Peace beyond Compromise

Fabian Wendt

Abstract: Our societies are marked not only by disagreements on the good life, but also by disagreements on justice. This motivates philosophers as divergent as John Gray and Chandran Kukathas to focus their normative political theories on peace instead of justice. In this article, I discuss how peace should be conceived if peace is to be a more realistic goal than justice, not presupposing a moral consensus. I distinguish two conceptions of peace to be found in the literature. One, ordinary peace, conceives of peace as non-violent coexistence based on modus vivendi arrangements. Modus vivendi arrangements, in turn, are explained as a special kind of compromise. Ordinary peace does not presuppose a moral consensus and is therefore realistic, but at the same time it is too minimalist and undemanding to be satisfying. The other conception of peace, ambitious peace, can be found in Kukathas’s work. It is a conception of peace ‘beyond compromise,’ not minimalist and undemanding, but, I will argue, not realistic because presupposing at least a second-order moral consensus. In the end, I advocate a division of labour between both conceptions of peace under the umbrella of an overarching ideal of peace.

Keywords: peace, compromise, modus vivendi, realism, pluralism, Chandran Kukathas

While it is still common to see justice as the ‘first virtue of social institutions,’ some philosophers have developed normative political theories that focus on peace and modus vivendi arrangements instead of justice. Their aim is to develop a more realistic alternative to thinking about (ideal) justice. In this article, I discuss how peace should be conceived if it is to be a more realistic goal than justice.

The article has five sections. In section 1, I motivate a normative political theory that focuses on peace instead of justice. I argue that a proper conception of peace has to meet a so-called ‘realism requirement,’ which states that peace should be conceptualized as being possible without consensus on morality including justice. In section 2, I develop a conception of peace as non-violent coexistence among morally divided groups, based on modus vivendi arrangements. Modus vivendi arrangements, in turn, are explained as a special kind of compromise. I call this conception of peace ‘ordinary peace.’ In section 3, three objections against this conception of peace are discussed. The first objection states that modus vivendi arrangements do not lead to true, stable peace because they lose support when power relations shift. The second objection states that peace as non-violent coexistence based on modus vivendi arrangements is as disputed as other values like justice, therefore presupposing consensus on the meaning and importance of peace and hence not satisfying the realism requirement. Both objections are rebutted. The third objection points out that the conception of peace as non-violent coexistence based on modus vivendi arrangements is too minimalist and undemanding to be an attractive ideal. In response to this objection, I introduce a more demanding conception of peace in section 4, a conception as it can be reconstructed from Chandran Kukathas’s work. It is a conception of peace ‘beyond compromise.’ I call it ‘ambitious peace.’ Peace, according to this conception,
means non-violent coexistence among morally divided groups, based on arrangements that allow every freely associated group to live according to their own moral ideals without external interference. I argue that this conception of peace is indeed a more demanding ideal, but fails to satisfy the realism requirement. In section 5, I propose to see both notions of peace – ordinary and ambitious peace – as two elements in one larger ideal of peace that is, as a whole, both satisfying the realism requirement and not too undemanding to be attractive.

1. Disagreement on Justice

John Rawls asks: ‘[How] is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?’ Rawls’s answer is that the proponents of all these doctrines have to reach an overlapping consensus on principles of justice. With such consensus on principles of justice we would have not only a just society, but also a stable society. To be precise, we would then have a society that is stable ‘for the right reasons,’ because it is stable for the right reasons precisely if its basic structure is accepted as just by all. If ‘stability for the right reasons’ here means something close to peace, then peace is the ‘fruit of justice,’ according to Rawls, as it is for Isaiah in the Old Testament (Isaiah 32:17).

But how can we reach such consensus on justice in the manner necessary to achieve peace? Political philosophy has to stay political, says Rawls. It has to avoid becoming just one sectarian doctrine among others. Instead, political philosophy has to stay silent in all philosophical, religious, and moral questions that are controversial among the comprehensive doctrines that mark the pluralism of our societies. Political philosophy therefore cannot be understood as applied ethics. It should be ‘freestanding,’ constructing principles of justice directly for the basic structure of society. Such principles of justice could then work like a module, fitting into different comprehensive doctrines. This makes an overlapping consensus on justice possible.

The main problem with Rawls’s idea of an overlapping consensus on justice is that apparently no such consensus is to be expected, even among proponents of ‘reasonable’ comprehensive doctrines. We not only have a pluralism regarding conceptions of the good life, but also a pluralism regarding conceptions of justice. In light of this fact of moral pluralism, one desideratum is a normative political philosophy that is more realistic in that it does not postulate or presuppose a moral consensus as a goal, not even a consensus on justice. This may not be what all (or most) of those philosophers who aim at a more realistic normative political theory mean by ‘realism.’ But dissent on justice is at least one reality that political philosophy should accept.

There are many ways to be ‘realistic’ in that sense. One could insist that it is simply the correct view of justice (or other values) that has to be implemented and enforced in society without consensus (as far as possible and as long as this is not counterproductive). This would mean moving away from a Rawlsian political liberalism back to a comprehensive or at least ‘non-political’ liberalism. This is not the path I would like to pursue here. The idea, instead, is to somehow keep the ‘consensus’ (or ‘public justification’) idea of Rawls and the social contract tradition without postulating a consensus on justice, not even a hypothetical one. This is the motivation to have a look at theories that focus on peace instead of justice. As will be explained later, peace can be seen as based on modus vivendi arrangements, which in turn are a species of compromises. The hope is that compromises are the right tool for our purposes: they retain (or at least substitute) the consensus idea of the social contract tradition, but do not call for a moral consensus. For a legitimate political order we need some consensus, but not a substantial moral consensus. This is the idea. But although this is a motivation to discuss peace-centred theories, I will not debate whether such theories actually succeed in plausibly substituting the consensus idea of the social contract tradition. Instead, I will ask whether such theories are
realistic in the specified sense. I thus formulate a realism requirement for a proper conception of peace: peace should be conceptualized as being possible without consensus on morality including justice.

When I said I would have a look at ‘theories that focus on peace,’ I left the term ‘focus’ deliberately vague: I would like to include theories that are monist in recognizing peace as the only value to be realized in politics as well as more modest theories that find peace especially important and prioritized while acknowledging other values (including justice) as well. I do not claim that peace-centred theories are the only way of trying to combine the consensus idea of social contract theories with accepting dissent on morality including justice. Gerald Gaus has impressively explored another way, one that is still closer to Rawlsian public reason liberalism. According to Gaus, all claims to authority – not only in the political order (laws), but also in social morality (moral rules) – have to be publicly justified. This means that all persons with their differing evaluative standards, including different conceptions of justice, must have sufficient reason to endorse a law (or moral rule). The result, Gaus admits, will mostly be indeterminate: there will only very rarely be one law (or moral rule) that all persons agree to be optimal. Instead, there will usually be eligible sets containing those laws (or moral rules) that all persons prefer to having no law (or moral rule) at all, while still disagreeing which element of the eligible set is best. Gaus’s theory, therefore, does not draw pictures of ideal justice, but specifies a range of justifiable, acceptable options. Though Gaus denies that public justification has anything to do with bargaining or compromising, I think his theory has a lot in common with theories that explicitly focus on peace and modus vivendi arrangements instead of justice. But it is those explicitly peace-centred theories that I will discuss in this article.

2. Ordinary Peace: Peace Based on Compromise
Philosophers as divergent as Chandran Kukathas and John Gray, among others, can be seen as proponents of peace-centred normative political theories. Kukathas: ‘The state should not be concerned about anything except order or peace. It cannot accomplish any more.’ Gray: ‘The aim of modus vivendi cannot be to still the conflict of values. It is to reconcile individuals and ways of life honouring conflicting values to a life in common. We do not need common values in order to live together in peace.’

But what exactly is peace? One proposal is to see peace as the condition of non-violent coexistence among individuals and groups divided on morality including justice. The institutional arrangements that make such coexistence possible can be called ‘modus vivendi arrangements.’ I should add that this condition should be adequately stable, not a short moment of calm between periods of war and violence. I call this conception of peace ‘ordinary peace’ – to contrast it with Kukathas’s later introduced ‘ambitious peace.’ But in this and in the next section, I will simply refer to it as ‘peace.’

Key terms for our conception of peace, in any case, are ‘violence’ and ‘modus vivendi.’ I will not say much on the concept of violence here, though. It surely encompasses ordinary physical violence, but might also include some forms of ‘mental violence’ and things like serious threats of violence. In most cultures, the arbitrary seizure of private property will also be regarded as violence. The concept of violence may be culturally relative to a certain degree.

Modus vivendi arrangements institutionalize stable, non-violent coexistence. More precisely, a modus vivendi is a compromise that has as its content some arrangements that are designed to create, and effectively lead to, stable, non-violent coexistence among all parties involved. When we have a modus vivendi in this sense, then we have peace.

Modus vivendi arrangements are compromises, but not all compromises are modus vivendi arrangements. The pact between Hitler and Stalin might have been a compromise, but it was
not a modus vivendi arrangement. To be a modus vivendi, certain constraints on the content of the compromise have to be fulfilled; a compromise on committing violence against third parties is not a modus vivendi arrangement. Equally, a compromise on some ordinary, isolated decision – such as going to the cinema as a compromise between one person preferring theatre and one person preferring a concert – might of course be a compromise, but it is not a modus vivendi arrangement.

But because modus vivendi arrangements are compromises, I should say a little more about compromises. Compromises, in my view, have two defining characteristics. First, they are agreements between two or more parties, occurring against the background of a conflict. The agreements can concern a variety of things, from the choice of a restaurant for dinner to the design of a piece of legislation. To simplify, I will call the subject of a compromise an ‘arrangement.’ What is distinctive about compromises is that all parties regard some other arrangement (not the one agreed upon) as the optimal solution – this constitutes the background of conflict. When the conflict is a moral conflict, i.e. when the parties disagree about which arrangement is morally best, then the agreement will be a moral compromise. The second defining characteristic of compromises is that the parties to a compromise make mutual concessions. Thus compromises are found in a certain process of compromising, i.e. of making mutual concessions. In this process of making concessions, no party is allowed to pose threats to violate modus vivendi norms that are already established among the parties. If a party poses such threats, then the outcome is not a compromise, but something else, sometimes called a pure ‘balance of power.’ The term ‘balance of power’ is misleading, though, because compromises will often reflect the balance of power as well (as will be seen in the next section, when discussing the first objection to ordinary peace).

Because all parties regard some other arrangement as optimal but prefer finding agreement to finding no agreement on any arrangement at all, they all make concessions and end up at an agreement on an arrangement each party regards as sub-optimal (but acceptable). Every party therefore accepts the arrangement as a ‘second-best option.’ In this regard, a compromise differs from an overlapping consensus. In a Rawlsian overlapping consensus, the parties accept the arrangement as the first-best option; there is no disagreement about which arrangement would be optimal, and therefore no mutual concessions are necessary. In a compromise, to the contrary, this disagreement regarding which arrangement would be optimal remains. If we had an overlapping consensus, no mutual concessions were necessary to reach an agreement.

This characterization of modus vivendi differs from the one Rawls gives when introducing the notion of modus vivendi as a contrast to the notion of an overlapping consensus. Rawls says that an arrangement is a modus vivendi arrangement when the involved parties accept it for purely prudential reasons, out of self-interest, and not for moral reasons. In contrast, I think that we can keep silent on the kind of reasons for accepting a compromise. It might, and often will be, prudential reasons, based on self-interest, that lead people to accept some particular compromise, but it might also be moral reasons. As long as mutual concessions are necessary to reach agreement, we have an arrangement that can be called a compromise. This might be the case even if all parties are motivated solely by (different) moral reasons.

In addition, Rawls (and others) point out that modus vivendi arrangements will always mirror the distribution of power among the involved parties. I agree that this is probable, but I deny that it characterizes the heart of compromises and modus vivendi arrangements. It might be that a group forbears from exploiting their power and decides to bargain on equal terms. As long as mutual concessions are necessary to reach agreement, we have an arrangement that can be called a compromise.
A political philosophy that identifies peace as the first goal is still engaged in the moral evaluation of politics and is, of course, not simply affirming the status quo. Peace is upheld as a value that it is morally right to pursue politically in the face of moral pluralism. This can be applied in different ways. First, the basic structure of a society can be assessed morally by asking whether it can be seen as based on a compromise on non-violent coexistence. Some elements of the basic structure of a society will determine procedures for conflict resolution. These procedures can of course differ from society to society. For example, group-sensitive election systems might be a good idea in some circumstances. Gray, but also Kukathas, emphasize this flexibility.

Second, one can also critically assess the outcomes of such procedures and argue that this or that political solution will, in the long run, be better than some other solution in terms of peace.

3. Three Objections

I will now discuss three objections to the conception of peace as being based on modus vivendi arrangements, i.e. on compromises. The first objection stems from Rawls: Rawls thinks that a modus vivendi is not stable enough because it is dependent on a given distribution of power. When the distribution of power changes, some parties will no longer support the compromise, but instead aim for new bargaining processes because they hope to attain a result that is better for them. Modus vivendi arrangements in this sense reflect the ‘balance of power.’ That is why true peace (which is stable ‘for the right reasons’) is the fruit of justice and not of a modus vivendi.

In response to this charge I should first repeat that (some of) the participating parties can agree to the compromise for moral reasons as well. And one might add, as John Horton does, that Rawls provides little evidence for the asserted instability of modus vivendi arrangements. On the other hand, Rawls is surely right that parties accepting an arrangement as a second-best option will more likely be tempted (psychologically) to renounce loyalty to that arrangement when they see the possibility of getting a better arrangement. Rawls is therefore right that a modus vivendi is structurally less stable than an overlapping consensus. But we should simply concede this to Rawls. We just accept that no such consensus is to be had; under conditions of moral pluralism, the stability of a modus vivendi is the best we can get.

Moreover, to aim at justice might in fact be more dangerous under the conditions of moral pluralism. It is dangerous because it might make peace more difficult to accomplish – so that we might end up without justice and without peace. Where we have dissent on justice, peace is not the fruit of justice, but a goal in conflict with justice. Avishai Margalit therefore rightly states that there is ‘a deep tension between peace and justice.’

If there is any plausible route to peace [in a conflict like that between Israel and the Palestinians], it must surely involve most parties’ recognizing and accepting that they will not obtain justice in the sense of receiving the full measure of what they regard as their due, but being willing to take less than justice in the interests of peace.

Of course, this illustrates – first of all – that political leaders must have a certain willingness to compromise their conceptions of justice for making peace possible. But it is also a lesson for what normative political theory should prioritize, because – at least prima facie – a normative political theory should be an appropriate guide for political leaders. We should therefore be skeptical that peace is the fruit of justice. A modus vivendi delivers all stability we can plausibly get.

I come to the second objection against a peace-centred political philosophy. One might argue that peace is just as problematic as justice because the meaning and importance of peace
are just as disputed as the meaning and importance of justice. As Crowder points out, peace is simply a moral value like others. For that reason, the realism requirement – peace should be conceptualized as being possible without consensus on morality including justice – is not met. We do presuppose consensus on the meaning and importance of the proposed conception of peace. Without such consensus, peace will not be realized.

The immediate answer is that – though peace indeed is a value – this objection misconceives the character of (ordinary) peace. Peace, as here characterized, is something that requires nothing more than a compromise on non-violent coexistence. Therefore no specific content is claimed by the conception of peace beyond being an arrangement that secures stable, non-violent coexistence. And because peace is built on a compromise, we have no presupposed consensus on morality. The involved parties are allowed to agree on the arrangements for purely prudential reasons. Because most people actually have an interest in finding peaceful relations with others, most people will have prudential reasons to agree to some compromise on non-violent coexistence. This Hobbesian line of reasoning is sometimes invoked by Gray: ‘[Nearly] all ways of life have interests in common that make modus vivendi desirable for them.’ Peace, therefore, does not presuppose a moral consensus and seems to be feasible because most people will have prudential reasons to search a compromise on non-violent coexistence. The proposed conception of peace therefore does meet the realism requirement.

But maybe we should be a bit more skeptical about peace constituting merely a compromise on non-violent coexistence. A third objection simply states that peace as a compromise on non-violent coexistence is much too indifferent to the influences of given power disparities and will permit many apparent moral evils to obtain, like dominance and oppression of vulnerable groups. Although this conception of peace indeed has some critical appeal, of course, it is just too minimalist and undemanding to be satisfying.

One way of responding to this objection would be to point to other values and concerns besides peace again (e.g. justice, equality, human flourishing, etc.). But I would like to see whether one can let the conception of peace alone do the work and develop a more demanding conception of peace that is not too minimalist to be satisfying and at the same time not incorporating other values besides peace. Such a conception of peace can be reconstructed from Kukathas’s work. We will then have to see whether this conception of peace can still meet the realism requirement.

4. Ambitious Peace: Peace beyond Compromise

I start with a brief sketch of Kukathas’s version of liberalism: his underlying normative commitment is to the basic human interest to live according to one’s conscience, understood simply as a person’s desire to act rightly. The basic problem of political philosophy, as he sees it, is how, in a world of moral pluralism, where consciences differ in content, all are enabled to live according to conscience. His answer is that we need a ‘free society,’ i.e. a society that is neither ordered according to a certain conception of the good life nor ordered according to a certain conception of justice. This is nicely summed up in the following quotation:

If we accept that acting rightly is fundamentally important to human beings, that this concern to act rightly should be respected, and that humans differ on the question of what right conduct, including justice, requires, the task of a political philosophy is to explain how we should deal with the fact of different or conflicting understandings of right conduct. What cannot count as a good answer to this question, however, is one which presents a particular theory of justice as a moral conception which should command universal assent (or around which a consensus could emerge); for, ex hypothesi, it is the absence of consensus on moral fundamentals which
is the problem. Indeed, an answer of this kind will, in the end, compel many people to live by standards they cannot accept, and, so, fail to respect their desire to live rightly. Notice that this is a quite clear commitment to the realism requirement (here formulated for political philosophy in general, not only for a proper conception of peace): no consensus on moral fundamentals including justice should be presupposed.

A free society upholds freedom of association. Freedom of association means that every individual should be free to associate with other individuals on the basis of free consent. Every individual should also be free to dissociate from others if he or she can no longer live with them in good conscience. But freely associated groups should be allowed to live according to their conscience, to run their internal affairs as they see fit. Kukathas’s vision of the free society is made vivid in his picture of a ‘liberal archipelago,’ a number of freely constituted islands with their own moral jurisdictions that live in peaceful coexistence. Internally, these freely associated islands have their independent moral jurisdictions and are allowed to live according to their conceptions of the good life and their conceptions of justice. Every island therefore has to be tolerated by outsiders even when those outsiders think the island’s practices are repugnant, wrong, or unjust.

Now recall Kukathas’s statement about the proper task of the state: ‘The state should not be concerned about anything except order or peace. It cannot accomplish any more.’ How does this fit with Kukathas’s vision of the liberal archipelago? Unfortunately, he does not explicitly say what he means by ‘peace.’ But my suggestion is that he has in mind some rather ambitious conception of peace, one that is only realized in the liberal archipelago. Peace, according to this ambitious conception, means the condition of non-violent coexistence among morally divided groups, based on arrangements that allow every freely associated group to live according to conscience without any external interference. I call this conception of peace ‘ambitious peace.’

Only in passing I would like to note a difficulty in attempts to give the idea of the liberal archipelago some more concrete shape. The problem is that groups are usually not homogeneous units, but consist of different sub-groups. These sub-groups, and in the end individuals, should also be allowed to live according to conscience, one might think. And indeed, Kukathas claims that every individual is to have an exit option: every person must be allowed to leave the island where he is born or to which he has emigrated. Of course, every exit has its costs, and those who want to leave will have to bear these costs. So far so good. The decisive question is whether even threats of violence or actual violence by one’s co-islanders are thought to be simply morally neutral ‘costs’ to be taken into account by the person willing to emigrate. If they are, then there is no such thing as an intra-group violation of peace. This is not very plausible: just as inter-group relations should be peaceful, so should intra-group relations be peaceful if every person is to live according to conscience. Nonetheless, for Kukathas, only inter-group violence and peace seem to be adequate concerns for the state, not intra-group violence and peace. He has some arguments for this asymmetry, in the first instance the dangers of concentrated power: to legitimize the state to interfere with an association’s inner affairs would give the state too much power. But conceptually, there is intra-group peace just as there is inter-group peace. And one might be tempted to think that, if it is the proper task of the state to aim at inter-group peace, then it must also be its proper task to aim at intra-group peace.

But let me get back to the main line of Kukathas’s theory. Peace is realized, according to this theory, only when we have non-violent relations between ‘islands’ that have their own moral jurisdictions in internal affairs. What is important to see is that this vision of peace is not the conception of peace as a compromise on non-violent coexistence that I sketched earlier. The
reason is that such radical non-interference with every group’s internal affairs will not be realized by the outcome of (most) compromises on non-violent coexistence. In a compromise, a powerful group that is keen to see its own way of life spread will be able to impose some aspects of its way of life on a weaker group and thus fail to let them live according to their conscience, even concerning internal affairs. Imagine a powerful group committed to Pagan values and a small, not so powerful group of Christians. Both have an interest in peaceful coexistence, but under the given distribution of power the Pagan group is able to achieve a compromise that implies that Christians have to incorporate certain Pagan customs in their worship or teach their children some Pagan beliefs, for example. To be sure, both sides will make some concessions, but the Christians have to make concessions regarding their internal affairs as well. Generally, when we have two groups with unequal power, the stronger one will often shape the compromise so that the weaker group will not be able to live fully according to conscience in its internal affairs. But even when we have two equally strong groups, a compromise might not give each group full autonomy in internal affairs. For example, under some (Muslim) Mughal emperors neither Muslims nor Hindus were allowed to eat either pork or beef. This might have been wise, but it is not the tolerance of the liberal archipelago. In the liberal archipelago, Muslims would have to tolerate the Hindu consumption of pork, and Hindus would have to tolerate the Muslim consumption of beef. I conclude that if peace is only realized when everybody is free to live according to conscience, then peace cannot be thought to rest on any compromise on non-violent coexistence. Having a compromise on non-violent coexistence is far from being sufficient for an arrangement to realize radical non-interference with every group’s internal moral affairs.

True, every compromise on non-violent coexistence will give every party some space to settle its own affairs in its own way – but only some space. It is true that toleration is ‘of critical importance in a world in which people disagree; particularly, in a world in which people disagree about questions of social justice.’ But this toleration is not the radical non-interference of the liberal archipelago. I conclude that Kukathas’s conception of peace conceives peace not as being based on a compromise and hence not as a modus vivendi. It is a conception of peace ‘beyond compromise.’

In a slightly puzzling passage Kukathas seems to admit that his conception of peace is not peace as a compromise. Nonetheless he wants to employ the term ‘modus vivendi’ for his conception. He writes: ‘The settlement envisaged in the theory offered here […] is a modus vivendi which is not merely a balance of power.’ And he explains: ‘[The] agreements reached are not merely compromises made by groups (or their representatives) with one another.’ As mentioned, it is not uncommon to distinguish between modus vivendi arrangements, based on compromises, on the one hand, and pure balances of power on the other. But what does Kukathas mean when he distinguishes between modus vivendi arrangements on the one hand, and balances of power and compromises on the other hand? He explains as follows:

[The] agreements reached are not merely compromises made by groups (or their representatives) with one another. Agreements or understandings reached between individuals and groups come to be accepted (or internalized) as more basic norms governing social relations. The product over time is a commons which acquires the character of a public space without a sovereign power.

But an agreement’s internalization as a set of basic norms does not speak against seeing the agreement as a compromise. Compromises on non-violent coexistence might indeed be so important that they are internalized as basic norms. The main point lies elsewhere: compromises will not, by themselves, lead to radical non-interference with every group’s internal affairs. They will not lead to the liberal archipelago (at least it is very unlikely that they do). But we
need the liberal archipelago if every person is to live according to conscience. And this, I think, is what true peace means for Kukathas. It is a conception of peace beyond compromise and hence peace is not conceptualized as a modus vivendi in the terminology employed here.

Interestingly, when Kukathas speaks about compromises in his book, he mostly has the internal structure of the islands in mind. He writes:

The archipelago [...] is not without its points of stability, since not everyone is willing to move to find the perfect place, or even the best of all possible places. Those points are compromises, as people acquiesce in arrangements they are prepared to countenance because unwilling to bear the costs of doing otherwise.38

Why not think of the arrangements that set the terms of the whole archipelago as a compromise as well, so that any compromise that establishes non-violent coexistence is good enough? Why fix that every island has to have its own moral jurisdiction in all internal affairs? The answer, again, is that this is the way to enable everyone to live according to conscience. And it is only then that we realize true, namely ambitious peace.

5. The Ideal of Peace

Kukathas’s theory implies a more demanding conception of peace, a conception of peace that is not minimalist and undemanding and, at least to philosophers with rather libertarian inclinations, an attractive ideal. The third objection – that peace is a too minimalist and undemanding ideal – therefore does not succeed against Kukathas’s conception of peace beyond compromise. But the problem is that if we accept this conception, then the second objection to the peace paradigm seems to be on the right foot. The second objection stated that peace does not meet the realism requirement (that peace should be conceptualized as being possible without any moral consensus) because the moral goal of peace is as disputed as the moral goal of justice: to be realized, peace presupposes consensus on the meaning and importance of peace. The answer I gave to the objection was that it misunderstood the nature of peace as based on a compromise. But as we have seen, Kukathas’s conception of peace cannot claim to be based on a compromise. So this answer to the objection is no longer possible. Such peace therefore seems to violate the realism requirement: it presupposes a moral consensus, a consensus on the meaning and importance of ‘ambitious peace.’ In other words, it presupposes a consensus that non-interference is the appropriate way to go.39 Moreover, this conception of peace beyond compromise is less realistic in a more general sense: With its radical implications, such as open borders and the radical retraction of the state, such peace brings some kind of utopianism to the idea of peace.

Is there a possibility to develop a conception of peace that is both satisfying the realism requirement and still a demanding, not minimalist goal? I will discuss three options (and argue in favour of the last one):

(i) Adding some modest moral constraints to the conception of ordinary peace (peace based on compromise).
(ii) Denying that the consensus presupposed by ambitious peace (peace beyond compromise) really is a moral consensus – so that ambitious peace does not in fact violate the realism requirement, initial appearances notwithstanding.
(iii) Trying to combine both ordinary and ambitious peace in one overarching ideal of peace.
Option (i): adding some modest moral constraints to the conception of ordinary peace (peace based on compromise). We can agree with Kukathas that peace has to be an acceptable goal for every (freely associated) group in a pluralistic society and therefore some liberty to live according to conscience has to be realized if we are to have peace. There is, therefore, an important link between peace and liberty. But this does not mean that we have to accept Kukathas’s conception of peace beyond compromise. Some liberty to live according to conscience will be realized by most modus vivendi arrangements – but maybe not by all. So we could stay with the original conception of ordinary peace, now with some further modest moral constraint being added. Ordinary peace, in this modified version, means the non-violent coexistence of morally divided groups, based on modus vivendi arrangements, where in addition these arrangements have to give every group some decent space to live according to conscience. Modified ordinary peace gives us, it seems, a conception of peace that meets the realism requirement without being too undemanding.

This modified conception of ordinary peace has similarities to John Horton’s picture of peace. Horton sets constraints on both the content of a modus vivendi and its ‘form.’ The content is ‘primarily the avoidance of serious civil disruption and the maintenance of a level of social order that is at least sufficient to enable the parties subject to it to live minimally worthwhile lives.’ And its form must be ‘broadly consensual,’ ‘broadly ‘acceptable’ or ‘agreeable’ to those who are party to it. Such modest normative constraints will usually be met even if we adhere to our original idea of peace as stable, non-violent coexistence based on compromise. Compromises are broadly consensual in form. Compromises will normally also satisfy Horton’s constraint on content. Because peace is stable, non-violent coexistence, the avoidance of civil disruption, the maintenance of social order and minimally worthwhile lives for all will be secured through peace as a compromise. But, admittedly, there might be cases of compromises leading to stable, non-violent coexistence, where this is nonetheless a state of destitution and not leading to minimally worthwhile lives. So at least Horton’s substantial criteria do add something to the idea of peace as non-violent coexistence based on modus vivendi arrangements.

Without doubt, the modified conception of ordinary peace (in my formulation or in Horton’s) is not as minimalist as ordinary peace in the original version. But ordinary peace in the modified version will still accept arrangements that problematically reflect power disparities. It might still be too undemanding to be attractive. Before we acquiesce to it, we should therefore check the other options.

Option (ii): denying that the consensus presupposed by ambitious peace (peace beyond compromise) really is a moral consensus – so that ambitious peace does not in fact violate the realism requirement, initial appearances notwithstanding. This move is suggested in Kukathas’s work. The solution lies in the claim that there is indeed some consensus presupposed in the liberal archipelago, but that this consensus is not a moral consensus because it is just a consensus to have no substantial moral consensus and to therefore let everyone go one’s own way.

Kukathas admits that there is some consensus presupposed in his theory: ‘Political society, if it is a free society, embodies agreement. Yet this is not agreement on substantive truths about matters of justice, but, rather, agreement to abide by norms which tolerate disagreement.’ Neither is this agreement or consensus the outcome of compromising, as we have seen. It is a consensus that all moralities should be allowed to coexist and be left internal authority free from external interference. This, Kukathas could claim, is indeed some consensus, but not a moral consensus because it is just a consensus to have no substantial moral consensus and to therefore let everyone go one’s own way.

Has the realism requirement been met this way? It requires to conceptualize peace as being possible without a moral consensus, even without a consensus on justice. Whether a consensus
to abide by norms which tolerate moral disagreement is a ‘moral consensus’ depends on what we mean by ‘moral consensus.’ A consensus could be seen as a moral consensus (a) if it is a consensus concerning morality, (b) if it is an agreement in which all parties are moved by moral reasons, (c) if it is an agreement on the truth of a moral proposition.

The consensus to abide by norms which tolerate moral disagreement is obviously a moral consensus in sense (a). It is a consensus on how to deal with moral disagreements, and it is therefore a consensus concerning morality. It is also a moral consensus in the sense (b). If some parties were moved by prudential reasons, then we would probably not get norms of non-interference with all internal affairs, but some compromise where disparities of power lead to some interference in some group’s internal affairs. If the parties come to a consensus not to interfere with all internal affairs of other groups, then they will have to be moved by moral reasons. The moral reasons behind this consensus might well be the reasons provided by Kukathas’s theory: the importance of living according to conscience combined with accepting the contingent fact of moral pluralism. But it might also be the case that some parties have other moral reasons to accept the vision of peace as mutual non-interference. Then they do not have a consensus on the moral reasons why they should accept Kukathas’s vision of peace, but they converge on this vision out of different moral reasons. And thus they have a moral consensus in the sense (b). The consensus is also a moral consensus in the sense (c). The parties apparently disagree on many substantive moral propositions, but the idea that we should abide by norms which tolerate disagreement is itself a moral proposition. Kukathas thinks it is not, because we do not have an ‘agreement that,’ but an ‘agreement to.’ It is an agreement what to do, not an agreement that a proposition is true. In the case in question we have nothing more but an agreement to abide by norms which tolerate disagreement. But I do not think that Kukathas’s explanation is convincing: the parties must also agree that abiding by norms which tolerate disagreement is the right thing to do in such a situation. After all, I argued that each party will agree to abide by norms which tolerate disagreement out of moral reasons, thus I think every party will accept the proposition that it is the right thing to do to abide by norms which tolerate disagreement as a moral proposition. Of course, it is a moral proposition about what to do in light of the fact of substantive moral disagreements. I call this a ‘second-order moral consensus.’ But this still is a moral consensus. So we have a moral consensus in all three possible meanings of this expression. I claim that therefore the realism requirement is not met. Kukathas might argue that the realism requirement should only exclude substantive moral consensus, not a second-order consensus. But a consensus to abide by norms which tolerate moral disagreement is no more likely to be realized than any consensus on substantive principle of justice. Hence, the realism requirement rightly excludes such moral consensus as well. Option (ii) does not work.

Option (iii): trying to combine both ordinary and ambitious peace in one overarching ideal of peace. The idea is to accept a division of labour between the two notions of peace, ordinary peace, probably in the modified version of option (i), and ambitious peace. Ordinary peace satisfies the realism requirement but is still quite undemanding. Ambitious peace does not satisfy the realism requirement but is a demanding and, at least to some, attractive ideal. This adding-up of the two notions might seem slightly ad hoc, but let me try to explain, first, how the ‘division of labour’ among the two notions is supposed to work and, second, why it is plausible to subsume both notions of peace under one overarching ideal of peace.

The division of labour could work as follows: ordinary peace is the first thing we should aim at, wherever it is a feasible alternative to violence; it is the first goal to be upheld by a peace-centred normative political theory. Ordinary peace meets the realism requirement in accepting moral dissent. But ordinary peace will be strongly shaped by power disparities. As a
consequence, although everybody will have at least *some* space to live according to conscience, many groups will have to live according to the standards of other groups’ morality in numerous spheres of their lives. Ambitious peace is a more ambitious sister-conception that can be invoked to criticise concrete modus vivendi frameworks. To explain: compromises can take different forms. Mutual concessions might be of the kind sketched in the Mughal emperor example. In the Mughal emperor example, both parties agree to accept some internal regulations that please the other party. But mutual concessions can also be of another kind: both parties can forswear interference with the other party’s internal affairs. Ordinary peace is indifferent between the two forms of compromise, but ambitious peace will advocate the second, more tolerationist solution wherever possible. Ambitious peace is the external point of view from where to critically judge the content of compromises, so to say.

Why do both notions of peace add up to one coherent ideal of peace? To see this, I should make explicit why Kukathas’s conception of (ambitious) peace indeed is a plausible conception of peace and not a concealed conception of justice, as one may suspect. It is not a conception of justice because it claims that every freely associated group of persons should be able to live according to its own conception of justice without external interference. Like ordinary peace, ambitious peace means stable, non-violent coexistence that does not presuppose a consensus on justice or any other first-order, substantive moral ideas. This, I claim, is the essence of peace (and not justice). Any condition of peace, also of ordinary peace, will give every party some space to live according to its own moral beliefs. This, one may argue, is the very point of having peace, and the reason for a special connection between peace and liberty. But this non-interference in other groups’ internal affairs can come in degrees. And here lies the one main difference between ordinary peace and ambitious peace: with ordinary peace, where the condition of non-violence rests on a compromise, we usually have only *some* non-interference in internal affairs. With ambitious peace, based on a second-order moral consensus, we have non-interference with all internal affairs.

To put basically the same point another way: if one accepts the idea that the human interest in living according to conscience is the reason why peace is valuable, then both notions of peace can be seen as having the same ground for their value. I did not invoke Kukathas’s ideas on the importance of living according to conscience when I first motivated a shift of focus from justice to peace. I think that ordinary peace also recommends itself simply because of the high disvalue of war and violence and because it presents a more realistic substitute for the consensualist conception of legitimacy from the social contract tradition. But ordinary peace also recommends itself because it secures at least some space for every person or group to live according to conscience. The point of both ordinary and ambitious peace is to let people live according to their own substantive, first-order moral ideas including their conceptions of justice. Hence I think it is plausible to subsume both notions under one ideal of peace. With the division of labour between the two notions of peace, we have an ideal of peace that meets the realism requirement because it embodies ordinary peace as the first goal and is still not too undemanding because it embodies ambitious peace as a critical corrective.

Notes
1 Rawls 1971: 3.
3 Rawls 1993: xxxix, 142.
4 For elaborated criticism along these and similar lines see, for example, Wenar 1995 and Weinstock 2006.
I do not want to go into the recent debate about the proper understanding of ideal and non-ideal theory and the question how utopian or ‘aspirational’ political philosophy should be. While some philosophers find Rawls’s theory still too realistic or ‘fact-sensitive’ (Cohen 2008), proponents of a more peace-centred political philosophy will generally find Rawls’s theory too unrealistic or utopian.

For a survey of the ‘realist countermovement’ see Galston 2010.

A ‘non-political’ liberalism can be perfectionist, but it can also be non-perfectionist, like, for example, a straightforwardly egalitarian or libertarian form of liberalism. While perfectionist liberalism is surely ‘comprehensive’, the latter forms are not. One should therefore be skeptical about the dichotomy of ‘political’ vs. ‘comprehensive’ liberalisms (see Gaus 2004).

Some modus vivendi theorists quite explicitly accept a ‘public justification’ theory of legitimacy. Bernard Williams (2005: 4): ‘I shall claim first that merely the idea of meeting the BLD [Basic Legitimation Demand] implies a sense in which the state has to offer a justification of its power to each subject.’ David McCabe (2010: 5-8, 153-165) sees his modus vivendi liberalism as satisfying a basic ‘justificatory requirement.’

Such theories might also acknowledge that what is most important will depend on the political context: in homogenous and harmonious societies other priorities can be set than in deeply divided pluralist societies. But in general, such theories’ ‘main goal is to leave the widest (morally) possible room for compromises made for the sake of peace, including cases in which peace is achieved at the expense of justice.’ (Margalit 2010: 1).

Gaus 2011: 2, 276. Nonetheless, Gaus sometimes tends to identify a publicly justified order with a ‘just’ order (e.g. 2011: 446). In the introduction to the paperback edition of Political Liberalism, Rawls (1993: xlviii) also acknowledges ‘that in any actual political society a number of differing liberal political conceptions of justice compete with one another.’ But this is, on the one hand, quite a confined disagreement and competition (limited to liberal political conceptions of justice), and on the other hand it is not totally clear what the content of the overlapping consensus is supposed to be in light of this disagreement. Jonathan Quong (2011: 132), defending a Rawlsian political liberalism, also acknowledges that ‘there is, or can be, reasonable disagreement regarding what justice requires.’

For example, the ritual scarring of children might not be adequately described as violence if it really is widely accepted in some culture (see Kukathas 1997: 70). Jones and O’Flynn (2013: 119-120) also point out that compromises always are ‘agreed to.’ They compare them (in this respect) with promises. From this perspective, there are no compromises without a certain ‘compromising’ process of making concessions and then agreeing. In contrast, Benjamin distinguishes between compromise as an outcome and compromise as a process (1990: 4-8).


This account of compromises differs from some other accounts given in the literature. J.P. Day (1989: 472), for example, proposes the following definition of a compromise: ‘[A compromise is an] agreement between A and B to make mutual concessions in order to resolve a conflict between them.’ But a compromise is not basically an agreement to make concessions. The agreement is rather the outcome of such concessions. And this agreement does not resolve a conflict, it simply contains a conflict. The conflict remains because all parties disagree on what the optimal arrangement would be (see, e.g., Benjamin 1990: 7). If they ceased to disagree, we would no longer have a compromise (because we would no longer have a conflict).

Rawls 1993: 147.
Simon May’s (2005) distinction between pragmatic and principled compromises is helpful: pragmatic compromises are made for instrumental reasons only, as a device to advance one’s goals. These goals can be moral goals – and the conflict a moral conflict –, so pragmatic compromises can still be moral compromises (see Jones and O’Flynn 2013: 121). Principled compromises, on the other hand, are made for reasons that are independent from considerations about the advancement of one’s goals, but for epistemic or (non-consequentialist) moral reasons.


Such procedures might often be identical to procedures as advocated by theorists of (minimal) procedural justice (see Ceva 2008). However, on my account procedures have only instrumental value and instrumentally valuable procedures are not necessarily just procedures.


Only principled moral reasons will make the compromise be less dependent upon the balance of power. If compromises are made for pragmatic reasons, but with moral goals in mind, then such pragmatic moral compromises are dependent upon the balance of power as well. For an interesting discussion whether Rawlsian public reason can be reconstructed as embodying a form of compromise see Lister 2007.

Horton 2006: 161-162. As said, Rawls is mainly concerned with ‘stability for the right reasons’ and of course a modus vivendi cannot be stable in that sense because in a modus vivendi parties are moved by the wrong reasons. But Rawls should be (and probably is) concerned with ordinary stability as well; he should also argue that a modus vivendi is not stable in the ordinary sense because parties to a modus vivendi accept the arrangement for the wrong reasons.


Crowder 2002: 121.


In fact, Horton (2010: 444) and Gray (2000: 7), for example, do not claim that peace is the only thing that matters.

Kukathas 2003: 76.

It is true that in the liberal archipelago many individuals will not be able to ‘fully’ live according to their conceptions of justice as long as they have to tolerate injustice on other islands. On the other hand, since regular violence is not only a violation of peace, but will also be seen as unjust by most groups, at least some aspects of their conceptions of justice will be realized in the whole society.


Kukathas 2003: 120.


Of course, the realism requirement was not violated if the sketched ambitious vision of peace beyond compromise was to be implemented without any consensus at all. But this is not Kukathas’s position (as we will see soon). And as I said, I would also like to retain something from the consensus ideal of the social contract tradition here.

Horton 2010: 438.


This is so for at least two reasons. First, because every compromise implies mutual concessions, no compromise can be zero-sum, with one party getting everything. If I give my money to a mugger threatening to take my life, then we do not have a compromise. Second, as indicated above, if one party poses serious threats to violate already established modus vivendi norms, then the result is not a compromise.

Kukathas 2003: 100, see also 19, 73, 76, 106, 131, Gray 2000: 5.


Ordinary peace with its notion of compromise might still be the tool to conserve or at least substitute the consensualist conception of legitimacy from the social contract tradition. But ambitious peace
obviously incorporates some consensus as well: a second-order moral consensus on how to deal with moral disagreement.

46 We then have a ‘Baylean’ grounding for both ordinary and ambitious peace, so to say. Hobbesian considerations, on the other hand, might still be important to explain the feasibility of (ordinary) peace, but not to ground the value for peace.

47 This paper was originally presented at the ‘Peace or Justice’ conference in Hamburg on 14-15 July 2011. I would like to thank all participants for the discussion. More recently, the paper has profited from Simon May’s extremely helpful comments.

References
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