

*Alessandro Ferrara*

**How to accommodate *modus vivendi* within normative political theory**

In this paper, the role that the notion of *modus vivendi* can play within a normative political theory inspired by Rawls' "political liberalism" is explored. In the first section, I criticize an alternative concept of *modus vivendi* articulated within an influential "minimalist" (if not downright political-realist) approach to liberalism, championed among others by John Gray and Bernard Williams. Modus-vivendi liberalism is argued to be affected by internal inconsistency. Shying away from the extreme conclusion that stability trumps justice under all conditions, *modus vivendi* theorists often re-introduce normative assumptions and values that lack proper justification and contradict the pretended overcoming of the distinction of justice and prudence. In the second section, I argue that *modus vivendi* retains its full fruitfulness if integrated within a normative political-liberal view of legitimacy, as the notion through which the oppression-free political coexistence of liberal and non-liberal constituencies, domestically and transnationally, is best understood. To that effect, a notion of *modus vivendi* different from the standard conception of *modus vivendi* expounded in Political Liberalism is introduced.

*Valentina Gentile*

***Modus vivendi* liberalism, practice-dependence and political legitimacy**

Contemporary political theory is characterised by a realistic critique of liberalism. Realist theorising is seen as avoiding foundational disagreements about justice mutating into second-order disputes concerning the justifiability of le-

gitimate political institutions. In this sense, the realist critique challenges a key aspect of Rawls' liberal project – that is, its justificatory constituency. McCabe's *Modus Vivendi Liberalism* presents an interesting case of such a critique. Given the condition of deep pluralism that characterizes contemporary democracies, the liberal Justificatory Requirement (JR) should be recast so to include those, illiberal or sceptical, who are excluded by Rawls' justificatory constituency. This paper confronts McCabe's *modus vivendi* justificatory project with Rawls view. It suggests that both views seem to endorse a practice-dependent account of political justice in which “politics is prior to morality”; yet the ways in which reasons are endorsed to justify the shared conception of political authority are significantly different in these two schemes. The paper shows that the most problematic aspect of McCabe contingent model is that it disconnects the idea of legitimacy from a conception of liberal political morality. On this account, political legitimacy that reflects the uncoercive character of extant institutions seems to be sufficient to meet the MVL JR. Yet, from a normative point of view, this might be not enough to ensure morally acceptable outcomes. In conclusion, the paper considers McCabe's model as a version of ‘practice-independent’ moral theorizing committed to a transcendent view of ‘threshold morality’. This move, however, comes at the cost of sacrificing the theory's premises of anti-perfectionism and realism.

*John Horton*

**Political legitimacy and *modus vivendi***

Here I take up one aspect of a political theory of *modus vivendi* by seeking to explore its relationship to questions of political legitimacy. In doing so, I begin by setting out my preferred conception of *modus vivendi* and addressing some of the problems to which it seems to give rise, without claiming to have resolved them. I then explain how I understand the idea of political legitimacy, which gives a central place to the beliefs and values operative in a particular polity. Finally, I briefly sketch how the aforementioned conception of *modus vivendi* can be helpful in grounding that understanding of political legitimacy.

*Federico Zuolo*

**Is *modus vivendi* the best realistic alternative to public justification liberalism?**

In this paper I challenge the claim that *modus vivendi* (MV) is the most realistic alternative to public justification liberalism (PJJL). I focus on those theo-

ries that ground social order on the idea of MV, in particular those proposed by Horton and McCabe. After presenting the penchant for political realism evident in these theories, I test whether MV-based approaches can meet their own standards, and in particular whether they are not liable to the same critiques that MV approaches address to PJJL, namely of being descriptively inadequate with respect to the reality of politics, and, consequently, being normatively inert. To this end, I reconstruct the disagreement concerning the moral status of animals as a case in point to demonstrate that MV can only partially account for such disagreement in a realist manner, because some features of this case cannot be explained without appealing to a more normatively demanding notion. More generally, I argue that MV falls prey to a partial descriptive inadequacy, which has some implications for its practical capacity. The result is that MV-based approaches seem incapable of indicating how a certain MV arrangement can be improved without appealing to other (moralistic) criteria. Although MV-based approaches are right to point out some realistic concerns against PJJL, similar worries may also be addressed to MV approaches. Finally, this analysis casts some doubt on MV's ability to ground an autonomous political theory.

