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a decent level of income (the living wage), a coherent institutional framework, some form of religious pluralism, an ethnic and sociocultural base ranging within certain bounds, and so on. It's surely an exaggeration to reconstruct all these intellectual oscillations within the rather disturbing and quite rigid framework characterized by a permanent and global clash of civilizations. Still, it became standard in political theory across the globe to issue a cultural challenge to Western institutional models.

Political theory cannot survive too long without being shaped by the historical circumstances in which it flourishes. So, the growing relevance of cultural conflicts, compounded by the pressure of gender and race movements, was such that there simply *had* to be systematic consequences in our foundational thinking about the structure of the social order. Political philosophy, in other words, cannot resist historical change. But, what was the status of political philosophy during this period I am vaguely referring to? Of course, it is difficult, if not impossible, to answer this question in a proper way. Even so, if we can content ourselves with a loose yet hopefully sensible attempt at a *Nachrekonstruktion* (or rational reconstruction), we can provisionally explain this in terms of a systematic dualism between two main streams.

On the one hand, political philosophy saw a systematic attempt to address the new global problems from within the framework of liberal democratic theory, the intellectual winner emerging from the Cold War era. In its general form, liberal democracy was powerfully reformulated by John Rawls (1971) in terms of a theory of justice seeking to make compatible the human needs and aspirations present in a regime of basic pluralism. Rawls provided the impetus for attempting a global extension of this liberal model of political philosophy, whose original configuration was the nation-state: the model was thus first extended to the global socio-economic structure, with scholars like Beitz and Pogge, and subsequently to the global cultural scenario, with scholars like Kymlicka and Kukhatas.

On the other hand, we saw a sometimes confused but nevertheless energetic attempt to overcome the traditional foundational apparatus of political philosophy, that survives from the previous model. From Asia, Africa, and the Middle East there emerged a need to break out of the mould of liberal democratic theory, which was regarded as merely a Western product, at least in part, and so as the last vestige of the colonial era. Scholars like Said, Baba, Appadurai, Spivak, and Mbembe often found their ideal Occidental counterpart in the works of so called French Thought. In this way, you wound up with this odd mixture of Western post modernism and non-Western post-colonialism, that became exceedingly popular in the in the United States in what are often referred to as area studies. The outcome of this process often consists in a framework in which alternative and competing models of globalization coexist. To be sure, I do not think this kind of intellectual tradition has acceptably captured the sense of such basic political concepts as those of human rights and liberal democracy. But it does deserve credit for having presented some models of globalization antagonistic to a past of Western cultural and political dominance, which post-colonial peoples certainly had good reasons to react against.

To sum up, I see in the post-colonial post-modern tradition of political philosophy not so much a significant option in its own right as a useful symbolic reminder: a

signal that something is lacking in the models of liberal democracy, even when these are compellingly reformulated in terms of liberal justice. Rawls's theory of justice, to take the most influential of these models, offers a theoretical reconstruction of politics framed as a search for rational and reasonable terms on which basis it may be possible to institutionally build a stable system of cooperation among free and equal persons. In doing so, it must be conceded, this theory passes over in part what is probably the most traditional problem in political thought: not the problem of rights and justice *per se* but that of power. Many post-colonial post-modern thinkers who take up the intellectual heritage of Carl Schmitt or Michel Foucault, can be understood as saying that any political theory which fails to address the question of power is in a way empty. That is why we will eventually have something like a "clash of globalizations" (Hoffman 2002) in which alternative narratives meet and compare notes, as it were.

I shouldn't want to indulge here in any amateurish form of dialectics between liberal and antagonist models of globalization. Still, it does seem worthwhile to me to try and improve the general framework of a liberal theory of justice by bringing into it the question of power. And that is precisely the attempt I will timidly make in what follows.

In doing so, however, I will not present power in a naturalistic way, in the manner of Schmitt, with his friend-foe distinction, or in the manner of Foucault, with his biopolitical imagination: I rather conceive power in a normative way, consistently with a Kantian and liberal approach to political theory *à la* Rawls. In other words, I am interested in power understood not simply as force or influence but as justified liberal democratic authority. Which is why, I chose "legitimation as the concept through which" to discuss the question of power within a liberal theory of justice. Legitimation, so conceived forms the basis of stability, and stability—from Hobbes onward—has much to do with power.

This paper divides into five sections. In the next section, I will attempt to clarify what I mean by legitimation: this attempt includes a theoretical account of political normativity based on a non-standard distinction between justification and legitimation. In Section 3, I present what I judge to be a new statement of Rawls's idea of an overlapping consensus. In Section 4, I expand the traditional statist interpretation of an overlapping consensus to cover some aspects of global politics. This move presupposes the political ideal I have called pluralist integration. In Section 5, I consider whether this model can be stable. I conclude in Section 6 by pointing out some limitations the model comes up against.

2 Legitimation

Here I will define a concept of legitimation proceeding *per differentiam specificam*, mainly by contrast to other classical quasi-synonymous concepts. I mean by legitimation a kind of conferred, quasi-general, or at least widely recognized legitimacy. This move, however, does no more than transfer the burden of definition from legitimation to legitimacy, with some improvement from the standpoint of

ordinary language, perhaps, but certainly without any substantial theoretical gain. So, in working toward that end we must begin, I think, by distinguishing legitimacy from other traditional legal-philosophical concepts, such as effectiveness, legality, and validity. Its distinction from effectiveness is quite straightforward. The mere fact of a legal rule or provision being in effect doesn't say anything special about its legitimacy, which requires more than mere compliance: it requires some form and some degree of moral assent. Roughly the same distinction—in something of a more nuanced fashion maybe—can also be drawn between legitimacy and legality. The legality of a legal rule or provision implies an acceptable formal pedigree. When legality combines with effectiveness, that is, when it achieves a substantial degree of compliance or acceptance, it yields, validity. Unlike validity, however, legitimacy requires this potential acceptance to be acceptance for the right reasons.

This last point makes it necessary to introduce my main distinction in normative political theory: the distinction between legitimation and justification. Legitimation as previously defined—as a publicly conferred, quasi-general, or widespread legitimacy—certainly overlaps to some extent with justification, both concepts being moral. The problem with justification is that it cannot be fully public or extensively wide, this owing to what Rawls calls reasonable pluralism. In a plausible legal-moral universe, there will be any number of justifications behind a single legitimation. It seems clear enough that many justifications will be found where true pluralism thrives, each one having its own rightness, or a relative degree of it, and its own cultural origin. Think of what Rawls calls the burdens of the judgment: deep ethical and metaphysical justifications cannot even in principle be imagined to converge toward the same focal point.

Legitimation, by contrast, assumes the possibility of exactly this kind of unity. What do I mean here by unity? My idea is that legitimation relies on our general acceptance of an institutional system, and in this way offers the only plausible answer to the Hobbesian question of how order and stability are possible: they are made possible by combining a socio-political point of view with a legal-moral one. (Here the late Bernard Williams misinterprets liberalism.) Which in turn is possible because we generally believe that the basic legal rules and provisions (or at least some of them) must be generally accepted if we are to make anything meaningful out of the idea of a (moral) legal order. These rules may regard, albeit in different ways, both the internal order of a state (its “constitutional essentials”) and the international order among states. It is with these basic elements of the law that legitimation is concerned, since there can be no other focus or basis of convergence in a regime of pluralism. As we will see, this cooperative complementarity between justification and legitimation operates, in my model, through a revisitation of what Rawls calls an overlapping consensus.

My theoretical hypothesis, as I have been suggesting, proceeds on the idea of a dialectics between justification and legitimation. These terms are typically used with much overlap in political theory, but I nonetheless think it important to appropriately distinguish between them. According to my distinction, justification looks for the best theoretical argument, is intrinsically substantive, goes top-down, and is

rooted in the moral and metaphysical bases of a specific culture. Legitimation, on the contrary, is normally based on a successful practice, is procedural and factual, involves a political process, goes bottom up, and does not appeal to the deep roots of a culture. My thesis is that one needs to make justification and legitimation complementary. We can have conflicting justifications, all of them plausible, all the while relying on a single legitimation, if for no other reason because we are assuming the fact of pluralism in contemporary liberal-democratic societies and the consequent need for stability.

I should note here that not only Rawls but also Jürgen Habermas, another distinguished social thinker of our time, makes an implicit use of this distinction between justification and legitimation. In *Between facts and Norms*, Habermas (1996) starts out calling for a structural compromise between practical reason and social praxis. In doing so, he uses validity claims that do not depart too much from the dictates of traditional practical reason; but at the same time, he does not pretend to solve practical dilemmas a priori, and instead seeks to maintain a connection with factual reality. As a consequence, his discourse-based critical theory spills over beyond what is considered the standard compass of moral philosophy, making its way into the domain of positive law. In this way, Habermas argues, normativity parts with the tradition of a pure philosophy of the subject and seeks to objectify itself. In the outcome, this complex procedure should make it possible to restore the conjunction between ideal validity, which is normative and decontextualized, and social validity, which on the contrary is connected to factual criteria. This re-conjunction, according to Habermas, requires democratic law to be publicly recognized as legally valid, a recognition secured by the equilibrium that obtains between general compliance with the law (as assessed by statistical evidence) and our ability to justify this compliance through the dialogical nature of liberal democracy (where citizens are both producers and consumers of legal norms). These two functions the law allegedly serves are each the standard counterpart to the other, and together they provide what a complex contemporary society needs for its integration: a society of this sort cannot be integrated through normative values alone, but also requires the complement of factually operating institutions like a market system and judicial power. My argument is that the deep sense of this dual strategy can be better explained through the combined force of justification and legitimation, as previously defined: justification would provide the meaning of the ethical content on which a critical theory is based, and legitimation a working system so justified.

A similar move is made as well by Rawls (1993) in *Political Liberalism*, albeit with greater philosophical prudence and a different objective. Rawls doesn't actually seek, as Habermas does, to achieve a coherent integration between a normative-philosophical justification and a factual legitimation: he instead continues to work within the horizon of a philosophical theory of justice. Even so, in working through the central conundrum—of how to achieve stability all the while preserving pluralism—he must concede that it will not suffice to proceed on a pure philosophical justification of liberal democracy, such as the one he himself had presented in *A Theory of Justice*: this will not ensure the desired normative equilibrium between these two opposite claims (stability and pluralism). Just for this reason he forces

out a social device—the idea of an overlapping consensus—and makes it hybrid by enveloping it within a more general normative validity. In this way, as the second Rawls maintains, we can have a well-ordered society in which like-minded citizens with comprehensive, but reasonable, worldviews can peacefully coexist. This providential equilibrium, however, would not be possible but for a successful constitutional tradition in the background, such as that which has characterized US public life since the founding fathers. This background constitutional loyalty alone allows people and doctrines to coexist that differ in every other respect, in that the worldviews by which they are informed are divided by deep ethical and metaphysical differences. The history of an empirical success, such as the one the United States Constitution has had over time, is thus made to work in tandem with the moral and political normative premises of Rawls's discourse, and the two are made coherent. To translate this in my own terminology, the philosophical justification offered by the principles of justice meets the factual legitimation offered by the legal and constitutional history of American public life.

3 Overlapping Consensus

The central problem addressed in *Political Liberalism* is the simultaneous presence in a liberal democratic society of plural comprehensive doctrines: this pluralism poses difficulties for stability. In the second part of *Political Liberalism*, Rawls tries to solve this problem he framed in the first, and the key tool in working toward such a solution lies precisely in the idea of an overlapping consensus.

This solution requires two conditions for what Rawls calls a political conception: (i) this conception must be worked out for the basic structure; and (ii) political power must be coercive (Rawls 1993, 135–36).

Political power must coercively be imposed in the basic structure, because citizens espouse different comprehensive doctrines, and in all liberal democratic systems, this fact gives rise to what Rawls describes as the problem of liberal legitimacy, which is his rendering of the question of power posed here at the outset. Power can be justified only if exercised within the framework of a constitutional system of rules that free and equal citizens can endorse. This acceptance should take root under such institutional and political conditions as will foster the gradual assertion of an *overlapping consensus*.

In Rawls's vision, an overlapping consensus is typically achieved in any situation where citizens in a well-ordered society, despite the different comprehensive doctrines they espouse, tend to have the same liberal political outlook. This complex process is not imposed on citizens from the outside but rather develops “from within their own comprehensive view,” proceeding from their doctrines' own “religious, philosophical and moral grounds” (ibid., 147). Each citizen—regardless of whether his or her basic comprehensive doctrine is Muslim, Catholic, or Buddhist, secular or religious, utilitarian or Kantian, sceptical or pluralist—should come to agree on the principles of a liberal and egalitarian political justice, finding some of the reasons for such an agreement within his or her own comprehensive doctrine. The outcome

will not be, according to Rawls, a superficial or prudential consensus, but a properly moral one. In other words, it will not be a compromise, what Rawls calls a mere *modus vivendi*, since an overlapping consensus does not depend on any balance of force that might at any one time obtain among different reasonable comprehensive doctrines, but will instead partly be *rooted* in such doctrines.

The basic idea consists in breaking our morality down into two parts: on the one hand is our overall personal morality, resting on deep moral or religious foundations; on the other hand is a more limited institutional morality, which instead concerns us as citizens (rather than as persons) and is rooted not in our deep moral or religious commitments but in the loyalty we all devote to the political and constitutional system in which we live our public lives. The political conception based on this institutional morality makes it possible to govern the pluralism of the conceptions of the good, a pluralism viewed as a virtue of an open society. This is possible precisely through the formation of an *overlapping consensus* among citizens who—even as they hold on to their ultimate convictions, and indeed *depend* on them—nevertheless manage to set these convictions aside in the public sphere (or rather, in certain areas of the public sphere) and to act instead from a shared and dominant institutional morality. Rawls argues in *Political Liberalism* that this offers a better account of stability than that previously offered in *A Theory of Justice*. And what makes such an *overlapping consensus* possible is that citizens in a liberal democratic society are reasonable toward one another: they take its pluralism into account and value and respect it, which enables them at the same time to express themselves publicly in the language of political reason.

The core idea involved here is an old one: Rawls explains it as that of the “priority of the right” (over the good). Pluralism in a well-ordered society reigns supreme, and not just as a fact we can all appreciate every day in our lives, for it is also a good for most of us, that in an open society different aesthetic, ethical, and religious views can meet and, if necessary, engage with each other. Yet this pluralism cannot concern the entire institutional order and the fundamental structures of politics. Here, on the contrary, we all need a certain degree of unity. This unity, however, cannot be grounded in a single moral and political theory, such as the theory of justice as fairness. So in this case we need a consensus that’s not as deep but is broader, its primary object being precisely a political conception of justice for a basic structure capable of ensuring some degree of pluralism.

The source we should look to for inspiration in working out a model for such a consensus is, according to Rawls, the birth of classical liberalism—the outcome of a laborious process through which we achieved religious tolerance. It took centuries of clashing and warring, but the , European civilization eventually discovered, in Rawls’s words, “a new social possibility: the possibility of a reasonable harmonious and stable pluralist society” (ibid., XXV). *Before* that time it seemed inevitable to believe that “social unity and concord require agreement on a general and comprehensive religious, philosophical or moral doctrine” (ibid.). After that time, Europeans came to realize that “it is difficult, if not impossible, to believe in the damnation of those with whom we have, with trust and confidence, long and fruitfully cooperated in maintaining a just society” (ibid.).

On this view, liberalism cannot be separated from tolerance, just as tolerance cannot be separated from our loss of certainty about truth—from our no longer clinging to the idea of a single truth. If the liberalism of the European tradition (the liberalism Rawls is referring to) emerged through a loss of orthodoxy, then liberal political theory should still be characterised today by a certain loss of faith. This separation between liberalism and certainty (or even between liberalism and truth) can justifiably be characterized as historically traumatic, entailing as it did a long process and various intermediate stages, before attaining the maturity to which Rawls takes it in his own position. It thus seems natural, somehow, that a first brand of liberalism should initially have grounded all its certainty in precisely a loss of certainty, and in this sense was essentially sceptical, as Voltaire's was, or that a second brand of liberalism, operating on the conviction that another foundation could ultimately be found, should have set out searching for one—for a foundation alternative to, albeit no less deep than, the religious faiths—as in the case of Kant and Mill. Rawls's political liberalism rejects both of these solutions and charts a middle course, which is that of an overlapping consensus.

It should be noticed in this regard that we are now going through something like the same historical situation out of which liberalism first developed: just as religion was at one time a divisive force, so are there deep moral divisions nowadays that make politics a bitter and acrimonious affair. Whence the need to find some kind of common ground enabling different people and groups to live together in peace and harmony regardless of what other values they might cherish. This is the main task of political philosophy, considering that we turn to it primarily “when our shared political understandings [...] break down” (ibid., 44). And an overlapping consensus is the culmination of such a reconciliatory project.

Many scholars are perplexed about Rawls's solution of an overlapping consensus. Their perplexity is owed to the double standard to which Rawls holds the two main types of political and cultural disagreement that can be observed to exist in any society. This is to say that such disagreements may involve conceptions of the good or they may involve conceptions of justice: the former are paradigmatically religious, though they may also involve *secular* conceptions of the good; the latter concern instead social justice and arise out of our different understandings of it, as in the example of the controversy between liberals and socialists that dominated the political debate during the time when people in my generation were growing up.

It only makes sense to ask, therefore, what kind of relation can be imagined to hold between these two types of cultural and political disagreements, about the good on the one hand and about justice on the other. There are two main views in this respect: one stipulating a deep *continuity* between these two types of disagreement, and one stipulating instead a *discontinuity* between them. Continuity can be exemplified by taking the issue of abortion in Italy, a country in which the Catholic Church plays a significant political role. On this view, the political controversy on abortion is essentially an outgrowth of the opposing conceptions of the good espoused by those on either side of the debate (pro-lifers versus pro-choicers); thus, we might have, on the one hand, a conception of the good rooted in the idea of the sacred nature of human life, and on the other hand a Kantian conception of

individual autonomy, and these two conceptions are to account for the political disagreement. Another example is, in Muslim countries, the issue of how the relation between religion and politics should be framed as it affects the public sphere. Of course, on the view that disagreement about justice is continuous with disagreement about the good, the latter may well involve entirely *secular* comprehensive conceptions. On the opposite view, as was mentioned a moment ago, these two types of disagreement are instead discontinuous. In fact, not only are conceptions of justice separate from conceptions of the good: they are also asymmetrically situated with respect to the latter, since conceptions of justice are primarily intended to serve the institutional function of regulating such conflicts as they inevitably arise—given the fact of pluralism—between the conceptions of the good. Which means that disagreement between competing conceptions of justice cannot, on this view, be regarded as issuing from a disagreement involving conceptions of the good: we may disagree about how to handle conflicting conceptions of the good, but the reasons for our disagreement are not to be found in those conceptions themselves (given the separation assumed to exist between the two types of disagreement).

If we ask, now, what view Rawls takes in *Political Liberalism* on the question of how disagreement about the good relates to disagreement about justice, we will see that he understands these two as discontinuous. In *A Theory of Justice* and *Political Liberalism* alike, disagreement over the good is presented by Rawls as clearly distinct from disagreement about justice. But then, a most obvious problem emerges when a distinction so strong is made, separating what is inherently contentious from what is not, because doing so suggests (as Rawls seems to) an attempt to immunize the concept of justice from conflict. Rawls's praise of pluralism in *Political Liberalism*, and even his insistence on the burdens of judgment, seems limited to disagreements about the good. But then, when it comes to the "political conception," with its fund of "shared convictions" and "fundamental ideas," and even more so when we turn to the subject of an "overlapping consensus," we cannot but bear out the impression that a certain unified outlook joins us in the face of deep disagreements about the good, in that we rise to the occasion and seem to agree on at least a number of general characteristics of justice. Hence, the critics' perplexity: Is it really possible to conceive a world, such as the one we live in, where justice is not a thorny, controversial subject, in the sense of its not engendering robust political and moral disagreement?

Critics for whom the answer to such a question is in the negative charge that Rawls does immunize politics in *Political Liberalism*, and they see two main options in this regard: the immunization comes by way of a de facto compromise, a *modus vivendi*, or it comes by way of reviving in *Political Liberalism* the conception of stability found in *A Theory of Justice* (and criticized in *Political Liberalism*), meaning that Rawls brings back, in a different form, something like the liberal "comprehensive doctrine" on which his earlier account of stability was based.

I believe that if we are to reply to these objections, we must begin with an assumption, namely, that Rawls proceeds on two different interpretations of liberalism at once. On the first of these, liberalism is viewed as a comprehensive doctrine, and it can definitely be identified with the theory of justice as fairness, but also with

a Kantian conception of autonomy, or with some other conception still. But this only concerns the level I have called justification, which is grounded from within each person's comprehensive doctrine or conception of the good. Justification so understood sends down deep roots, but the "existence of pluralism," a typical feature of contemporary societies, makes it difficult to achieve such depth and exposes justification to attack from all sides. So, if we attempted to work something out at the deep level of justification, we would not be able to find the minimum of convergence on justice that Rawls is looking for. Whence the idea of taking up a second meaning of liberalism, a meaning divorced from justification and connected instead to what I have called "legitimation". This second idea of liberalism says, in short, that there are liberal democratic institutions and practices that no "reasonable" person would want to do without. These are only a handful but they are fundamental, concerning, as they do, the essential elements of a liberal constitution and some questions of basic justice, including several social bases of equality. My view is that an overlapping consensus can exist only insofar as it unites these two views of liberalism, the one based on justification and the other on legitimation.

My idea of legitimation takes into account the fact that Rawls always tries to include in his theory elements of historical experience capable, so to speak, of qualifying consensus with the support of external factors in some way independent of the favoured theoretical approach. On this view, there can be no way out of a theoretical impasse without looking to experience, which, in the public domain is given by the way in which the *basic structure* functions as part of a liberal democratic system. And this turns out, on closer examination, to be the vantage point from which Rawls looks at the theory of tolerance; and what marks the difference from his modern predecessors, such as Locke and Bayle, is that they could not, after all, rely on an exemplary practice for reference.

4 A Global Overlapping Consensus?

In the last section, I gave an account of Rawls's idea of an overlapping consensus. Extending such a consensus on a global scale is, needless to say, a more complex matter, and one that takes us on a path less travelled by.

As Rawls explains in *Political Liberalism*, the strategy in working toward an overlapping consensus presupposes a single institutional reality, this being a liberal democratic order that people can converge on even as they reason from different moral, religious, and metaphysical premises. But only within such a unified institutional reality, providing a common framework, is it plausible to think that different comprehensive doctrines can live side by side in a regime of reasonable pluralism and toleration. And, historically, this option is clearly linked to the fact of the nation-state. Indeed, the nation-state provides an institutional framework within which moral and intellectual disagreements can partially be worked out (or *reasonably* be worked out, to use the standard term), and we can see how the majority of them can in fact be so resolved, precisely because there is a common framework that everybody can accept all the while retaining their deep, comprehensive views.

But while this strategy seems appropriate for the liberal state, it does not *prima facie* seem extensible to international relations, for we cannot find here anything like the international equivalent of a common institutional framework that all can recognize. Now, I submit that such an impossibility theorem does not stand up.

If we assume, as seems entirely natural, that human rights are not only a set of moral imperatives but also a set of juridical requisites, then we should also recognize that this set of legal norms constitutes a deeply entrenched background that would pose a formidable challenge the moment we tried to remove it. It is quite difficult to think that existing human rights can be replaced with an alternative set of moral imperatives—all of them fully adequate safeguards for the protection of human dignity—if such imperatives did not have a successful historical background on their side. This observation suggests that, while any number of moralities, religions, and metaphysics can well ground and support the same existing set of human rights, they can hardly substitute for such a set of rights. In other words, it is easier to fit different religions, moralities, and metaphysics into the existing package of human rights than vice versa (than to package a new menu of human rights into an existing range of deep doctrines). Still, it seems to me that the process by which we set out to integrate an existing platform of human rights with several deep justifications of them must be a pluralist and critical one. This means, as we will see, that existing human rights cannot be taken for granted simply by virtue of their already being with us, and their legitimating force must therefore be discussed and evaluated through an open intercultural dialogue. If we accept this premise, then the overlapping-consensus model can be extended to also cover the domain of human rights.

To see how this might be achieved, we will in some way have to subscribe to the political ideal I choose to call pluralist integration, under which human rights, just like political democracy and the rule of law, cannot be established from the centre of the global system and then spread out and imposed on the outer reaches of such a system. Far from it: whether human rights can take root across the entire system will depend on the possibility of their becoming the heritage of the single national cultures. I believe there to be little doubt about the political reasonableness of this proposal: if it makes no sense to impose Western certainties on cultures that do not perceive them that way, it doesn't make much sense to sanctify local cultures, either, by abstaining from any critical assessment of their contents and implications. In any event, the political reasonableness of pluralist integration doesn't constitute a philosophical strength. Which is why my primary concern here is to set this proposal against the backdrop of a philosophical idea consistent with it.

The basic philosophical idea behind pluralist integration consists in singling out two levels at which we can each develop a sense of belonging and loyalty: at a moral and metaphysical level, we each retain our own traditional cultural or religious perspective; but, at the same time, at a political level, we each espouse a vision convergent with that of the other members of the international community, through a process that progressively builds up a multicultural overlapping consensus. The focus of such an extended overlapping consensus are human rights themselves, which figure as shared elements—their nature both legal and political—consistent with various moral, religious, and metaphysical foundations. This thesis

thus presupposes that inherent in all cultures is a critical potential which will eventually enable them to partially converge on a complex of legal and political values concretizing in a set of human rights.

This double-tiered scheme makes it possible to reconcile two contrary theses on human rights: the thesis that cultural sensitivity to local traditions should override the universality of human rights, over against thesis that it is instead the universality of human rights which should preempt local traditions. Pluralist integration attempts to reconcile these two theses on a higher level.

A strong case for such a synthesis can be made arguing from the correspondence between rights and interests. Which is to say that the basic rights map out the most important human interests and are accordingly supposed to protect them—and some of these interests are clearly global, as in the case of our interest in environmental protection and security, as well as our interest in curbing inequality and poverty. That these interests carry global import is definitely beyond question. We could think of them in analogy to public goods, on the basis of the traditional argument that presents such goods as a safety net against the risk of market failures. Where environmental risks, security problems, and poverty are concerned, we are confronted with problems that single nation-states cannot each resolve on their own. And since these challenges are intrinsically global, they call for global solutions. Whence the role of universal human rights, forced into the scene as tools with which to attempt such solutions. Yet these solutions have to be reasonable, in that human rights are susceptible of different interpretations within different cultures, and this makes it necessary to frame common standards and conditions subject to which human rights can be enforced. This situation intuitively explains not only the *need* for an overlapping consensus on some universal rights, but also the *possibility* of such a consensus.

5 Stability

In this section, I consider my proposed model, pluralist integration, from the standpoint of stability. I start here too from Rawls by noting the curious lot that befalls the notion in his intellectual career: stability is at first long neglected, only to become—after *A Theory of Justice* (1971)—an over-discussed issue. This twist of fate is somewhat baffling because *Theory* devotes much space to stability; in fact, the third and final part of the book can be said to culminate in an idea of stability understood as resulting from a convergence of the right (the reasonable) and the good (the rational) in a society regulated in keeping with the principles of a sound theory of justice.

We can make sense of this complex vicissitude by noting that there are in Rawls two different albeit parallel notions of stability. One is the notion of stability found in *Theory* and the other the one found in *Political Liberalism*, and although they do overlap in important ways, the differences ultimately outweigh the similarities. So, let us call them stability 1 and stability 2. The main difference, as I see it, is that stability 1 is based on the sheer force of justification, whereas stability 2 also relies