are bound also to exist. Each view implies that the other are a mixture of truth and falsehoods. Why, then, should citizens who endorse a particular moral view – who believe it to be true – not hold that political power ought to be used to advance the values of that view? Why should they endorse as correct a view of justice that is confined to shared ground and accept that public discussion must provide justification according to that view? Three considerations explain this restraint.²²

1. It is worth emphasizing again that citizens who hold competing comprehensive views nay nevertheless agree that the values incorporated within the political conceptions are important values and that the norms and


principles included in it provide genuine reasons. From within each comprehensive view, the political conception states nothing but the truth, even if not the whole truth.

2. In accepting as correct a conception of justice that does not include the whole truth, by their lights, citizens acknowledge both the reasonableness of at least some of the views that conflict with their own and the unreasonableness of imposing arrangements whose justification depends on aspects of their own view that others reasonably reject.

The Kantian, for example, rejects the utilitarian conception of the good as the satisfaction of rational desires, but he can understand the utilitarian view as an application of theoretical and practical reason, appreciate the considerations that lead to that view, and see how its endorsement is compatible with a willingness to cooperate on terms that others can accept. So the Kantian’s endorsement of a political conception that contains only part of the truth – that takes political autonomy rather than moral autonomy as a fundamental value in political argument – is not simply a compromise required by the existence of other views. Instead, the Kantian thinks it would be wrong to impose institutions and policies justified by a political conception that is rejected by others who are themselves fully reasonable.

3. As the second point suggests, the key to possibility of overlapping consensus is that a conception of justice articulates values of great importance and that the existence of a shared political conception itself constitutes an important good.

Much here rests on “normally” views that form an overlapping consensus will rarely, if ever, hold that political values are ultimate. For that reason, there may well
be occasions when a comprehensive moral view supports the conclusion that the stakes are too high and that political values must give way. Adherents to such a view may be optimistic and see deep disagreement as an occasion for a high-stakes effort to persuade others to drop their ultimate convictions; more likely, however, they will think that the time for debate has ended. Because political values, are not widely regarded as ultimate values, this kind of breakdown is always possible. To that the bases of civic unity are fragile: such fragility is the inevitable result of the pluralism of comprehensive moralities.

Despite this fragility, one can hope that civic breakdown will not occur. More immediately, the existence of cases in which it does occur, together with the fact that we all have more to say than we are prepared to say in politics, does not imply that consensus is impossible or unattractive, or that operating on the shared ground of a political conception of justice is merely a compromise dictated by circumstance.

The political liberalism steers a course between the Hobbesian strand in liberalism – liberalism as a modus vivendi secured by a convergence of self-and group-interests as coordinated and balanced by well-designed constitutional arrangements – and a liberalism founded on a comprehensive moral doctrine such as that of Kant or Mill. By itself, the former cannot secure an enduring social unity, the latter cannot gain sufficient agreement. Political liberalism is represented in our model case of an overlapping consensus by the third view once we take the political conception in question as liberal. So understood political liberalism is the view that under the reasonably favorable conditions that make constitutional democracy possible, political institutions satisfying the principles of a liberal conception of
justice realize political values and ideals that normally outweigh whatever other values oppose them.

Political liberalism must deal with two basic objections: one is the change of skepticism and indifference, the other that it cannot gain sufficient support to assure compliance with its principles of justice. For such a consensus achieves compliance by a concordant fit between the political conception and general and comprehensive doctrines together with the public recognition of the very great value of the political virtues. But as we saw, success in finding an overlapping consensus forces political philosophy to be, so far as possible, independent of an autonomous from other parts of philosophy, especially from philosophy’s longstanding problems and controversies. And this in turn gives rise to the objection that political liberalism is skeptical of religious and philosophical truth, or indifferent to their values. But if we relate the nature of a political conception to the fact of pluralism and with what is essential for a shared basis of free public reason, this objection is seen to be mistaken. We can also note how political philosophy’s independence and autonomy from other parts of philosophy connects with the freedom and autonomy of democratic citizenship.

Some may think that to secure stable social unity in a constitutional regime by looking for an overlapping consensus detaches political philosophy from philosophy and makes it into politics. Yes and No: the politician, we say, looks to the next election, the statesman to the next generation, and philosophy to the indefinite future. Philosophy sees the political world as an on-going system of cooperation over time, in perpetuity practically speaking. Political philosophy is related to politics because it must be concerned, as moral philosophy need not be, with practical political possibilities. This has led us to outline, for example, how it is possible for the deep
divisions present in a pluralistic society to be reconciled through a political conception of justice that gradually over generations becomes the focus of an overlapping consensus. Moreover, this concern with practical possibility compels political philosophy to consider fundamental institutional questions and the assumption of a reasonable moral psychology.

Thus political philosophy is not mere politics: in addressing the public culture it takes the longest view, looks to society’s permanent historical and social conditions, and tries to mediate society’s deepest conflicts. It hopes to uncover, and to help to articulate, a shared basis of consensus on a political conception of justice drawing upon citizens’ fundamental intuitive ideas about their society and their place in it. In exhibiting the possibility of an overlapping consensus in a society with a democratic tradition confronted by the fact of pluralism, political philosophy assumes the role Kant gave to philosophy generally: the defense of reasonable faith. In our case this becomes the defense of reasonable faith in the real possibility of a just constitutional regime.

Having seen how Rawls addressed the problems of legitimacy and stability we can return to legitimacy and its criterion of reciprocity: citizens must reasonably believe that all citizens can reasonably accept the enforcement of a particular set of basic laws. It is unreasonable for citizens to attempt to impose what they see as the whole truth on others – political power must be used in ways that all citizens may reasonably be expected to endorse. With his doctrine of public reason, Rawls extends this requirement of reciprocity to apply directly to how citizens explain their political decisions to one another. In essence, public reason requires citizens to be able to
justify their political decisions to one another using publicity available values and standards.

The idea of public reason specifies at the deepest level the basic moral and political values that are to determine a constitutional democratic government’s relation to its citizen and their relation to one another. In short, it concerns how the political relation is to be understood. The idea of public reason has a definite structure, and if one or more of its aspects are ignored it can seem implausible, as it does when applied to the background culture. It has five different aspects: (1) the fundamental political questions to which it applies; (2) the persons to whom it applies (government officials and candidates for public office); (3) its content as given by a family of reasonable political conceptions of justice; (4) the application of these conceptions in discussions of coercive norms to be enacted in the form of legitimate law for a democratic people; and (5) citizens checking that the principles derived from their conceptions of justice satisfy the criterion of reciprocity.²³

Moreover, such reason is public in three ways: as the reason of free and equal citizens, it is the reason of the public; its subject is the public good concerning questions of fundamental political justice, which questions are of two kinds, constitutional essentials and matters of basic justice; and its nature and content are public, being expressed in public reasoning by a family of reasonable conceptions of political justice reasonably thought to satisfy the criterion of reciprocity.²⁴


²⁴Ibid
Distinct from the idea of public reason, as set out by the five features above, is
the ideal of public reason. This ideal is realized, or satisfied, whenever judges,
legislations, chief executives, and other government officials, as well as candidates for
public office, act from and follow the idea of public reason and explain to other
citizens their reasons for supporting fundamental political positions in terms of the
political conception of justice they regard as the most reasonable.

The idea of public reason arises from a conception of democratic citizenship in
a constitutional democracy. This fundamental political relation of citizenship has two
special features: first, it is a relation of citizens within the basic structure of society, a
structure we enter only by birth and exist only by death; and second, it is a relation of
free and equal citizens who exercise ultimate political power as a collective body.

Citizens are reasonable when, viewing one another as free and equal in a
system of social cooperation over generations, they are prepared to offer one another
fair terms of cooperation according to what they consider the most reasonable
conception of political justice; and when they agree to act on those terms, even at the
cost of their own interests in particular situations, provided that other citizens also
accept those terms. Citizens will of course differ as to which conceptions of political
justice they think the most reasonable, but they will agree that all are reasonable, even
if barely so.²⁵

Thus when, on a constitutional essential or matter of basic justice, all
appropriate government officials act from and follow public reason, and when all

²⁵Rawls, John, The Idea of Public Reason Revisited, The University of Chicago Law
Review, Vol. 64, No. 3. (Summer, 1997), P. 770.
reasonable citizens think of themselves ideally as if they were legislators following public reason, the legal enactment expressing the opinion of the majority is legitimate law. It may not be thought the most reasonable, or the most appropriate, by each, but it is politically (morally) binding on him or her as a citizen and is to be accepted as such. Each thinks that all have spoken and voted at least reasonably, and therefore all have followed public reason and honored their duty of civility.

To make more explicit the role of the criterion of reciprocity as expressed in public reason, not that its role is to specify the nature of the political relation in a constitutional democratic regime as one of civic friendship. For this criterion, when government officers act from it in their public reasoning and other citizens support it, shapes the form of their fundamental institutions.

A citizen engages in public reason, then, when he or she deliberates within a framework of what he or she sincerely regards as the most reasonable political conception of justice, a conception that expresses political values that others, as free and equal citizens might also reasonably be expected reasonably to endorse. Each of us must have principles and guidelines to which we appeal in such a way that this criterion is satisfied.²

The content of public reason is given by a family of political conceptions of justice, and not by a single one. There are many liberalisms and related views, and therefore many forms of public reason specified by a family of reasonable political conceptions of these, justice as fairness, whatever its merits is but one. The limiting

feature of these forms is the criterion of reciprocity, viewed as applied between free and equal citizens, themselves seen as reasonable and rational. Three main features characterize these conceptions:

First, a list of certain basic rights, liberties and opportunities; Second, an assignment of special priority to those rights, liberties, and opportunities, especially with respect to the claims of the general good and perfectionist values; and Third, measures ensuring for all citizens adequate all-purpose means to make effective use of their freedom.²

Each of these liberalisms endorses the underlying ideas of citizens as free and equal persons and of society as a fair system of cooperation over time. Yet since these ideas can be interpreted in various ways, we get different formulations of the principles of justice and different contents of public reason.

Another essential feature of public reason is that its political conceptions should be complete. This means that each conception should express principles, standards, and ideals, along with guidelines of inquiry, such that the values specified by it can be suitably ordered or otherwise united so that those values alone give a reasonable answer to all, or to nearly all, questions involving constitutional essentials and matters of basic justice.

Now if the talk about religion, the question comes: How is it possible for those holding religious doctrines, some based on religious authority, for example, the Church or the Bible, to hold at the same time a reasonable political conception that supports a reasonable constitutional democratic regime? Can these doctrines still be

compatible for the right reasons with a liberal political conception? To attain this compatibility, it is not sufficient that these doctrines accept a democratic government merely as a modus vivendi. Referring to citizens holding religious doctrines as citizens of faith we ask: How is it possible for citizens of faith to be wholehearted members of a democratic society who endorse society’s intrinsic political ideals and values and do not simply acquiesce in the balance of political and social forces? Expressed more sharply: How is it possible – or is it – for those of faith, as well as the nonreligious, to endorse a constitutional regime even when their comprehensive doctrines may not prosper under it, and indeed may decline? This last question brings out anew the significance of the idea of legitimacy and public reason’s role in determining legitimate law.

To clarify the question, consider two example. The first is that of Catholics and Protestants in the sixteenth and seventeenth centuries when the principle of toleration was honored only as a modus vivendi. This meant that should either party fully agile its way it would impose its own religious doctrine as the sole admissible faith. A society in which many faiths all share this attitude and assume that for the indefinite future their relative numbers will stay roughly the same might well have a constitution resembling that of the United States, fully protecting the religious liberties of sharply divided religious more or less equal in political power. The constitution is as it were, honored as a pact to maintain civil peace. In this society political issues might be discussed in terms of political ideas and values so as not to open religious conflict and arouse sectarian hostility. The role of public reason here serves merely to quite divisiveness and encourages social stability. However, in this case we do not have stability for the right reasons, that is, as secured by a firm
allegiance to a democratic society’s political (moral) ideals and values.

Nor again do we have stability for the right reasons in the second example – a democratic society. Where citizens accept as political (moral) principles the substantive constitutional clauses that ensure religious, political, and civil liberties, when their allegiance to these constitutional principles is so limited that none is willing to see his or her religious or nonreligious doctrine losing ground in influence and numbers, and such citizens are prepared to resist or to disobey laws that they think undermine their positions. And they do this even though the full range of religious and other liberties is always maintained and the doctrine is question is completely secure. Here again democracy is accepted conditionally and not for the right reasons.

What these examples have in common is that society is divided into separate groups, each of which has its own fundamental interest distinct from and opposed to the interests of the other groups and for which it is prepared to resist or to violate legitimate democratic law. In the first example, it is the interest of a religion in establishing its harmony, while in the second; it is the doctrine’s fundamental interest in maintaining a certain degree of success and influence for its own view, either religious or nonreligious. While a constitutional regime can fully ensure rights and liberties for all permissible doctrines, and therefore protect our freedom and security, a democracy necessarily requires that, as one equal citizen among others, each of us accept the obligations of legitimate law. While no one is expected to put his or her religious or nonreligious doctrine in danger, we must each give up forever the hope of changing the constitution so as to establish our religion’s hegemony, or of qualifying our obligations so as to ensure its influence and success. To retain such hopes and
aims would be inconsistent with the idea of equal basic liberties for all free and equal citizens.

Now consider the family. Here the idea is the same: political principles do not apply directly to its internal life, but they do impose essential constraints on the family as an institution and so guarantee the basic rights and liberties, and the freedom and opportunities, of all its members. The family as part of the basic structure cannot violate these freedoms. Since wives are equally citizens with their husbands, they have all the same basic rights, liberties, and opportunities as their husbands; and this, together with the correct application of the other principles of justice, suffices to secure their equality and independence.

There are limits, however, the reconciliation by public reason. Three main kinds of conflicts set citizens at odds: those deriving from irreconcilable comprehensive doctrines; those deriving from differences in status; class position, or occupation, or from differences in ethnicity, gender, or race; and finally, those deriving from the burdens of judgment. Political liberalism concerns primarily the first kind of conflict. It holds that even though our comprehensive doctrines are irreconcilable and cannot be compromised, nevertheless citizens who affirm reasonable doctrines may share reasons of another kind, namely, public reason given in terms of political conceptions of justice. And such a society can resolve the second kind of conflict, which deals with conflicts between citizens’ fundamental interests – political, economic, and social. For once we accept reasonable principles of justice and recognize them to be reasonable, and know, or reasonably believe, that our political and social institutions satisfy them, the second kind of conflict need not arise, or arise so forcefully. Political liberalism does not explicitly consider these conflicts
but leaves them to be considered by justice as fairness, or by some other reasonable conception of political justice. Finally, conflicts arising from the burdens of judgment always exist and limit the extent possible agreement.

The idea of the politically reasonable is sufficient unto itself for the purposes of public reason when basic political questions are at stake. Of course, fundamentalist religious doctrines and autocratic and dictatorial rulers will reject the ideas of public reason and deliberative democracy. They will say that democracy leads to a culture contrary to their religion, or denies the values that only autocratic or dictatorial rule can secure. They assert that the religiously true, or the philosophically true, overrides the politically reasonable. We simply say that such a doctrine is politically unreasonable within political liberalism nothing more need to be said.

There is a fundamental difference between *A Theory of Justice* and *Political Liberalism*. The two books are asymmetrical, though both have an idea of Public reason. In the first, public reason is given by a comprehensive liberal doctrine, while in the second, public reason is a way of reasoning about political values shared by free and equal citizens that does not trespass on citizens comprehensive doctrines so long as those doctrines are consistent with a democratic polity. Thus, the well-ordered constitutional democratic society of *Political Liberalism* is one in which the dominant and controlling citizens affirm and act from irreconcilable yet reasonable comprehensive doctrines. These doctrines in turn support reasonable the most reasonable – which specify the basic right, liberties, and opportunities of citizens in society’s basic structure.²