

Fundamental Ideas

Political liberalism, the title of these lectures, has a familiar ring. Yet I mean by it something quite different, I think, from what the reader is likely to suppose. Perhaps I should, then, begin with a definition of political liberalism and explain why I call it “political.” But no definition would be useful at the outset. Instead I begin with a first fundamental question about political justice in a democratic society, namely what is the most appropriate conception of justice for specifying the fair terms of social cooperation between citizens regarded as free and equal, and as fully cooperating members of society over a complete life, from one generation to the next?

We join this first fundamental question with a second, that of toleration understood in a general way. The political culture of a democratic society is always marked by a diversity of opposing and irreconcilable

religious, philosophical, and moral doctrines. Some of these are perfectly reasonable, and this diversity among reasonable doctrines political liberalism sees as the inevitable long-run result of the powers of human reason at work within the background of enduring free institutions. Thus, the second question is what are the grounds of toleration so understood and given the fact of reasonable pluralism as the inevitable outcome of free institutions? Combining both questions we have: how is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?

The most intractable struggles, political liberalism assumes, are confessedly for the sake of the highest things: for religion, for philosophical views of the world, and for different moral conceptions of the good. We should find it remarkable that, so deeply opposed in these ways, just cooperation among free and equal citizens is possible at all. In fact, historical experience suggests that it rarely is. If the problem addressed is all too familiar, political liberalism proposes, I believe, a somewhat unfamiliar resolution of it. To state this resolution we need a certain family of ideas. In this lecture I set out the more central of these and offer a definition at the end (§8).

§ 1. Addressing Two Fundamental Questions

1. Focusing on the first fundamental question, the course of democratic thought over the past two centuries or so makes plain that there is at present no agreement on the way the basic institutions of a constitutional democracy should be arranged if they are to satisfy the fair terms of cooperation between citizens regarded as free and equal. This is shown in the deeply contested ideas about how the values of liberty and equality are best expressed in the basic rights and liberties of citizens so as to answer to the claims of both liberty and equality. We may think of this disagreement as a conflict within the tradition of democratic thought itself, between the tradition associated with Locke, which

gives greater weight to what Constant called “the liberties of the moderns,” freedom of thought and conscience, certain basic rights of the person and of property, and the rule of law, and the tradition associated with Rousseau, which gives greater weight to what Constant called “the liberties of the ancients,” the equal political liberties and the values of public life.¹ This familiar and stylized contrast may serve to fix ideas.

As a way to answer our first question, justice as fairness² tries to adjudicate between these contending traditions, first, by proposing two principles of justice to serve as guidelines for how basic institutions are to realize the values of liberty and equality; and second, by specifying a point of view from which these principles can be seen as more appropriate than other familiar principles of justice to the idea of democratic citizens viewed as free and equal persons. What must be shown is that a certain arrangement of basic political and social institutions is more appropriate to realizing the values of liberty and equality when citizens are so conceived. The two principles of justice (noted above) are as follows:³

- a. Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value.

1. See “Liberty of the Ancients Compared with that of the Moderns,” (1819), in Benjamin Constant, *Political Writings*, translated and edited by Biancamaria Fontana (Cambridge: Cambridge University Press, 1988). The discussion in the introduction of the difference between the problem of political philosophy in the ancient and modern worlds illustrates the significance of Constant’s distinction.

2. The conception of justice presented in *Theory*.

3. The statement of these principles differs from that given in *Theory* and follows the statement in “The Basic Liberties and Their Priority,” *Tanner Lectures on Human Values*, vol. III (Salt Lake City: University of Utah Press, 1982), p. 5. The reasons for these changes are discussed on pp. 46–55 of that lecture. They are important for the revisions in the account of the basic liberties found in *Theory* and were made to try to answer the forceful objections raised by H. L. A. Hart in his critical review in the *University of Chicago Law Review* 40 (Spring 1973):535–55. In this volume, see VIII, pp. 291, 331–34, respectively.

- b. Social and economic inequalities are to satisfy two conditions: first, they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least advantaged members of society.

Each of these principles regulates institutions in a particular domain not only in regard to basic rights, liberties, and opportunities but also in regard to the claims of equality; while the second part of the second principle underwrites the worth of these institutional guarantees.⁴ The two principles together, with the first given priority over the second, regulate the basic institutions that realize these values.

2. Much exposition would be needed to clarify the meaning and application of these principles. Since in these lectures such matters are not our concern, I make only a few comments. First, I view these principles as exemplifying the content of a liberal political conception of justice. The content of such a conception is given by three main features: first, a specification of certain basic rights, liberties and opportunities (of a kind familiar from constitutional democratic regimes); second, an assignment of special priority to those rights, liberties, and opportunities, especially with respect to claims of the general good and of perfectionist values; and third, measures assuring to all citizens adequate all-purpose means to make effective use of their liberties and opportunities. These elements can be understood in different ways, so that there are many variant liberalisms.

Further, the two principles express an egalitarian form of liberalism in virtue of three elements. These are a) the guarantee of the fair value of the political liberties, so that these are not purely formal; b) fair (and again not purely formal) equality of opportunity; and finally c) the so-called difference principle, which says that the social and economic inequalities attached to offices and positions are to be adjusted so that, whatever the level of

4. The worth of these guarantees is specified by reference to an index of primary goods. How this is done is mentioned in II:5 and discussed more fully in V:3–4.

those inequalities, whether great or small, they are to the greatest benefit of the least advantaged members of society.⁵ All these elements are still in place, as they were in *Theory*; and so is the basis of the argument for them. Hence I presuppose throughout these lectures the same egalitarian conception of justice as before; and though I mention revisions from time to time, none of them affect this feature of it.⁶ Our topic, however, is political liberalism and its component ideas, so that much of our discussion concerns liberal conceptions more generally, allowing for all variants, as for example when we consider the idea of public reason (in VI).

Finally, as one might expect, important aspects of the principles are left out in the brief statement as given. In particular, the first principle covering the equal basic rights and liberties may easily be preceded by a lexically prior principle requiring that citizens' basic needs be met, at least insofar as their being met is necessary for citizens to understand and to be able fruitfully to exercise those rights and liberties. Certainly any such principle must be assumed in applying the first principle.⁷ But I do not pursue these and other matters here.

5. There are a number of questions that arise concerning the intended interpretation of the difference principle. For example, the least advantaged members of society are given by description and not by a rigid designator (to use Saul Kripke's term in *Naming and Necessity* [Cambridge, Mass.: Harvard University Press, 1972]). Further, the principle does not require continual economic growth over generations to maximize upward indefinitely the expectations of the least advantaged. It is compatible with Mill's idea of a society in a just stationary state where (real) capital accumulation is zero. What the principle does require is that however great inequalities are, and however willing people are to work so as to earn their greater return, existing inequalities are to be adjusted to contribute in the most effective way to the benefit of the least advantaged. These brief remarks are hardly clear; they simply indicate the complexities that are not our concern in these lectures.

6. I make this comment since some have thought that my working out the ideas of political liberalism meant giving up the egalitarian conception of *Theory*. I am not aware of any revisions that imply such a change and think the surmise has no basis.

7. For the statement of such a principle, as well as an instructive fuller statement in four parts of the two principles, with important revisions, see Rodney Peffer's *Marxism, Morality, and Social Justice* (Princeton: Princeton University Press, 1990),

p. 14. I should agree with most of Peffer's statement, but not with his 3(b), which

3. I return instead to our first question and ask: How might political philosophy find a shared basis for settling such a fundamental question as that of the most appropriate family of institutions to secure democratic liberty and equality? Perhaps the most that can be done is to narrow the range of disagreement. Yet even firmly held convictions gradually change: religious toleration is now accepted, and arguments for persecution are no longer openly professed; similarly, slavery, which caused our Civil War, is rejected as inherently unjust, and however much the aftermath of slavery may persist in social policies and unavowed attitudes, no one is willing to defend it. We collect such settled convictions as the belief in religious toleration and the rejection of slavery and try to organize the basic ideas and principles implicit in these convictions into a coherent political conception of justice. These convictions are provisional fixed points that it seems any reasonable conception must account for. We start, then, by looking to the public culture itself as the shared fund of implicitly recognized basic ideas and principles. We hope to formulate these ideas and principles clearly enough to be combined into a political conception of justice congenial to our most firmly held convictions. We express this by saying that a political conception of justice, to be acceptable, must accord with our considered convictions, at all levels of generality, on due reflection, or in what I have called elsewhere "reflective equilibrium."⁸

appears to require a socialist form of economic organization. The difficulty here is not with socialism as such; but I should not include its being required in the first principles of political justice. These principles I see (as I did in *Theory*) as setting out fundamental values in terms of which, depending on the tradition and circumstances of the society in question, one can consider whether socialism in some form is justified.

8. See *Theory*, pp. 20f., 48–51, and 120f. One feature of reflective equilibrium is that it includes our considered convictions at all levels of generality; no one level, say that of abstract principle or that of particular judgments in particular cases, is viewed as foundational. They all may have an initial credibility. There is also an important distinction between narrow and wide reflective equilibrium, which is implicit in the distinction between the first and second kind of reflective equilibrium on pp. 49–50 (though the terms are not used). The terms *narrow* and *wide* were used first in §1 of

The public political culture may be of two minds at a very deep level. Indeed, this must be so with such an enduring controversy as that concerning the most appropriate understanding of liberty and equality. This suggests that if we are to succeed in finding a basis for public agreement, we must find a way of organizing familiar ideas and principles into a conception of political justice that expresses those ideas and principles in a somewhat different way than before. Justice as fairness tries to do this by using a fundamental organizing idea within which all ideas and principles can be systematically connected and related. This organizing idea is that of society as a fair system of social cooperation between free and equal persons viewed as fully cooperating members of society over a complete life. It lays a basis for answering the first fundamental question and is taken up below in §3.

4. Now suppose justice as fairness were to achieve its aims and a publicly acceptable political conception were found. Then this conception provides a publicly recognized point of view from which all citizens can examine before one another whether their political and social institutions are just. It enables them to do this by citing what are publicly recognized among them as valid and sufficient reasons singled out by that conception itself. Society's main institutions and how they fit together into one system of social cooperation can be assessed in the same way by each citizen, whatever that citizen's social position or more particular interests.

The aim of justice as fairness, then, is practical: it presents itself as a conception of justice that may be shared by citizens as a basis of a reasoned, informed, and willing political agreement. It expresses their shared and public political reason. But to attain such a shared reason, the conception of justice should be, as far as possible, independent of the opposing and conflicting philosophical and religious doctrines that citizens affirm. In formulat-

"Independence of Moral Theory," *Proceedings of the American Philosophical Association* 49 (1974).

ing such a conception, political liberalism applies the principle of toleration to philosophy itself. The religious doctrines that in previous centuries were the professed basis of society have gradually given way to principles of constitutional government that all citizens, whatever their religious view, can endorse. Comprehensive philosophical and moral doctrines likewise cannot be endorsed by citizens generally, and they also no longer can, if they ever could, serve as the professed basis of society.

Thus, political liberalism looks for a political conception of justice that we hope can gain the support of an overlapping consensus of reasonable religious, philosophical, and moral doctrines in a society regulated by it.⁹ Gaining this support of reasonable doctrines lays the basis for answering our second fundamental question as to how citizens, who remain deeply divided on religious, philosophical, and moral doctrines, can still maintain a just and stable democratic society. To this end, it is normally desirable that the comprehensive philosophical and moral views we are wont to use in debating fundamental political issues should give way in public life. Public reason—citizens' reasoning in the public forum about constitutional essentials and basic questions of justice—is now best guided by a political conception the principles and values of which all citizens can endorse (VI). That political conception is to be, so to speak, political and not metaphysical.¹⁰

Political liberalism, then, aims for a political conception of justice as a freestanding view. It offers no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself. As an account of political values, a freestanding political conception does not deny there being other values that apply, say, to the personal, the familial, and the associational; nor does it say that political values are separate from, or discontinuous with, other values. One aim, as I have

9. The idea of an overlapping consensus is defined in §2.3 and discussed further in §6.3–4.

10. The context here serves to define the phrase: "political not metaphysical."

said, is to specify the political domain and its conception of justice in such a way that its institutions can gain the support of an overlapping consensus. In this case, citizens themselves, within the exercise of their liberty of thought and conscience, and looking to their comprehensive doctrines, view the political conception as derived from, or congruent with, or at least not in conflict with, their other values.

§ 2. The Idea of a Political Conception of Justice

1. To this point I have used the idea of a political conception of justice without explaining its meaning. From what I have said, one can perhaps gather what I mean by it and why political liberalism uses that idea. Yet we need an explicit statement thus: a political conception of justice has three characteristic features, each of which is exemplified by justice as fairness. I assume some but not much acquaintance with that view.

The first concerns the subject of a political conception. While such a conception is, of course, a moral conception,¹¹ it is a moral conception worked out for a specific kind of subject, namely, for political, social, and economic institutions. In particular, it applies to what I shall call the “basic structure” of society, which for our present purposes I take to be a modern constitutional democracy. (I use “constitutional democracy” and “democratic regime,” and similar phrases interchangeably unless otherwise stated.) By the basic structure I mean a society’s main political, social, and economic institutions, and how they fit together into one unified system of social cooperation from one generation to the next.¹² The initial focus, then, of a political conception of justice is the framework of basic institutions and the principles, standards, and precepts that apply to it, as well as

11. In saying that a conception is moral, I mean, 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.

12. See *Theory*, §2 and the index, and also “The Basic Structure as Subject,” in this volume, pp. 257–88.

how those norms are to be expressed in the character and attitudes of the members of society who realize its ideals.

Moreover, I assume that the basic structure is that of a closed society: that is, we are to regard it as self-contained and as having no relations with other societies. Its members enter it only by birth and leave it only by death. This allows us to speak of them as born into a society where they will lead a complete life. That a society is closed is a considerable abstraction, justified only because it enables us to focus on certain main questions free from distracting details. At some point a political conception of justice must address the just relations between peoples, or the law of peoples, as I shall say. In these lectures I do not discuss how a law of peoples might be worked out, starting from justice as fairness as applied first to closed societies.¹³

2. The second feature concerns the mode of presentation: a political conception of justice is presented as a freestanding view. While we want a political conception to have a justification by reference to one or more comprehensive doctrines, it is neither presented as, nor as derived from, such a doctrine applied to the basic structure of society, as if this structure were simply another subject to which that doctrine applied. It is important to stress this point: it means that we must distinguish between how a political conception is presented and its being part of, or as derivable within, a comprehensive doctrine. I assume all citizens to affirm a comprehensive doctrine to which the political conception they accept is in some way related. But a distinguishing feature of a political conception is that it is presented as freestanding and expounded apart from, or without reference to, any such wider background. To use a current phrase, the political conception is a module, an essential constituent part, that fits into and can be supported by various reasonable comprehensive doctrines that endure in the society regulated by it. This means that it can be presented without saying, or knowing, or hazarding

13. See my “Law of Peoples” (an Oxford Amnesty Lecture), to be published with the other Amnesty Lectures by Basic Books, 1993.

a conjecture about, what such doctrines it may belong to, or be supported by.

In this respect a political conception of justice differs from many moral doctrines, for these are widely regarded as general and comprehensive views. Utilitarianism is a familiar example: the principle of utility, however understood, is usually said to hold for all kinds of subjects ranging from the conduct of individuals and personal relations to the organization of society as a whole as well as to the law of peoples.¹⁴ By contrast, a political conception tries to elaborate a reasonable conception for the basic structure alone and involves, so far as possible, no wider commitment to any other doctrine.

This contrast will be clearer if we observe that the distinction between a political conception of justice and other moral conceptions is a matter of scope: that is, the range of subjects to which a conception applies and the content a wider range requires. A moral conception is general if it applies to a wide range of subjects, and in the limit to all subjects universally. It is comprehensive when it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole. A conception is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system; whereas a conception is only partially comprehensive when it comprises a number of, but by no means all, nonpolitical values and virtues and is rather loosely articulated. Many religious and philosophical doctrines aspire to be both general and comprehensive.

3. The third feature of a political conception of justice is that its content is expressed in terms of certain fundamental ideas seen as implicit in the public political culture of a democratic society. This public culture comprises the political institutions of a constitutional regime and the public traditions of their interpre-

14. See "Basic Structure as Subject," p. 260f.

tation (including those of the judiciary), as well as historic texts and documents that are common knowledge. Comprehensive doctrines of all kinds—religious, philosophical, and moral—belong to what we may call the "background culture" of civil society. This is the culture of the social, not of the political. It is the culture of daily life, of its many associations: churches and universities, learned and scientific societies, and clubs and teams, to mention a few. In a democratic society there is a tradition of democratic thought, the content of which is at least familiar and intelligible to the educated common sense of citizens generally. Society's main institutions, and their accepted forms of interpretation, are seen as a fund of implicitly shared ideas and principles.

Thus, justice as fairness starts from within a certain political tradition and takes as its fundamental idea¹⁵ that of society as a fair system of cooperation over time, from one generation to the next (§3). This central organizing idea is developed together with two companion fundamental ideas: one is the idea of citizens (those engaged in cooperation) as free and equal persons (§§3.3 and 5); the other is the idea of a well-ordered society as a society effectively regulated by a political conception of justice (§6).¹⁶

15. I comment that I use "ideas" as the more general term and as covering both concepts and conceptions. This pair is distinguished as they were in *Theory*, pp. 5f. Roughly, the concept is the meaning of a term, while a particular conception includes as well the principles required to apply it. To illustrate: the concept of justice, applied to an institution, means, say, that the institution makes no arbitrary distinctions between persons in assigning basic rights and duties, and that its rules establish a proper balance between competing claims. Whereas a conception includes, besides this, principles and criteria for deciding which distinctions are arbitrary and when a balance between competing claims is proper. People can agree on the meaning of the concept of justice and still be at odds, since they affirm different principles and standards for deciding those matters. To develop a concept of justice into a conception of it is to elaborate these requisite principles and standards. Thus, to give another example, in §3.3 I consider the concept of the person in law and in political philosophy, while in §5 I set out the further necessary elements of a conception of the person as a democratic citizen. This distinction between concept and conception I took from H. L. A. Hart's, *The Concept of Law* (Oxford: Clarendon Press, 1961), pp. 155–59.

16. Two other fundamental ideas are those of the basic structure, discussed in §2.1;

We suppose also that these ideas can be elaborated into a political conception of justice that can gain the support of an overlapping consensus (IV). Such a consensus consists of all the reasonable opposing religious, philosophical, and moral doctrines likely to persist over generations and to gain a sizable body of adherents in a more or less just constitutional regime, a regime in which the criterion of justice is that political conception itself.¹⁷ Whether justice as fairness (or some similar view) can gain the support of an overlapping consensus so defined is a speculative question. One can reach an educated conjecture only by working it out and exhibiting the way it might be supported.

§ 3. The Idea of Society as a Fair System of Cooperation

1. As I have indicated, the fundamental organizing idea of justice as fairness, within which the other basic ideas are systematically connected, is that of society as a fair system of cooperation over time, from one generation to the next. We start the exposition with this idea, which we take to be implicit in the public culture of a democratic society. In their political thought, and in the discussion of political questions, citizens do not view the social order as a fixed natural order, or as an institutional hierarchy justified by religious or aristocratic values.

Here it is important to stress that from other points of view, for example, from the point of view of personal morality, or from the point of view of members of an association, or of one's religious or philosophical doctrine, various aspects of the world and one's relation to it may be regarded in a different way. These other points of view are not, in general, to be introduced into

and of the original position, discussed in §4. These are not seen as ideas familiar to educated common sense but rather as ideas introduced for the purpose of presenting justice as fairness in a unified and prespicuous way.

17. The idea of an overlapping consensus, or perhaps better the term, was introduced in *Theory*, pp. 387f., as a way to weaken the conditions for the reasonableness of civil disobedience in a nearly just democratic society. Here and later in these lectures I use it in a different sense and in a far wider context.