The Priority of Right and Ideas of the Good

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The idea of the priority of right is an essential element in what I have called political liberalism, and it has a central role in justice as fairness as a form of that view. That priority may give rise to misunderstandings: it may be thought, for example, to imply that a liberal political conception of justice cannot use any ideas of the good except those that are purely instrumental; or that if it uses noninstrumental ideas of the good, they must be viewed as a matter of individual choice, in which case the political conception as a whole is arbitrarily biased in favor of individualism. I shall try to remove these and other misunderstandings of what the priority of right means by sketching its connection with five ideas of the good found in justice as fairness: (1) the idea of goodness as rationality, (2) the idea of primary goods, (3) the idea of permissible comprehensive conceptions of the good, (4) the idea of the political virtues, and (5) the idea of the good of a well-ordered (political) society.

By way of preface, the following general remark: in justice as fairness the priority of right implies that the principles of (political) justice set limits to permissible ways of life; hence the claims citizens make to pursue ends that transgress those limits have no weight (as judged by that political conception). But just institutions and the political virtues expected of citizens would serve no purpose—would have no point—unless those in-

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stitutions and virtues not only permitted but also sustained ways of life that citizens can affirm as worthy of their full allegiance. A conception of political justice must contain within itself sufficient space, as it were, for ways of life that can gain devoted support. In a phrase: justice draws the limit, the good shows the point. Thus, the right and the good are complementary, and the priority of right does not deny this. Its general meaning is that although to be acceptable a political conception of justice must leave adequate room for forms of life citizens can affirm, the ideas of the good it draws upon must fit within the limits drawn—the space allowed—by that political conception itself.

I

I begin by stating a distinction basic for my discussion—namely, the distinction between a political conception of justice and a comprehensive religious, philosophical, or moral doctrine.¹ The distinguishing features of a political conception of justice are, first, that it is a moral conception worked out for a specific subject, namely, the basic structure of a constitutional democratic regime; second, that accepting the political conception does not presuppose accepting any particular comprehensive religious, philosophical, or moral doctrine; rather, the political conception presents itself as a reasonable conception for the basic structure alone; and third, that it is formulated not in terms of any comprehensive doctrine but in terms of certain fundamental intuitive ideas viewed as latent in the public political culture of a democratic society.

Thus the difference between political conceptions of justice and other moral conceptions is a matter of scope—that is, the range of subjects to which a conception applies, and the wider content a wider range requires. A conception is said to be general when it applies to a wide range of subjects (in the limit to all subjects); it is comprehensive when it includes conceptions of what is of value in human life, ideals of personal virtue and character, and the like, that are to inform much of our nonpolitical conduct (in the limit our life as a whole). There is a tendency for religious and philosophical conceptions to be general and fully comprehensive; indeed,

¹. This distinction is discussed more fully in “Justice as Fairness: Political not Metaphysical,” Philosophy & Public Affairs 14, no. 3 (Summer 1985), sec. 1.
their being so is sometimes regarded as an ideal to be realized. A doctrine is fully comprehensive when it covers all recognized values and virtues within one rather precisely articulated scheme of thought, whereas a doctrine is only partially comprehensive when it comprises certain (but not all) nonpolitical values and virtues and is rather loosely articulated. Note that by definition for a conception to be even partially comprehensive it must extend beyond the political and include nonpolitical values and virtues.

Political liberalism elaborates a political conception of justice in the sense specified above. It consists in a conception of politics, not of the whole of life. Of course, it must have the kind of content we associate with liberalism historically: for example, it must affirm certain basic rights and liberties, assign them a certain priority, and so on. Now, as I have said, the right and the good are complementary: a political conception must draw upon various ideas of the good. The question is: subject to what restriction may political liberalism do so?

The main restriction would seem to be this: the ideas included must be political ideas. That is, they must belong to a reasonable political conception of justice so that we may assume (1) that they are, or can be, shared by citizens regarded as free and equal; and (2) that they do not presuppose any particular fully (or partially) comprehensive doctrine.

In justice as fairness this restriction is expressed by the priority of right. In its general form, this priority means that admissible ideas of the good must respect the limits of, and serve a role within, the political conception of justice.

II

To spell out the meaning of the priority of right stated in this general form, I consider in turn how five ideas of the good found in justice as fairness (listed at the outset) meet these conditions.

The first idea—that of goodness as rationality—is, in some variant, taken for granted by any political conception of justice.² This idea sup-

². This idea of the good is set out most fully in A Theory of Justice (Cambridge: Harvard University Press, 1971), chap. 7. I do not want to take up its details here and only state in the text the most basic points relevant for the present discussion. But I might mention that there are several ways in which I would now revise the presentation of goodness as rationality; per-
poses that the members of a democratic society have, at least in an intuitive way, a rational plan of life in the light of which they schedule their more important endeavors and allocate their various resources (including those of mind and body) so as to pursue their conceptions of the good over a complete life, if not in the most rational, then at least in a sensible (or satisfactory), way. In drawing up these plans people are assumed, of course, to take into account their reasonable expectations concerning their needs and requirements in their future circumstances in all stages of life, so far as they can ascertain them from their present position in society and the normal conditions of human existence. Given these suppositions, any workable political conception of justice that is to serve as a public basis of justification that citizens may reasonably be expected to acknowledge must count human life and the fulfillment of basic human needs and purposes as in general good, and endorse rationality as a basic principle of political and social organization. A political doctrine for a democratic society may safely assume, then, that all participants in political discussion of questions of right and justice accept these values, when understood in a suitably general way. Indeed, if the members of society did not do so, the problems of political justice, in the form in which we are familiar with them, would seem not to arise.

It should be emphasized that these basic values do not, of course, suffice by themselves to specify any particular political view. As used in A Theory of Justice, goodness as rationality is a basic idea from which, in conjunction with other ideas (for example, the political idea of the person, explained in the following section), other ideas of the good may be elaborated when needed. As what I referred to there as the thin theory of the good, goodness as rationality provides part of a framework serving two main roles: first, it helps us to identify a workable list of primary goods; and second, relying on an index of these goods, it enables us both to spec-

Perhaps the most important would be to make sure that it is understood as part of a political conception of justice viewed as a form of political liberalism, and not as part of a comprehensive moral doctrine. The distinction between a comprehensive doctrine and a political conception is absent from Theory, and while I believe nearly all the structure and substantive content of justice as fairness (including goodness as rationality) is unchanged when it is seen as a political conception, the understanding of the view as a whole is very significantly shifted. Charles Larmore in his Patterns of Moral Complexity (Cambridge: Cambridge University Press, 1987), pp. 118–30, is quite correct in vigorously criticizing the ambiguity of Theory on this fundamental matter.
ify the motivation of the parties in the original position and to explain why that motivation is rational. I leave aside the second role and begin below with the first.

III

One aim of the idea of goodness as rationality is to provide part of a framework for an account of primary goods. But to complete that framework that idea must be combined with a political conception of citizens as free and equal. With this done, we then work out what citizens need and require when they are regarded as free and equal persons and as normal and fully cooperating members of society over a complete life. It is crucial here that the conception of citizens as persons be seen as a political conception and not as one belonging to a comprehensive doctrine. It is this political conception of persons, with its account of their moral powers and higher-order interests, together with the framework of goodness as rationality and the basic facts of social life and the conditions of human growth and nurture, that provides the requisite background for specifying citizens’ needs and requirements. All this enables us to arrive at a workable list of primary goods.³

The role of the idea of primary goods is as follows.⁴ A basic feature of a well-ordered political society is that there is a public understanding not only about the kinds of claims it is appropriate for citizens to make when questions of political justice arise, but also about how such claims are to be supported. This understanding is required in order to reach agreement as to how citizens’ various claims are to be assessed and their relative weight determined. The fulfillment of these appropriate claims is publicly accepted as advantageous and thus counted as improving citizens’ situation for the purposes of political justice. An effective public conception of justice involves, then, a political understanding of what is to be mutually recognized as advantageous in this sense. In political liberalism the problem of interpersonal comparisons of citizens’ well-being becomes:

³. On the idea of a political conception of the person, see “Justice as Fairness: Political not Metaphysical,” sec. V.
⁴. Here and in the next two sections I draw on my essay “Social Unity and Primary Goods,” in Utilitarianism and Beyond, ed. A. Sen and B. Williams (Cambridge: Cambridge University Press, 1982).
the conflicting comprehensive conceptions of the good, how is it possible to reach a political understanding of what is to count as appropriate claims?

The difficulty is that the state can no more act to maximize the fulfillment of citizens' rational preferences, or wants (as in utilitarianism), or to advance human excellence, or the values of perfection (as in perfectionism), than it can act to advance Catholicism or Protestantism, or any other religion. None of these views of the meaning, value, and purpose of human life, as specified by the corresponding comprehensive religious or philosophical conceptions of the good, are affirmed by citizens generally, and so the pursuit of any one of them through basic institutions gives the state a sectarian character. To find a shared idea of citizens' good that is appropriate for political purposes, political liberalism looks for an idea of rational advantage within a political conception that is independent of any particular comprehensive doctrine and hence may be the focus of an overlapping consensus.

In justice as fairness the conception of primary goods addresses this practical political problem. The answer proposed rests on identifying a partial similarity in the structure of citizens' permissible conceptions of the good once they are regarded as free and equal persons. Here permissible conceptions are comprehensive doctrines the pursuit of which is not excluded by the principles of political justice. Even though citizens do not affirm the same (permissible) comprehensive conception, complete in all its final ends and loyalties, two things suffice for a shared idea of rational advantage: first, that citizens affirm the same political conception of themselves as free and equal persons; and second, that their (permissible)

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5. In the case of a utilitarianism such as that of Henry Sidgwick in *The Methods of Ethics*, 7th ed. (London, 1907), or of R. B. Brandt in *A Theory of the Good and the Right* (Oxford: Clarendon Press, 1979), which aims to be an account of the good of individuals as they must understand it when they are rational, and in which the good is characterized hedonistically, or in terms of satisfaction of desire or interests, the claim in the text is, I think, correct. But as T. M. Scanlon has maintained, another idea of utility, often found in welfare economics, has a quite different point: the aim is not to give an account of individuals' good as they should understand it from a moral point of view; rather, it is to find a general characterization of individuals' good that abstracts from how they more specifically understand it and is appropriately impartial (or neutral) between persons and hence may be used in normative economic theory in considering questions of public policy. See Scanlon, "The Moral Basis of Interpersonal Comparisons," presented at the Conference on Interpersonal Comparisons, University of California at Davis, April 1987. The view stated in the text may need to be restated to deal with this use of the idea of utility.
comprehensive conceptions of the good, however distinct their content and their related religious and philosophical doctrines, require for their advancement roughly the same primary goods, that is, the same basic rights, liberties, and opportunities, as well as the same all-purpose means such as income and wealth, all of which are secured by the same social bases of self-respect. These goods, we say, are things that citizens need as free and equal persons, and claims to these goods are counted as appropriate claims.6

The basic list of primary goods (to which we may add should it prove necessary) has five headings: (i) basic rights and liberties, of which a list may also be given; (ii) freedom of movement and free choice of occupation against a background of diverse opportunities; (iii) powers and prerogatives of offices and positions of responsibility in the political and economic institutions of the basic structure; (iv) income and wealth; and finally, (v) the social bases of self-respect. This list includes mainly features of institutions, that is, basic rights and liberties, institutional opportunities, and prerogatives of office and position, along with income and wealth. The social bases of self-respect are explained in institutional terms supplemented by features of the public political culture such as the public recognition and acceptance of the principles of justice.

Thus the idea is to find a practicable public basis of interpersonal comparisons in terms of objective features of citizens’ social circumstances open to view. Provided due precautions are taken, however, we can in principle expand the list to include other goods, for example, leisure time,7 and even certain mental states such as the absence of physical pain.8

6. Expressed in terms of goodness as rationality, we suppose all citizens have a rational plan of life that requires for its fulfillment roughly the same kinds of primary goods. As indicated in Section II, in saying this we rely on various common-sense psychological facts about human needs, their phases of development, and so on. See Theory, chap. 7, pp. 433–34, 447.

7. The question of how to handle leisure time was raised by R. A. Musgrave in “Maximin, Uncertainty, and the Leisure Trade-off,” Quarterly Journal of Economics 88 (1974). See my “Reply to Alexander and Musgrave,” ibid. I shall only comment here that twenty-four hours less a standard working day might be included in the index as leisure. Those who are unwilling to work would have a standard working day of extra leisure, and this extra leisure itself would be stipulated as equivalent to the index of primary goods of the least advantaged. So those who surf all day off Malibu must find a way to support themselves and would not be entitled to public funds. This merely indicates, as do the comments in the text, that if necessary the list of primary goods can in principle be expanded.

8. Here I adopt a suggestion of Scanlon’s in “The Moral Basis of Interpersonal Comparisons.”
These matters I shall not pursue here. What is crucial is that in introducing these further goods we recognize the limits of the political and practicable: first, we must stay within the limits of justice as fairness as a political conception of justice that can serve as the focus of an overlapping consensus; and second, we must respect the constraints of simplicity and availability of information to which any practicable political conception (as opposed to a comprehensive moral doctrine) is subject.

IV

We can now answer our earlier question as to how, given the fact of pluralism, a political understanding of what is to be counted as advantageous in questions of political justice is possible. We start from the practical nature of primary goods. By this I mean that we can actually present a scheme of equal basic liberties and fair opportunities, which, when guaranteed by the basic structure, ensures for all citizens the adequate development and full exercise of their two moral powers and a fair share of the all-purpose means essential for the advancement of their conceptions of the good. While it is neither possible nor just to allow all conceptions of the good to be pursued (as some involve the violation of basic rights and liberties), a basic structure satisfying the principles of justice does permit a wide range of conceptions fully worthy of human life (which is not to say, as we shall see below in Section VI, that it can achieve a social world without loss).

To avoid misunderstanding, observe that fair shares of primary goods are not intended as a measure of citizens' expected overall psychological well-being, or of their utility, as economists might say. Justice as fairness rejects the idea of comparing and maximizing overall well-being in matters of political justice. Nor does it try to estimate the extent to which individuals succeed in advancing their way of life—their overall scheme of final ends—or to judge the intrinsic worth (or the perfectionist value) of those ends (so long as they are compatible with the principles of justice).

Now, one may easily suppose that the idea of primary goods must be mistaken. For they are not what, from within anyone's comprehensive doctrine, can be taken as ultimately important: they are not, in general, anyone's idea of the basic values of human life. Therefore, to focus on primary goods, one may object, is to work for the most part in the wrong space—in the space of institutional features and material things and not
in the space of basic moral values. In reply, an index of primary goods is not intended as an approximation to what is ultimately important as specified by any particular comprehensive doctrine with its account of moral values. Indeed, it must not be so understood in view of its role in a political conception. From the point of view of such a conception, there exists no other space of values to which the index of primary goods is to approximate, for if there were, this would make the view at least partially comprehensive and hence defeat the aim of achieving an overlapping consensus given the fact of pluralism. The objection, then, may be to the idea of a political conception of justice as such. Of course, citizens must decide for themselves whether, in light of their comprehensive views, and taking into account the great political values realized by the political conception, they can endorse that conception with its idea of society as a fair system of cooperation.

To conclude: given the political conception of citizens as free and equal, primary goods specify what their needs are—or if you like, what their good is as citizens—when questions of justice arise. It is this political conception (supplemented by the framework of goodness as rationality) that enables us to work out what primary goods are needed. While an index of these goods may be made more specific at the constitutional and legislative stages, and interpreted even more specifically at the judicial stage, the index is not intended to approximate to an idea of rational advantage, or good, specified by a nonpolitical (comprehensive) conception. This last


10. Of course, any list of primary goods and any particular index of these will have to be acceptable in the light of the principles and standards of the political conception itself and the various ideas of the good it uses. The selection of primary goods is guided by that conception’s political values and by the ends articulated in its political conceptions of person and society, as well as by the aims basic institutions are to achieve. But these matters are already taken care of if primary goods are specified correctly and suitably related to the political conception as a whole. It helps to meet these aims if the ideas of the good contained in the political conception allow us to say that political life is in various ways intrinsically good, and hence that with those ideas the political conception is complete in the sense explained in Section VIII below. I cannot discuss here how primary goods are related to what Sen calls basic capabilities, nor can I discuss the question (which his objections raise) whether an index of these goods can be made sufficiently flexible to be fully satisfactory.


12. For these stages, see Theory, sec. 32.
in particular is what political liberalism tries to avoid. Rather, that more specific index specifies for more concrete cases what is to count as citizens' needs as seen by the political conception.

Alternatively, the specification of these needs is a construct worked out from within a political conception and not from within any comprehensive doctrine. The thought is that this construct provides, given the fact of pluralism, the best available standard of justification of competing claims that is mutually acceptable to citizens generally. In most cases the index will not approximate very accurately to what many people most want and value as judged by their comprehensive views. Nevertheless, they can endorse the political conception and hold that what is really important in questions of political justice is the fulfillment of citizens' needs by the institutions of the basic structure in ways the principles of justice, acknowledged by an overlapping consensus, specify as fair.

V

Historically one common theme of liberal thought is that the state must try to be neutral, as it is said, with respect to comprehensive doctrines and their associated conceptions of the good. But it is equally a common theme of critics of liberalism that it fails to be neutral and is, in fact, arbitrarily biased in favor of one or another form of individualism. As I noted at the outset, the assertion of the priority of right may seem to leave justice as fairness (as a form of political liberalism) open to a similar objection.

Thus, in discussing the next two ideas—the idea of permissible conceptions of the good (those permitted by the principles of justice) and that of the political virtues—I shall use the familiar idea of neutrality as a way of introducing the main problems. I believe, however, that the term “neutrality” is unfortunate; some of its connotations are highly misleading, while others suggest altogether impracticable principles. For this reason I have avoided it (and did so in Theory). But with due precautions taken, and using it only as a stage piece, as it were, we may clarify how the priority of right connects with the above two ideas of the good.

Neutrality can be defined in quite different ways. One way is proce-

14. A number of these I discuss in the text. One I do not take up is William Galston's view
dural, for example, by reference to a procedure that can be legitimated, or justified, without appeal to any moral values at all. Or if this seems impossible, since showing something justified appears to involve an appeal to some values, a neutral procedure may be said to be one justified by an appeal to neutral values, that is, values such as impartiality, consistency in application of general principles to all reasonably related cases (compare the judicial principle that cases similar in relevant respects are to be treated similarly), equal opportunity for the contending parties to present their cases, and the like. These are values that regulate fair procedures for adjudicating between conflicting claims. The specification of a neutral procedure may also draw on values that underlie the principles of free rational discussion between reasonable persons fully capable of thought and judgment, and concerned to find the truth or to reach reasonable agreement based on the best available information.

Justice as fairness is not, without important qualifications, procedurally neutral. Clearly its principles of justice are substantive and express far more than procedural values, and so do its political conceptions of person and society. If we do apply to it the idea of procedural neutrality, we must do so in virtue of its being a political conception that aims to be the focus of an overlapping consensus. That is, the view as a whole hopes to articulate a public basis of justification for the basic structure of a constitutional

that some forms of liberalism are neutral in the sense that they use no ideas of the good except ones that are purely instrumental (neutral means, as it were). See his “Defending Liberalism,” American Political Science Review 76 (1982): 622a. Contrary to his suggestion, justice as fairness is not neutral in this way, as will become clear, if it is not clear already.

15. Thus Herbert Wechsler, in his well-known discussion of principled judicial decisions (he is concerned mainly with decisions of the Supreme Court), thinks of neutral principles as those general principles that we are persuaded apply not only to the present case but to all reasonably foreseeable related cases likely to arise given the constitution and the existing political structure. Neutral principles transcend the case at hand and must be defensible as widely applicable. Wechsler says little about the derivation of such principles from the constitution itself or from precedent. See his “Towards Neutral Principles of Constitutional Law,” in Principles, Politics, and Fundamental Law (Cambridge: Harvard University Press, 1961).

16. For this kind of view, see the instructive discussion of Larmore in Patterns of Moral Complexity, pp. 53–59. He speaks of the “neutral justification of political neutrality as one based on a universal norm of rational dialogue” (p. 53), and draws on (while modifying) the important ideas of Jürgen Habermas. See the latter’s Legitimation Crisis, trans. Thomas McCarthy (Boston: Beacon Press, 1975), pt. III, and “Discursethik—Notizen zu einem Gründungsprogramm,” in Moralbewusstsein und kommunikatives Handeln (Frankfurt: Suhrkamp, 1983), pp. 53–125.
regime working from fundamental intuitive ideas implicit in the public political culture and abstracting from comprehensive religious, philosophical, and moral doctrines. It seeks common ground—or if one prefers, neutral ground—given the fact of pluralism. This common, or neutral, ground is the political conception itself as the focus of an overlapping consensus.

A very different way of defining neutrality is in terms of the aims of basic institutions and public policy with respect to comprehensive doctrines and their associated conceptions of the good. Here neutrality of aim as opposed to neutrality of procedure means that those institutions and policies are neutral in the sense that they can be endorsed by citizens generally as within the scope of a public political conception. Thus, neutrality might mean, for example, (1) that the state is to ensure for all citizens equal opportunity to advance any conception of the good they freely affirm; (2) that the state is not to do anything intended to favor or promote any particular comprehensive doctrine rather than another, or to give greater assistance to those who pursue it;17 (3) that the state is not to do anything that makes it more likely that individuals will accept any particular conception rather than another unless steps are taken to cancel, or to compensate for, the effects of policies that do this.18

The priority of right excludes the first meaning of neutrality of aim, for it allows only permissible conceptions (those that respect the principles of justice) to be pursued. But that meaning can be amended to allow for this; as thus amended, the state is to secure equal opportunity to advance any permissible conception. In this case, depending on the meaning of equal opportunity, justice as fairness may be neutral in aim. As for the second meaning, it is satisfied in virtue of the features of a political conception: so long as the basic structure is regulated by such a view, its institutions are not intended to favor any comprehensive doctrine. But in regard to the third meaning (considered further in Section VI below), it is surely impossible for the basic structure of a just constitutional regime not to have important effects and influences on which comprehensive doctrines endure and gain adherents over time, and it is futile to try to counteract these effects and influences, or even to ascertain for political purposes how deep and pervasive they are. We must accept the facts of common-sense political sociology.


To summarize: we may distinguish procedural neutrality from neutrality of aim, but the latter is not to be confused with neutrality of effect or influence. As a political conception for the basic structure justice as fairness as a whole can be seen as exemplifying a kind of procedural neutrality, and it also helps to satisfy neutrality of aim in the sense that the basic institutions and public policy are not to be designed to favor any particular comprehensive doctrine.¹⁹ Neutrality of effect or influence political liberalism abandons as impracticable, and since this idea is strongly suggested by the term itself, this is a reason for avoiding it.

But even if political liberalism can be seen as neutral in procedure and in aim, it is important to emphasize that it may still affirm the superiority of certain forms of moral character and encourage certain moral virtues. Thus, justice as fairness includes an account of certain political virtues—the virtues of fair social cooperation such as civility and tolerance, reasonableness and the sense of fairness.²⁰ The crucial point here is that admitting these virtues into a political conception does not lead to the perfectionist state of a comprehensive doctrine.

We can see this once we are clear about the idea of a political conception of justice. As I said in Section I, ideas of the good may be freely introduced as needed to complement the political conception of justice, so long as they are political ideas, that is, so long as they belong to a reasonable political conception of justice for a constitutional regime. This allows us to assume that they are shared by citizens and do not depend on any particular comprehensive doctrine. Since the ideals connected with the political virtues are tied to the principles of political justice and to the forms of judgment and conduct essential to sustain fair social cooperation over time, those ideals and virtues are compatible with political liberalism. They characterize the ideal of a good citizen of a democratic state—a role specified by its political institutions. In this way the political virtues must be distinguished from the virtues that characterize ways of life belonging to comprehensive religious and philosophical doctrines, as well as from the virtues falling under various associational ideals (the ideals of churches and universities, occupations and vocations, clubs and teams) and those appropriate to roles in family life and to the relations between individuals. If a constitutional regime takes steps to strengthen the virtues of toleration

¹⁹. This distinction between neutrality of procedure and neutrality of outcome is adapted from Larmore’s instructive discussion in Patterns of Moral Complexity, pp. 42–47.

²⁰. See “The Idea of an Overlapping Consensus,” sec. V, for a discussion of the central importance of these virtues.
and mutual trust, say by discouraging various kinds of religious and racial discrimination (in ways consistent with liberty of conscience and freedom of speech), it does not thereby become a perfectionist state of the kind found in Plato or Aristotle, nor does it establish a particular religion as in the Catholic and Protestant states of the early modern period. Rather, it is taking reasonable measures to strengthen the forms of thought and feeling that sustain fair social cooperation between its citizens regarded as free and equal. This is very different from the state’s advancing a particular comprehensive doctrine in its own name.21

VI

We have seen that neutrality of effect or influence is an impracticable aim. The principles of any reasonable political conception must impose restrictions on permissible comprehensive views, and the basic institutions those principles enjoin inevitably encourage some ways of life and discourage others, or even exclude them altogether. Thus, the substantive question concerns how the basic structure required by a political conception encourages and discourages certain comprehensive doctrines and whether the way it does so is just. Considering this question will explain the sense in which the state, at least as concerns constitutional essentials, is not to do anything intended to favor any particular comprehensive view.22 At this point the contrast between political and comprehensive liberalism becomes clear and fundamental.23

21. Keep in mind here that the political virtues are identified and justified by the need for certain qualities of character in the citizens of a just and stable constitutional regime. This does not mean that these same characteristics, or similar ones, might not also be nonpolitical virtues insofar as they are valued for other reasons within various particular comprehensive views.

22. This was the second meaning of neutrality of aim noted in the previous section; it is satisfied by a political conception.

23. The next several paragraphs are adapted from my reply in “Fairness to Goodness,” Philosophical Review 74 (1975): 548–51, to an objection raised by Thomas Nagel in his review of Theory, ibid. 72 (1973): 226–29. In an instructive discussion that I shall not attempt to summarize here, Nagel argues that the setup of the original position in Theory, although ostensibly neutral between different conceptions of the good, is not actually so. He thinks this is because the suppression of knowledge (by the veil of ignorance) required to bring about unanimity is not equally fair to all parties. The reason is that primary goods, on which the parties base their selection of principles of justice, are not equally valuable in pursuit of all conceptions of the good. Moreover, he says that the well-ordered society of justice as fairness has a strong individualistic bias, and one that is arbitrary because objectivity between
Now, the encouraging or discouraging of comprehensive doctrines comes about in at least two ways: those doctrines may be in direct conflict with the principles of justice; or else they may be admissible but fail to gain adherents under the political and social conditions of a just constitutional regime. The first case is illustrated by a conception of the good requiring the repression or degradation of certain persons on, say, racial, ethnic, or perfectionist grounds, for example, slavery in ancient Athens or in the antebellum South. Examples of the second case may be certain forms of religion. Suppose that a particular religion, and the conception of the good belonging to it, can survive only if it controls the machinery of state and is able to practice effective intolerance. This religion will cease to exist in the well-ordered society of political liberalism. Let us assume there are such cases, and that some other comprehensive doctrines may endure but always among relatively small segments of society.

The question is this: if some conceptions will die out and others only barely survive in a just constitutional regime, does this by itself imply that its political conception of justice fails to be neutral between them? Given the connotations of "neutral," perhaps it does fail, and this is a difficulty with that term. But the important question surely is whether the political conception is arbitrarily biased against these views, or better, whether it is just or unjust to the persons whose conceptions they are, or might be. Without further explanation, it would not appear to be unjust to them, for social influences favoring some doctrines over others cannot be avoided on any view of political justice. No society can include within itself all forms of life. We may indeed lament the limited space, as it were, of social worlds, and of ours in particular, and we may regret some of the inevitable effects of our culture and social structure. As Sir Isaiah Berlin has long maintained (it is one of his fundamental themes), there is no social world without loss—that is, no social world that does not exclude some ways of life that realize in special ways certain fundamental values. By virtue of its culture and institutions, any society will prove uncongenial to some ways conceptions of the good is not established. The reply below in the text supplements that in "Fairness to Goodness" in two ways. It makes clear, first, that the conception of the person used in arriving at a workable list of primary goods is a political conception; and second, that justice as fairness itself is a political conception of justice. Once we understand justice as fairness and the conceptions that belong to it in this way, we can make a more forceful reply to Nagel's objection, provided of course it is accepted that neutrality of influence is impracticable.
of life. But these social necessities are not to be mistaken for arbitrary bias or for injustice.

The objection must go further and hold that the well-ordered society of political liberalism fails to establish, in ways that existing circumstances (including the fact of pluralism) allow, a just basic structure within which permissible forms of life have a fair opportunity to maintain themselves and to gain adherents over generations. But if a comprehensive conception of the good is unable to endure in a society securing the familiar equal basic liberties and mutual toleration, there is no way to preserve it consistent with democratic values as articulated by the idea of society as a fair system of cooperation among citizens viewed as free and equal. This raises, but does not of course settle, the question of whether the corresponding form of life would be viable under other historical conditions, and whether its passing is to be regretted.

24. For an instructive discussion of Berlin’s view, see Bernard Williams’s introduction to Concepts and Categories (Oxford: Oxford University Press, 1980), a collection of some of Berlin’s important philosophical essays. A similar view is often attributed to Max Weber; see, for example, the essays “Politics as a Vocation” (1918), in From Max Weber: Essays in Sociology, ed. H. H. Gerth and C. W. Mills (New York: Oxford University Press, 1958), and “The Meaning of ‘Ethical Neutrality’ in Sociology and Economics,” in On the Methodology of the Social Sciences, ed. and trans. E. A. Shils and H. A. Finch (New York: Free Press, 1949). However, the differences between Berlin’s and Weber’s views are marked. I cannot go into this here except to say I believe that Weber’s view rests on a form of value skepticism and voluntarism; political tragedy arises from the conflict of subjective commitments and resolute wills. For Berlin, on the other hand, the realm of values may be fully objective; the point is rather that the full range of values is too extensive to fit into any one social world: not only are they incompatible with one another, imposing conflicting requirements on institutions, but there exists no family of workable institutions with sufficient space for them all. That there is no social world without loss is rooted in the nature of values and the world, and much human tragedy reflects that; a just liberal society may have far more space than other social worlds, but it can never be without loss.

25. In the passage from “Fairness to Goodness” which Galston criticizes in “Defending Liberalism,” p. 627a, I should have mentioned and endorsed Berlin’s view as indicated in the text. Indeed we may often want to say that the passing of certain forms of life is to be lamented. What is said in that passage is not, I think, inconsistent with political liberalism, but it is seriously lacking by not also emphasizing Berlin’s view. I should have gone on explicitly to reject the idea, rightly rejected by Galston, that only unworthy forms of life lose out in a just constitutional regime. That optimistic view is mistaken. It may still be objected by those who affirm the conceptions that cannot flourish that political liberalism does not allow sufficient space for them. But there is no criterion for what counts as sufficient space except that of a reasonable and defensible political conception of justice itself. The idea of sufficient space is metaphorical and has no meaning beyond that shown in the range of comprehensive doctrines which the principles of such a conception permit and which citizens can affirm as worthy of their full allegiance. The objection might still be that the political conception fails to identify the right space, but this is simply a question of which is the most reasonable political conception.
Historical experience shows that many ways of life pass the test of enduring and gaining adherents over time in a democratic society; and if numbers are not the measure of success—and why should they be?—many pass that test with equal success: different groups with distinctive traditions and ways of life find different comprehensive views fully worthy of their allegiance. Thus, whether political liberalism is arbitrarily biased against certain conceptions and in favor of others turns on whether, given the fact of pluralism and the other historical conditions of the modern world, realizing its principles in institutions specifies fair background conditions for different and even antagonistic conceptions of the good to be affirmed and pursued. Political liberalism is unjustly biased against certain comprehensive conceptions only if, say, individualistic ones alone can endure in a liberal society, or they so predominate that associations affirming values of religion or community cannot flourish, and further, if the conditions leading to this outcome are themselves unjust, in view of present and foreseeable circumstances.

An example may clarify this point: various religious sects oppose the culture of the modern world and wish to lead their common life apart from its foreign influences. A problem then arises about their children's education and the requirements the state can impose. The liberalisms of Kant and Mill may lead to requirements designed to foster the values of autonomy and individuality as ideals to govern much if not all of life. But political liberalism has a different aim and requires far less. It will ask that children's education include such things as knowledge of their constitutional and civic rights, so that, for example, they know that liberty of conscience exists in their society and that apostasy is not a legal crime, all this to ensure that their continued membership in a religious sect when they come of age is not based simply on ignorance of their basic rights or fear of punishment for offenses that do not exist. Moreover, their education should also prepare them to be fully cooperating members of society and enable them to be self-supporting; it should also encourage the political virtues so that they want to honor the fair terms of social cooperation in their relations with the rest of society.

Here it may be objected that requiring children to understand the political conception in these ways is in effect, though not in intention, to educate them to a comprehensive liberal conception. Doing the one may lead to the other, if only because once we know the one we may of our own accord go on to the other. It must be granted that this may indeed happen in the case of some. And certainly there is some resemblance between the
values of political liberalism and the values of the comprehensive liberal-
isms of Kant and Mill. But the only way this objection can be answered
is to set out carefully the great differences in both scope and generality be-
tween political and comprehensive liberalism (as specified in Section I).
The unavoidable consequences of reasonable requirements for children’s
education may have to be accepted, often with regret. A full account of po-
litical liberalism itself must provide a sufficient reply to the objection.

But beyond the requirements already described, justice as fairness does
not seek to cultivate the distinctive virtues and values of the liberalisms of
autonomy and individuality, or indeed of any other comprehensive doc-
trine. For in that case it would cease to be a form of political liberalism.
Justice as fairness honors, as far as it can, the claims of those who wish to
withdraw from the modern world in accordance with the injunctions of
their religion, provided only that they acknowledge the principles of the
political conception of justice and appreciate its political ideals of person
and society. Observe here that we try to answer the question of children’s
education entirely within the political conception. The state’s concern
with their education lies in their role as future citizens, and so in such es-
sential things as their acquiring the capacity to understand the public cul-
ture and to participate in its institutions, in their being economically in-
dependent and self-supporting members of society over a complete life,
and in their developing the political virtues, all this from within a political
point of view.

VII

A fifth idea of the good in justice as fairness is that of the good of political
society—more specifically, the good that citizens realize both as persons
and as a corporate body in maintaining a just constitutional regime and in
conducting its affairs. As before we try to explain this good entirely within
the political conception.

Let us begin by considering the objection that by not basing itself on a
comprehensive religious, philosophical, or moral doctrine, justice as fair-
ness abandons the ideal of a political community and views society as so
many distinct individuals, or distinct associations, cooperating solely to

26. And that of Raz in The Morality of Freedom (see esp. chaps. 14 and 15), to mention a
contemporary example.
pursue their own personal, or associational, advantage without having any final ends in common. (Here a final end is understood as an end valued or wanted for its own sake and not solely as a means to something else.) As a form of political liberalism, justice as fairness is said to regard political institutions as purely instrumental to individual or associational ends, as the institutions of what we may call a "private society." As such, political society itself is not a good at all, but at best a means to individual or associational good.

In reply, justice as fairness does indeed abandon the ideal of political community if by that ideal is meant a political society united on one (partially or fully) comprehensive religious, philosophical, or moral doctrine. That conception of social unity is excluded by the fact of pluralism; it is no longer a political possibility for those who accept the constraints of liberty and toleration embodied in democratic institutions. As we have seen, political liberalism conceives of social unity in a different way—namely, as deriving from an overlapping consensus on a political conception of justice. In such a consensus this political conception is affirmed by citizens holding different and conflicting comprehensive doctrines. This they do from within their own distinct views.

Now, to say a society is well ordered by a conception of justice means three things: (1) that it is a society in which all citizens accept, and acknowledge before one another that they accept, the same principles of justice; (2) that its basic structure—its main political and social institutions and the way they hang together as one system of cooperation—is publicly known, or with good reason believed, to satisfy those principles; and (3) that citizens have a normally effective sense of justice, that is, one that enables them to understand and to apply the principles of justice, and for the most part to act from them as their circumstances require. I believe that social unity so understood is the most desirable conception of unity available to us; it is the limit of the practical best.

A well-ordered society, as thus specified, is not, then, a private society; for in the well-ordered society of justice as fairness citizens do have final ends in common. While it is true that they do not affirm the same comprehensive doctrine, they do affirm the same political conception of justice, and this means that they share one very basic political end, and one that has high priority—namely, the end of supporting just institutions and of giving one another justice accordingly, not to mention many other ends they must also share and realize through their political arrangements.
Moreover, the end of political justice may be among citizens’ most basic aims by reference to which they express the kind of persons they want to be.

Together with other assumptions made, these shared final ends provide the basis for the good of a well-ordered society. We have seen that citizens are regarded as having the two moral powers, and the basic rights and liberties of a constitutional regime are to assure that everyone can adequately develop these powers and exercise them fully over the course of a complete life as they so decide. Such a society also provides its citizens with adequate all-purpose means (the primary goods, say, of income and wealth) to do this. Under normal circumstances, then, we may suppose those moral powers to be developed and exercised within institutions of political freedom and liberty of conscience, and their exercise to be supported and sustained by the social bases of mutual self-respect.

These matters assumed, the well-ordered society of justice as fairness is a good in two ways. First, it is a good for persons individually, for two reasons. One is that the exercise of the two moral powers is experienced as good. This is a consequence of the moral psychology used in justice as fairness. And that their exercise may be an important good, and will be one for many people, is clear from the central role of these powers in the political conception of citizens as persons. For the purposes of political justice, we view citizens as normal and fully cooperating members of society over a complete life, and thus as having the moral powers that enable them to assume this role. In this context we might say that part of the essential nature of citizens (within the political conception) is their having the two moral powers that enable them to participate in fair social cooperation. A second reason political society is a good for citizens individually is that it secures for them the good of justice and the social bases of their mutual self-respect. Thus, in securing the equal basic rights and liberties, fair equality of opportunity, and the like, political society guarantees the essentials of persons’ public recognition as free and equal members, of their status as citizens. In securing these things political society secures citizens’ fundamental needs.

Now, the good involved in the exercise of the moral powers and in the public recognition of persons’ status as citizens belongs to the political good of a well-ordered society and not that of a comprehensive religious,

27. In Theory this psychology used what I call the Aristotelian Principle (see sec. 65); other views might adopt different principles to reach much the same conclusion.
philosophical, or moral doctrine. Repeatedly we must insist on this distinction, even though such a doctrine may endorse this good from within its own point of view. Otherwise we lose sight of the path justice as fairness must follow if it is to gain the support of an overlapping consensus. As I have emphasized throughout, the priority of right does not mean that ideas of the good must be avoided; that is impossible. Rather, it means that the ideas used must be political ideas: they must be tailored to meet the restrictions imposed by the political conception of justice and fit into the space it allows.

A well-ordered political society is also good in a second way. For whenever there is a shared final end, an end that calls on the cooperation of many to achieve it, the good realized is social: it is realized through citizens' joint activity in mutual dependence on the appropriate actions being taken by others. Thus, establishing and successfully maintaining reasonably just (though of course always imperfect) democratic institutions over a long period of time, perhaps gradually reforming them over generations, though not to be sure without lapses, is a great social good and appreciated as such. This is shown by the fact that a people refer to it as one of the significant achievements of their history.

That there should be such political and social goods is no more mysterious than that members of an orchestra, or players on a team, or even both teams in a game, should take pleasure and a certain (proper) pride in a good performance, or in a good play of the game, one that they will want to remember. No doubt the requisite conditions become more difficult to satisfy as societies become larger and the social distance between citizens becomes greater, but these differences, as great and inhibiting as they may be, do not affect the psychological principle involved in realizing the good of justice in a well-ordered political society. Moreover, this good can be significant even when the conditions for realizing it are quite imperfect; and the sense of its loss can also be quite significant, as is made clear when a democratic people distinguish different periods in their history, as well as when they take pride in distinguishing themselves from nondemocratic peoples. But I shall not pursue these reflections. We need not establish the absolute importance of political good, only that it is a significant good within a political conception of justice. With this our account of the five ideas of the good is done.28

28. It may be asked, however, how far the good of political society is strictly speaking a political good. It is granted that political institutions encourage the development of and pro-
It may, however, be helpful to supplement this discussion of the good of political society with a few remarks about classical republicanism and civic humanism. Classical republicanism I take to be the view that if the citizens of a democratic society are to preserve their basic rights and liberties, including the civil liberties which secure the freedoms of private life, they must also have to a sufficient degree the political virtues (as I have called them) and be willing to take part in public life.\textsuperscript{29} The idea is that without widespread participation in democratic politics by a vigorous and informed citizen body, and certainly with a general retreat into private life, even the most well-designed political institutions will fall into the hands of those who seek to dominate and impose their will through the state apparatus either for the sake of power and military glory or for reasons of class and economic interest, not to mention expansionist religious fervor and nationalist fanaticism. The safety of democratic liberties requires the active participation of citizens who possess the political virtues needed to maintain a constitutional regime.

With classical republicanism so understood justice as fairness as a form of political liberalism has no fundamental opposition. At most there can be certain differences on matters of institutional design and the political sociology of democratic regimes. These differences are by no means trivial; they can be extremely important. But there is no fundamental opposition because classical republicanism does not presuppose a comprehensive religious, philosophical, or moral doctrine. Nothing in classical republicanism, as characterized above, is incompatible with political liberalism as I have described it.

But with civic humanism, as I understand it, there is indeed fundamental opposition. For as a form of Aristotelianism, it is sometimes stated as the view that man is a social, even a political, animal whose essential na-
ture is most fully achieved in a democratic society in which there is widespread and vigorous participation in political life. Here political life is encouraged not as necessary for the protection of the basic liberties of democratic citizenship, and as itself one form of good among others, however important for many persons, but rather because political participation in democratic politics is viewed as the privileged locus of the good life.  

From the standpoint of political liberalism, the objection to this comprehensive doctrine is the same as to all other such doctrines, so I need not elaborate. It remains to say only that justice as fairness does not of course deny that some will find their most important good in political life, and therefore that political life is central to their comprehensive good. Indeed, in a well-framed polity it is generally to the good of society as a whole that this be so, in the same way as it is generally beneficial that people develop their different and complementary talents and skills, and engage in mutually advantageous schemes of social cooperation. This leads to a further idea of the good, that of a well-ordered society as a social union of social unions. But this idea is too involved even to sketch at this point and unnecessary for our purposes here.

VIII

I conclude by observing the significance of the fact that justice as fairness is complete as a political conception. Recall that at the outset I said that the right and the good are complementary and that the priority of right does not deny this. The just institutions it requires and the political virtues it encourages would serve no purpose unless they not only permitted but also sustained forms of life that are fully worthy of allegiance. But in addition it is highly desirable that the political conception express ways in which a political society can itself be an intrinsic good—specified within the political conception—for citizens both as individuals and as a corporate body. We have seen in Section VII that this is indeed the case for the well-ordered society of justice as fairness, in contrast to what was there referred to as private society, in which political institutions are viewed by citizens as purely instrumental and all intrinsic good is nonpolitical. The forms of intrinsic good specified within justice as fairness make it com-

30. This interpretation of civic humanism I borrow from Charles Taylor, *Philosophical Papers* (Cambridge: Cambridge University Press, 1985), vol. 2, pp. 334–35. Taylor is discussing Kant and attributes this view to Rousseau, but notes that Kant does not accept it.
31. See *Theory*, sec. 79.
plete: that conception characterizes the right and the good so that they perform their complementary roles within its framework.

Now, one reason this completeness is desirable is that it brings out, in a way we could not express before, why an overlapping consensus is not a mere *modus vivendi*. In a society well ordered by the principles mutually recognized in an overlapping consensus, not only do citizens have many final ends in common, but among them is mutual political justice. Drawing on all five ideas of the good we have surveyed, we can even speak of the mutual good of mutual justice, for surely political justice is something it is rational for each citizen to want from every other.\(^{32}\) This deepens the idea that a political conception supported by an overlapping consensus is a moral conception affirmed on moral grounds.

A second reason why completeness is desirable is that it strengthens the account of how a *modus vivendi* with the content of a liberal conception of justice might gradually develop over time into an overlapping consensus. Here much depends on the fact that most people’s political conceptions are no more than partially comprehensive. Normally we do not have anything like a fully comprehensive religious, philosophical, or moral view, much less have we attempted to study those that do exist, or to work one out for ourselves. This means that the goods internal to political life, the intrinsic good its institutions and activities involve and yield (as discussed in Section VII), are more likely to win an initial allegiance that is independent of our comprehensive views and prior to conflicts with them. Thus when conflicts do arise, the political conception has a better chance of sustaining itself and shaping those views to accord with its require-

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\(^{32}\) Here I am relying on how the different ideas of the good are built up in a sequence starting with goodness as rationality. Looking back on what has been said, it is evident that starting with that idea, we next get the primary goods; once we have these, the argument from the original position can proceed, so we arrive next at the two principles of justice, which we then use to specify permissible (comprehensive) conceptions of the good. Once we have the two principles, we are ready to identify the political virtues essential to sustain a just basic structure. And finally, by drawing on the Aristotelian Principle and other elements in justice as fairness, we can specify ways in which the well-ordered political society of justice as fairness is intrinsically good. The remark in the text is simply a further application of these ideas. Goodness as rationality allows us to say that things are good (within the political conception) if they have the properties it is rational for us (as free and equal persons as specified by the political conception) to want, given our rational plan of life. From the point of view of the parties in the original position, mutual justice meets this condition for those they represent; and as citizens in society we normally want justice from everyone else. And the same holds for the political virtues. Of course, to show this convincingly would require a rather long story.
ments. We do not say, of course, that the stronger the initial allegiance the better; but it is desirable, politically speaking, that it be strong enough to make an overlapping consensus stable.33

Political liberalism can be understood as 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. The two desiderata of a political conception that follow from completeness strengthen its stability: allegiance to it tends to go deeper, and so the likelihood that its values and ideals will outweigh those against it is that much greater.

Of course, there can be no guarantee of stability. Political good, no matter how important, can never in general outweigh the transcendent values—certain religious, philosophical, and moral values—that may possibly come into conflict with it. That idea is not being suggested. Rather, we start with the conviction that a constitutional democratic regime is reasonably just and workable, and worth defending. But given the fact of pluralism—the fact that a plurality of conflicting comprehensive religious, philosophical, and moral doctrines are affirmed by citizens in a modern democratic society—how can we design our defense so as to achieve a sufficiently wide support for such a regime?

We do not look to the comprehensive doctrines that in fact exist and then draw up a political conception that strikes some kind of balance between them. To illustrate: in specifying a list of primary goods, or any measure of advantage for a political conception, we can proceed in two ways. One is to look at the various comprehensive doctrines found in society and specify an index of such goods so as to be near to those doctrines’ center of gravity, so to speak—that is, so as to find a kind of average of what those who affirmed those different conceptions would need by way of institutional claims and protections and all-purpose means. Doing this might seem the best way to ensure that the index provides the basic elements necessary to advance the conceptions of the good associated with those doctrines and thus increase the likelihood of securing an overlapping consensus. But this is not how justice as fairness proceeds. Instead it elaborates a political conception working from the fundamental intuitive idea of society as a fair system of cooperation. The hope is that the index

33. See "The Idea of an Overlapping Consensus," secs. VI–VII, for a fuller account of the contents of this paragraph.
arrived at from within this idea can be part of an overlapping consensus. We leave aside those comprehensive doctrines that now exist, or that have existed, or that might exist. The thought is not that primary goods are fair to comprehensive conceptions of the good associated with such doctrines, by striking a fair balance among them, but rather that they are fair to free and equal citizens as persons affirming such conceptions.

Thus, we ask how best to frame a conception of justice for a constitutional regime such that those who support, or who might be brought to support, that kind of regime might also endorse the political conception, for all we know in advance about their comprehensive views. This leads to the idea of a political conception of justice that presupposes no such particular view, and encourages the hope that this conception can be supported, given good fortune and enough time to win allegiance to itself, by an enduring overlapping consensus.