Modus Vivendi: Concept of Coexistence in Pluralist Global Society[*]

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Summary

Modus Vivendi is Gray's political concept which he links to Hobbes' political theory whose purpose is to temporarily establish the coexistence of intransigent sides i.e. ways of life. In other words, *modus vivendi* is a solution aimed at limiting the scope of political insecurity in plural societies by providing the minimal content of coexistence. As this is offered as a potential solution for contemporary societies marked by value-pluralist conflicts, the author looks into the viability of the *modus vivendi* concept of coexistence. The fact is that *modus vivendi* has been criticized as a concept generating the problems it does not provide answers to, such as the issue of stability and morality/justice. In Hobbes' traditional interpretation which Gray adopted, these are not the questions that the pluralist *modus vivendi* approach should provide answers to. The author, however, has adopted the argument according to which Hobbes and Rawls insist on an immediate political goal i.e. stability (peace) and justice. If Gray's *modus vivendi* does not consistently follow such an argument, it emerges as a concept of coexistence that will not satisfy anyone. However, due to the lack of moral solidarity contingent to the consensual approach to political reality, *modus vivendi* is a concept offering the minimum's minimum because we are not willing to accept something more.

Key words: modus vivendi, coexistence, Gray, Hobbes, postliberalism, pluralism, Rawls

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Introduction

In the last twenty odd years John Gray, a contemporary British political thinker, has subscribed to three philosophical-political positions: liberal, postliberal and plural. In the last decade of the 20th century he began advocating the proposition that liberalism had universally failed as a doctrine and its institutions proved only partly effective as guarantors of global peace i.e. as the most efficient shield from sinking into barbarism and nihilism, and has articulated *modus vivendi*,[1] a political idea that was supposed to offer a solution for the coexistence of various values and lifestyles in a plural world. *Modus vivendi* is Gray's political concept which he links to Hobbes' political theory whose purpose was to establish a temporary coexistence of implacable sides i.e. ways of life. It must be noted that *modus vivendi* does not appear anywhere in Hobbes' political theory; it is that Gray gives a Hobbesian slant to his own political syntagm. Gray claims that *modus vivendi* is a solution for contemporary societies beset by value-pluralist conflicts, the solution that has not been provided either by the classical or the modern-day liberals searching for a formula of peaceful coexistence. Hence *modus vivendi* appears in Gray's correspondence with liberals as a response to the advocates of coexistence by means of a rational consensus regarding the *best* way of life. In Gray's opinion within the liberal tradition these are primarily Locke and Kant, and Hayek and Rawls among the contemporaries (Gray, 2000: 1-2). Contrary to this, *modus vivendi* belongs to the pursuit of a *possible* way of life.

The aim of this paper is to explain the concept of *modus vivendi*, its background and issues, to demonstrate why *modus vivendi* may be an instructive concept in and between plural societies. The paper highlights the problems and objections Gray has to grapple with in order to defend his *modus vivendi*, but also answers the question how viable the concept of *modus vivendi* is. Some questions that need an answer concern the relationship between the concept of *modus vivendi* and consensus, the issues of the stability and the morality of the *modus vivendi* concept, and link the concept with Hobbes which might be regarded as quite selective and thus problematic. The goal is to illuminate these problems and describe the scope of the *modus vivendi* approach in the pluralist global society. The first part of the paper describes *modus vivendi* as envisaged by Gray, while the second part deals with the issues and problems pertinent to *modus vivendi* and evaluates the concept's successfulness.

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[1] The literal meaning of the syntagm *modus vivendi* is "way of life" i.e. the conditions "which at least temporarily enable peaceful relationships between two (opposing) sides" (Klaić's *Dictionary of Foreign Words).*

I.

Isaiah Berlin once said: "The mass neurosis of our age is agoraphobia; men are terrified of disintegration and of too little direction: they ask, like Hobbes's masterless men in a state of nature, for walls to keep out the raging ocean, for order, security, organization, clear and recognizable authority, and are alarmed by the prospect of too much freedom, which leaves them lost in a vast, friendless vacuum, a desert without paths or land marks or goals." (Berlin, 1990). What Berlin wants to convey is that the arguments by liberals such as J.S. Mill or Locke are unconvincing when invoking the intrinsic human need for liberty. "It turns out that Hobbes, not Locke, was right regarding the central issue: people strive above all for security instead of happiness, liberty and justice" (Berlin, 1990).

That is the premise from which Gray derives his *modus vivendi* by evoking Hobbes' political ideal: attainment of peace and security among the conflicting ways of life. In its final variant, according to Gray, *modus vivendi* represents a continuation of the liberal search for a *modus vivendi*, reached and renewed through dialogue, rhetoric, bargaining, force, and all the devices of the political arts, is for us a historical fate" (Gray, 1989: 215). Why historical fate?

Gray gives an answer to this question in his essay *Hobbes and the modern state:* "The modern state has failed in its task of delivering us from a condition of universal predation of war or war of all against all… Modern democratic states have themselves become weapons in the war of all against all, as rival interest groups compete with each other to capture government and use it to seize and redistribute resources among themselves" (Gray, 1993: 4). Our task is to get rid of the classical modern concept of the state. Gray's anti-enlightenment critique of the state shows how the cause of the inefficiency of the modern state in achieving peace and security can be found at two levels – politico/economic and philosophical/doctrinal. At the first level, the modern state has not responded to the everyday problems of its citizens. Just the contrary, it set its ideal too high and became gargantuan and, consequently, instead of a guardian, the state has become more of an enemy of civil society than its guardian (Gray, 1993: 4). At the second level, the core of one of the concepts of liberal toleration e.g. Locke's, was to constrain the state authority that was supposed to go "hand in hand" with the achievement of a rational consensus about the best regime, not only nationally but also globally (Gray, 2000: 1-5).

The neo-Hobbesian approach provides a way out for the foundered modern concept of the state. Despite the limitations of his political theory, Hobbes has proved to be the most relevant political thinker regarding the detection of the "maladies of the modern state" (Gray, 1993: 3-4). Why is it so? For Gray in his postliberal phase Hobbes' contribution lies in the demarcation between the public and the private interest. Namely, the contemporary state has become all-pervasive: it controls, possesses, redistributes, it gener-

ates wealth, it invades all spheres of social life. While the Hobbesian ideal was the state as a guardian of public interest, the modern state reverses this ideal to secure private preferences among interest groups. It has become a "corporatist Behemoth" (Gray, 1993: 11-13).

Also, he evokes Hobbes in an Oakeshottian manner, emphasizing the preservation of freedom. According to this approach, the state's task is to defend the "civil association"[2], i.e. limited government, and its goal is freedom respecting cultural diversity. "Where deep moral solidarity is lacking, where (as in all modern societies) there is cultural diversity rather than seamless community, the role of government is first and last that of preserving liberty in civil association under the rule of law … Cultural diversity is protected, in this perspective, by a political order which protects the old liberal freedoms … the form of government … is not the minimum state of recent libertarian theory, but is akin to the limited state of classical liberalism" (Gray, 1993: 265). The syntagm *civil society* refers to the regimes that share three fundamental features: first, due to incompatible or even incommensurate ways of life, civil society functions as *modus vivendi*; second, everybody is subject to the rule of law; and finally, it protects private property. Gray calls this liberalism's "living core".

In *Enlightenment's Wake,* and particularly in the essay *From post-liberalism to pluralism,* Grays explains why he claims that the postliberal position is restrictive. The liberally-oriented institutions of postliberal civil society are not the only possible framework within which the members of various cultures can flourish. Just the contrary: the choice of social institutions should always be contextual. According to Gray, postliberal global civil society has not acknowledged the possibility of a legitimate and legal pluralist political regime that would deviate from the ideal comprised in the liberal "living core" of the civil society. Namely, for a genuine *modus vivendi* to be possible among different cultures, it is necessary at the global level to stop trying to expand the institutions of the civil society modeled after their western counterparts. The institutions of liberal civil society insufficiently espouse value pluralism. In other words "if value-pluralism is true, the range of forms of genuine human flourishing is considerably larger than can be accommodated within liberal forms of life", therefore "liberal forms of life enjoy no special privileges of any kind" (Gray, 1995: 133, 143).

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[2] For Oakeshott *civil association* or *societas* is a form of a social, moral or legal regime characterized by the fact that its rules do not imply any commendable or required purposes or a concept of the (highest) good; its purposes are noninstrumental, allowing individuals to follow their own purposes or their own concept of the good. This means that the civil association should be understood as that type of association in which "agents who, by choice or circumstance, are related to one another so as to compose an identifiable association of certain sort. [...] Thus, a state understood in terms of *societas* is what I have elsewhere called a *civitas*, and its government (whatever its constitution) is a nomocracy whose laws are understood as conditions of conduct, not devices instrumental to its satisfaction of preferred wants" (Oakeshott, 2003: 201, 203).

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In his approach Gray wants to fit Hobbes into the context of cotemporary plural societies (Gray, 2000: 133). However, he has to be selective in that. He stresses security as the basic goal of the Hobbesian agenda. Security, however, though the fundamental motive, is not for Hobbes the sole reason for articulating political society. In Hobbes' political theory individuals – in the conditions of mutual distrust i.e. the situation that, in Gray's terms, could be considered as lacking in moral solidarity – give up on absolute freedom and injustice of the "state of nature" in order to achieve freedom and justice in a secure state. The question is: does Gray's *modus vivendi,* defending the rule of law and peace as the minimal standards of political legitimacy of contemporary regimes (Gray, 2000: 107) fulfil the task intrinsic to the Hobbesian project? Together with security, can it ensure liberty and justice, assuming these are also on the Hobbesian agenda? Not initially, as Gray would never make such a demand on *modus vivendi;* nevertheless, it would be good for Gray to put it on the supplementary agenda. I think that he would gladly "write in" some of Berlin's understanding of liberty and plural values into the Hobbesian concept. This is obvious from the fact that when Hobbes writes about coexistence – unlike Gray or Berlin – he does not refer to cultural groups but individuals. Namely, "according to an essentially Hobbesian account of political order, the claims of cultural and national minorities within a state to some form of constitutional or institutional recognition are morally suspect and politically undesirable" (Ivison, 1999: 83). Hence Gray's reading of Hobbes may show that he insufficiently follows the logic of Hobbes' political goal, although it is clear that Gray does not share Hobbes' understanding of human nature and thinks Hobbes was mistaken when ignoring the collective human identification and stressing the radical individualism instead (Gray, 1993: 4-8).

For Gray, however, neither liberty nor justice can survive as supervalues in the attempt to defend the plural *modus vivendi* concept. Such an approach represents an attack on the liberals such as Mill and Rawls who want once and for all to exclude certain principles of liberty and justice from political balancing. These principles are only some of the possible concepts of the good. In this sense government cannot be guided exclusively by the classical liberal principles. The reformed plural approach will reflect the complexity of the plural system and the challenges confronting it. The classical liberal principles are being replaced by the universal minimum of political legitimation. How to determine it?

There is a simple test for *modus vivendi*. In order for a lifestyle to be objectively acknowledged, it must not be devoid of the universal goods; also, the clash between the universal evils and the universal goods, as well as within the universal evils and the universal goods, must be intelligibly resolved. This is easy when we have a reference point for comparison; in his *Two Faces of Liberalism* Gray uses a form of liberal toleration as such a point. But what is the standard for comparison when there are no referent points as in the example of Aztecs and their ritual sacrifices? Gray would most probably answer: whether their actions justify certain universal evils

within these moralities, and what is the share – comparatively to the number of universal evils – of universal goods in their ways of life. If rivers of blood flow in order to appease a deity that would otherwise the following day inflict upon the world the curse of eternal darkness, is this not sufficient for understanding universal evil? However, does such a regime possess a minimum of political legitimacy? If this regime ensures the rule of law and order, would Gray's conditions be satisfied? Or wouldn't they? It seems they would not, since the Hobbesian project Gray refers to also requires the protection of life from violent death. That is why Gray needs to restrict *anything goes,* which he does. However, if *summum malum* is excluded – and Gray excludes it – then his project remains at the level of arbitrary evaluation; despite Gray, this will be an evaluation of the liberal nomenclature that uses the standards of liberal toleration to divide the practices into those that satisfy the minimum of political legitimacy and those that do not.

For Gray, the Hobbesian state begins with the sovereign's absolute power[3], but its purpose is accomplished only by means of the maintenance of peace and the definition of property rights and the rule of law (Gray, 1993: 9-10). Although nominally extremely powerful, the Hobbesian state does not exercise its authority outside the public sphere unless public interests – identified as the sovereign's interests – have been jeopardized. This is the "paradox of the Hobbesian state" (Gray, 1993: 9) as it may encroach upon the private sphere, though it tries to circumvent this possibility; the modern state criticized by Gray is becoming omnipresent.[4]

Today, any redefinition of the role of the state must begin with the new challenges confronting the postmodern state. While Gray used to level his criticism at all forms of interference into social life, now Gray is more cau-

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[3] Though prevalent among the interpreters, the interpretation of Hobbes which Gray adopts in his postliberal phase can easily be proven wrong. Namely, the sovereign is restricted with one single purpose: providing security to their citizens. Hobbes says: "The office of the sovereign, (be it a monarch or an assembly,) consisteth in the end, for which he was trusted with the sovereign power, namely the procuration of *the safety of the people*; to which he is obliged by the law of nature…But by safety here, is not meant a bare preservation, but also all other contentments of life, which every man by lawful industry, without danger, or hurt to the commonwealth, shall acquire to himself" (Hobbes, 1998: 222). Of course, the question is what happens when a sovereign fails to deliver? Though it is illegal to "strike against" the sovereign, there is no guarantee that citizens will not do that if that sovereign fails to secure the goals the attainment of which it was instituted in the first place; they can at least weaken the position of the sovereign in relation to other sovereigns. In that sense, the sovereign power differs from despotism.

[4] Gray begins the article published in the "New Statesman" entitled *Gimme the Blue Pill* by quoting agent Smith from the movie *Matrix:* "Do you know that the First Matrix was designed to be a perfect world, where nobody suffers and everyone is happy? That was a disaster." Its *telos* was not exploitation but a perfect world, redesigned to universally eliminate suffering and evil. However, fantasy in fact created a world that has concealed the fact that we were born in an omniopresent and omnipotent prison that cannot be smelled, tasted, or touched. Utopian political projects, such as communism or neoliberalism, are the implications of such a fantastic world – the false dawn Gray talks about in the book of that title (Gray: 2000)..

tious. In other words, the state has to intervene politically and economically: politically when defending security, and economically as a shield against individualist capitalism which destroys cultural traditions (Gray, 2002: 55-56). Liberal states are too weak as they are vulnerable to the specter of anarchy haunting the world (to paraphrase Marx) and liberals do not sufficiently exercise state authority when necessary (to ensure security), but they exercise it when it is not (in establishing the primacy of freedoms). The fundamental issue of modernity is the issue of security, more so than the issue of liberty. Gray argues that the state today is too vulnerable so its rehabilitation as a protective institution from the prevalent global chaos is necessary. Liberals tried to weaken the importance of the state fearing the terror of the absolutist or totalitarian state. That premise harks back to the anachronistic liberalism of fear. Gray says: "At bottom, the state exists to secure peace. Whenever peace is at odds with liberty, it is always liberty that loses out. As Hobbes knew, what human beings want most from the state is not freedom but protection" (Gray, 2004: 110). "He cannot tell us how to deal with enemies of freedom who do not fear death" Gray points out, "but at least he understood that freedom is not the normal human condition. It is an artifact of state power. If you want to be free, you need first to be safe" (Gray, 2004: 114). The problem with freedoms lies in the fact that their understanding in pluralist societies is heterogeneous, while the feeling of insecurity is common i.e. homogeneous. In postmodern circumstances, the state will have to evaluate its activities in concrete practical situation. This means that "if it is to provide the security its citizens demand, government should be highly invasive in some contexts and withdraw almost entirely from others. […] In order to protect its citizens, the state may have to subject them to high levels of surveillance. At the same time, it should stop trying to regulate people's lives where doing so is counter-productive and damaging to society" (Gray, 2004: 111).

Modus vivendi is the solution wishing to restrict the realm of political insecurity in plural societies by means of providing the minimal content of coexistence.[5] That is why *modus vivendi* is inspired by the Hobbesian political goal since "anarchy rather than tyranny has become the chief threat to human rights" (Gray, 2000: 131). Namely, while liberals universally "preached" the realms of freedoms that the state must ensure, the institutions of modern states have eroded by allowing social conditions in which almost no freedom can be guaranteed to their citizens because of the increased inse-

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[5] Stuart Hamsphire uses the syntagm the "minimal content of morality" that is universal. Gray claims that this "minimal content of morality" must be more negative than positive in its definition i.e. the purpose is to "draw the bottom line" below which there are no minimal conditions of human development. By accepting Hampshire's premise that this content is supercultural, Gray rejects the assumption that "the minimal content of morality" must contain procedural justice (Gray, 1993: 303, more in: Hampshire, Stuart, 1989: *Innocence and Experience,* The Penguin Press, London). As already mentioned, in his later works Gray talks of "the minimal standards of political legitimacy" i.e. "universal rights" (Gray, 2000: 105-117).

curity and fear. Due to this anxiety, the existence of a broad range of freedoms, including the fetish of the free choice, remains a dead letter.

The tragedy of the institutions of the modern state is most noticeable in the former communist countries, especially Russia, and manifested in "anarchocapitalism" contingent with the criminalization and the corruption of the state and the civic institutions and the "ubiquity of organized crime" (Gray, 2002: 167). "Even in many wealthy countries the fear of crime is all-pervasive" (Gray, 2004: 109) i.e. general insecurity (local and global) is the top political priority. The modern state has not managed to fulfil its primary purpose – protection. In such a situation the *modus vivendi* approach emerges as a concept that can save the frail postcommunist democracies from the anarchist disarray, as well as the "old" western democracies that are, on the one hand, destabilized by "the political war for redistribution" (Gray, 1993: 13) and on the other by the doctrinal conflict among different liberal principles, rights, concepts of justice and the incommensurable ways of life.

Due to the facticity of value pluralism, the state must act as a mediator among the conflicting interests and the concepts of the good. As already mentioned, Gray labeled this undertaking the search for the Hobbesian *modus vivendi* tolerance. Since the "overlapping consensus" over Rawls' "principles of justice" is not possible, as is not possible to silence the "comprehensive" concepts of the good in the public sphere, the fixture of political reality is the clash of values (central to the *modus vivendi* concept) and not the end of the conflict with the victory of one of the values, for example the principle of liberty or justice. "The theory of modus vivendi", Gray writes "does not imagine that a world without illusions is possible, or wholly desirable. It seeks only to cure us of the false hopes that go with philosophies that promise an end to conflicts of value" (Gray, 2000: 136-137), and one of these philosophies is the liberalism coupled to the enlightenment universalism.[6] Unlike this, *modus vivendi* operates locally and globally as an "an application of value pluralism to political practice" (Gray, 2000: 25). *Modus vivendi* presupposes toleration as a strategy of the search not for the best but the possible life. It prefers coexistence and not consensus, but why? I am going to show that, taken altogether, the arguments that can be used in favour of *modus vivendi* also open it to criticisms that Gray has yet to face.

II.

The arguments against *modus vivendi* mostly follow this chain of logic: if there is no "overlapping consensus", there is no political supervalue and everything is reduced to the arbitrariness of the conflicting sides; this gives rise

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[6] Unlike Gray, Rorty thinks that the enlightenment philosophy and the enlightenment politics can be distinguished. On the Gray-Rorty debate see more in: Kurelić, Zoran, 2002: *Liberalizam sa skeptičnim licem /Liberalism with a skeptical face/,* Barbat, Zagreb.

to the debate about the stability or the instability of such a *modus vivendi* agreement; linked to this is the argument of the lack of morality from such communication. Thus *modus vivendi* gives rise to the objections such as stability and morality that might become problems and undermine any genuine possibility of a significant step forward in resolving the issues of a meaningful human existence, which Gray promotes by means of the syntagm of *human flourishing*.

This sort of critique can be found in Rawls. For Rawls one political concept – in his case the concept of *justice as fairness* within the idea of "overlapping consensus" is at the same time a moral concept (Rawls, 2000: 132). But if *modus vivendi* does not encompass a moral concept, which Gray does not advocate on principle, it results in instability. Since *modus vivendi* maintains the balance of power, the parties are willing to champion their goals at the expense of the other if the circumstances change or the balance of power shifts, which brings us to the beginning: *modus vivendi* emerges as a dispassionate understanding of political reality (Rawls, 2000: 131-134).

The stability of the *modus vivendi* concept is criticized by Brian Barry; his arguments are analyzed by Kurelić.[7] The altered circumstances destroy any possibility of "keeping one's word", so there is no reason for *modus vivendi* to remain stable. In his first counter-argument against Gray, Kurelić shows how at the global level there is no possibility for *modus vivendi* since it is impossible to replicate the exact balance of power from Hobbes' theory. The second Kurelić's argument is that Gray's *modus vivendi* is desirable only if it reflects universal human values. According to Gray *modus Vivendi,* as an offshoot of liberal toleration, should not be *anything goes* since universal human values exclude the totalitarian and fundamentalist understanding of political reality opposed to tolerance as such. Consequently, Kurelić concludes that Gray's attack on liberals is also an attack on the only real potential allies of the *modus vivendi* concept. Kurelić's second argument is not disputable and is easily supported since Gray in his *Two Faces of Liberalism* wants to show that the liberal tolerance of the Hobbesian type is the assumption of the *modus vivendi* concept and at the same time a relentless critique of the enlightenment, universalist type of liberalism.

The first argument, however, is somewhat different, as it presupposes the balance of power and not the domination of any side. In Hobbes' political theory, individuals are in "the state of nature" in which all nominally possess equal power as "the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himself" (Hobbes, 1998: 82). The premise of this Hobbes' position is people's unpreparedness which makes it possible to surprise everybody (after all, people have to sleep). However, this Hobbes' argument cannot be applied to states, as they are always "awake", always vigilant. Ac-

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[7] See Kurelić, Zoran *Globalizacijai tolerancija /Globalization and tolerance/* which includes the debate Barry-Gray (Kurelić, 2003: 90-94).

cording to Hobbes, the weak states cannot surprise the stronger ones. This would mean that in a world with an empire or a superpower it could not happen that this empire or the superpower are dethroned by the weaker states joined in an alliance. This is not true.

The objection of stability highlights the problem of power asymmetry. In Kurelić's words: "If we want global security and transcultural global government we need an equivalent to the original balance of power which Hobbes depicts in the state of nature. In a world with only one superpower, this condition is not met" (Kurelić, 2003: 93). It means that *modus vivendi* will always presuppose relatively equal parties whose need for coexistence stems from that equality as an impossibility of a viable and permanent dominance. Thus *modus vivendi* is not possible as *Pax Americana* just because such a peace would rest on an extreme power asymmetry (Gray, 2003: 85-100). Many would have a hard time putting up with such an asymmetry, especially if they thought they lose more than they gain with such a peace. What arguments would Gray use with Osama bin Laden or Khomeini that it is better for incommensurable values and ways of life to negotiate for the sake of achieving peaceful coexistence, if they have declared as Absolutely Evil some ways of life e.g. American, and no coexistence with them possible? How are the arguments of "the holy war" and the expansion of Dar al-Islam overridden by *modus vivendi?* The answer is: they are not. When there is such a radical conflict of values, we have the classical natural state of war. Gray is aware of this weakness of his *modus vivendi* concept and the maneuvering room for bolstering his argument is very small.

However, in my opinion, the fact that there is a superpower does not alter the fact of the existence of the balance of power in its nominal sense since the weak when they join forces always represent a potential danger which the powerful have to be weary of i.e. the possibility that they become a threat to them in some way.[8] In the state of nature there is no "permanent security" but even if such security does exist, it is not something fixed, despite Hobbes' Leviathan. The possibility of the collapse of a sovereign power is always present. Hence *modus vivendi* represents an unsafe transition from the state of nature, on a par with the one that Hobbes' political theory reduces to the obligation *in foro interno* (in intention) following by the obligation *in foro externo* (in action).[9]

It seems that *modus vivendi* in principle is more effective than the consensual resolution of value/interest conflicts in global plural societies.

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[8] Such as the coalitions of the weak against the powerful e.g. against Napoleon, Hitler, Milošević (the Croato-Bosniak coalition) or the al-Qa'ida and the so-called "axis of evil". The weaker may join forces and launch a guerilla war if a head-on clash with the powerful would be disastrous.

[9] First we oblige to ourselves to keep our word and leave the state of nature if the other also show willingness to do the same. Then we oblige on the outside *(in foro externo)* i.e. to a political body that we will do what we have pledged (Hobbes, 1998: 105).

This is because consensus means convergence, and convergence does not go "hand in hand" with profound pluralism at the global level. For Mill there is no obstacle for reaching consensus as he believed that people are convergent enough to realize that "liberal society is the one that most efficiently promotes the best way of human life". Unlike him, "Nietzsche believed that human beings are too different that such a consensus on the good might be reasonably expected" (Gray, 2000: 57).

For Rawls, consensus presupposes a certain supervalue about which we have to reach a consensus, for example a certain type of justice as fairness. Due to profound pluralism i.e. the deep entrenchment in our value fortresses, the probability of such a consensus is small; even if it exists hypothetically, the lapse of time before a consensus has been reached might hamper the maintenance or the establishment of peace i.e. the realization of any other project (e.g. preventing global warming). This is one of the advantages of the *modus vivendi* approach, according to which there should not be supervalues. Namely, Gray says that *modus vivendi* does not contain any transcendental value to which all ways of life should converge, not even peace. Though Gray thinks that peace is something valued by most ways of life, "peacefull coexistence is worth pursuing only insofar as it advances human interests" (Gray, 2000: 135). Absolutely autarchical ways of life that would not share any interests with the other ways of life would not show any interest in *modus vivendi*, but such ways of life, according to Gray, are rare or a thing of the past. "Because they are practiced by human beings, all ways of life have some interests in common", primarily coexistence (Gray, 2000: 136).

This leads to the following conclusion: if almost all ways of life contain coexistence as a common interest, then it cannot be said that these ways of life are mutually incommensurable, which Gray formerly claimed (Gray, 1995). Also, the thesis that the pursuit of peace is conditioned by the profitability at the level of particular interests[10] is Hobbesian as is the conclusion that the common interest is *coexistence*, or in Hobbesian terms *survival,* but with the same outcome. This means that the second part of that Gray's thesis contradicts his renunciation of Hobbesian metaphysics *summum malum*. Namely, Gray rejects (Gray, 1993: 7; Gray, 2000: 133) the existence of Hobbes' *summum malum* since he, as a pluralist, defends the idea that evils, just like goods, are plural. But among the radically plural goods and evils, there is no restriction of *anything goes* which challenges the inclusion of coexistence in the group of common human interests when, according to Gray, justice and liberty, for example, cannot be put on this list.

There is ambivalence in this argument of Gray's, as it is obvious that although we affirm peace, *modus vivendi* must look like a consensus about peace as a value. In other words, *modus vivendi* is a consensus that we are rational enough (and not irrational to continue with wars, though we might

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[10] Which Brian Barry called "justice as mutual advantage". See Barry, 1995: 31-46 and Kurelić, 2003: 92-93.

have a rather rational motivation for a war) to accept a particular type of common institutions that ensure peace. If we nurture diametrically opposing worldviews or incommensurable ways of life, I do not see how this is genuinely possible. Or, if we have a reason to doubt Rawls' consensus reaching, then we can seriously doubt that Gray's *modus vivendi* is going to take root. It seems that Gray wants something more than the balance of power whose ratios are changeable and that do not embody any moral concept. He does not want only the common institutions but the common institutions which champion human interests. The problem is that his understanding of human interests is not linked to usefulness that is an integral part of Hobbes' approach.[11] For Gray the task of common institutions is to ensure not only the instrumental but also the non-instrumental, intrinsic human values and their proliferation, including religion, friendship, love, family life, and many others. In that sense, the ways of life that do not hold such values or are restricted, will be seen as impoverished. The conclusion is that morality must contain objective components as well as all those that may be called relative or cultural: "Morality has a hard core and a soft periphery" (Kekes, 1996: 5). Consequently, the objective demands of morality will have to be reflected in common institutions. In the *modus vivendi* approach this is going to be problematic if not downright improbable.

It is clear that *modus vivendi* survives only as long as there is unwillingness for conflict. In that sense it is a pragmatic and provisional solution. This is as far as Gray goes. However, according to Gray, this is not a shortcoming. Even such *modus vivendi* can overcome most objections such as those concerning stability and morality which, in my opinion, are the most significant. Regarding the objection on stability, if it turns out that Hobbes implies the argument of stability, which makes his approach akin to Rawls' project of political liberalism, then also *modus vivendi* follows a similar logic, which is what Gray tries to avoid. Namely, if the purpose of the *modus vivendi* approach is establishing common institutions and not common values, then the common institutions have to guarantee the regime stability as shown by Hobbes and Rawls. However, in my opinion, Gray stumbles in his attempt to derive political regimes from the radical value pluralism or incommensurable ways of life in relation to the common institutions. However, this problem occurs only in the case of Gray's radical pluralism and the incommensurability of ways of life. If Gray's is really such a profound or radical pluralism in which we speak incommensurable languages, then common institutions may only have been imposed or are not even nascent. However, the solution is possible even without Gray's stringent position, either Hobbesian or Rawlsian.

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[11] For Hobbes abandoning the state of nature is instrumental as in that state "no culturew of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing such things as require much force; no knowledge of the face of the earth; nocaccount of time; no arts; no letters; no society... " (Hobbes, 1988: 84).

Which brings us to certain similarities between Gray's and Rawls' projects. Gray is willing to admit to those similarities. He says: "In some ways, the neo-Hobbesian conception I have outlined resembles the political liberalism advocated by John Rawls. Like the Rawlsian theory, *modus vivendi* affirms that the test of legitimacy for any regime is not its conformity with any comprehensive conception of the good … the Rawlsian view and the neo-Hobbesian view are alike in acknowledging that in absence of some goods a worthwhile human life is scarcely possible" (Gray, 2000: 134). This calls for a more careful analysis of the link between Rawls and Hobbes via Gray's *modus vivendi* concept.

Rosamond Rhodes in her essay *Reading Rawls and hearing Hobbes* shows the parallels between Rawls and Hobbes. Several important points have been taken over from Rhodes' analysis for my paper. First, both Rawls' and Hobbes' theories are underpinned by the same political purposes: just and stable society (Rhodes, 2002: 394). As Rhodes says, every theorist wants to "identify political conceptions that can be shared by all rational people, regardless of the anticipated differences in their most deeply held beliefs and their individual goals" (Rhodes, 2002: 395). Then it is clear that Hobbes and Rawls expect from individuals to be motivated for cooperation through their own utility (Rhodes, 2002: 396). Hobbes reciprocity in renunciating the state of nature and the war of all against all has an equivalent in Rawls' idea of reciprocity linked to cooperation. Rawls says that this is manifested in that individuals will be partly altruistic and partly guided by the idea of "mutual advantage understood as everyone's being advantaged with respect to one's present or expected situation as things are" (Rawls, 1993: 50). Also, "the state of nature" and the "veil of ignorance" operate in a very similar manner. As Rhodes demonstrates, "both constructions rely upon the judgment of individuals who are presumed not to know many facts about themselves and their actual circumstances" (Rhodes, 2002: 398). We do not know the particularities of the individual in the state of nature, apart from the fact that nature has endowed us with the initial intellectual and physical equality. These theorists claim that people are loath to "gamble", so that peaceful coexistence *(modus vivendi)* is a much more preferable option than the war of all against all. The sole difference is that Hobbes starts from the powerful whose power must be constrained by the desire for survival i.e. coexistence, while Rawls tries to strengthen the socially weaker by means of the theory of justice as fairness (Rhodes, 2002: 408). I think that Gray's *modus vivendi* in fact balances between both of these approaches since the *modus vivendi* might protect the powerful (the Roman, Ottoman, Habsburg Empires) by enabling them to maintain peace to their own advantage, but also to appeal to the similarly powerful/weak to protect their equally vulnerable positions by accepting coexistence under common government.

It is interesting that Rhodes shows how both Hobbes and Rawls have a lot in common, which puts them into the same "camp" as opposed to Kant. Unlike Kant, these two authors use the concept of reason only as a convenient means for the realization of just and stable society. They "base their

views on a minimal conception of reason rather than an ideal, and so are concerned with how and how much of the variety of human motivations to accommodate within their systems" (Rhodes, 2002: 411). If this is indeed so, then Gray's intention to simplify things and drop Rawls and Hobbes into the same "basket" is also unfounded. And finally, it is clear that if the Rawlsian project wants to attain just and stable society – and not merely to preserve regimes – then this must also be the intention of the Hobbesian project from which *modus vivendi* is derived. This brings us to the issue of the content of the *modus vivendi* concept i.e. the objections related to its morality.

If *modus vivendi* in Gray's theory is a mere expression of powers to whom no value is sacred – including, in the radical variant, coexistence itself – then the question is why should we (unless weaker at the moment) agree to an unjust peace – though it may be beneficial for people's interests? With such peace we solve the problem of wars or civil wars, as Hobbes says, but we do not unravel its causes nor question its morality or justness. In other words, how much is the peace in Bosnia or Sudan worth if it legitimizes the previously committed crimes? This is peace, but at what price? It will be impossible for many concepts of the good to accept this Hobbesian peace since it is going to lack minimal justice i.e. it will presume injustice. This requires from individuals and communities to "swallow the bitter pill" of humiliation and feel as strangers in their own "home". If so, then such a peace is only an improvised barrier against the accumulated destructive pressure of the incoming tide of discontents.

Regarding the argument on the morality of the *modus vivendi* agreement or the moral deficit of that agreement, it could be avoided only if it is possible to separate the political from the moral. *Modus vivendi* can prove to be an effective political solution. In the circumstances of the balance of power and the lack of consensus, *modus vivendi* is efficient in stopping or preventing conflicts; however, even if we assume an enduring balance of power (highly improbable), the moral arguments in the long run lead to the undermining of the *modus vivendi* system. Then it is difficult though not impossible to argue in favor of a political solution without a moral footing. It should be noted, however, that the stability and the morality argument are not necessarily linked. A regime can be stable despite its moral deficit. As Gray lists the examples of the *modus vivendi* political regimes such as the Ottoman Empire or the Habsburg Monarchy, it becomes clear that these were relatively stable regimes in which peace reigned. However, these for Gray almost ideal-type *modus vivendi* examples ended tragically due to a lack of loyalty and solidarity of its citizens to defend their morally deficient regime they did not identify with from the outside and the inside pressures.

Is the foundation of a just and stable society based on utility and not solidarity dubious? This is a problem for Hobbes/Gray as well as for Rawls. Aristotle, on the other hand, bases his concept of political community on

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friendship which may be interpreted as citizen solidarity.[12] In other words, only the relationship among citizens based on virtue i.e. solidarity, guarantees to political communities justice and stability. "Again, where people are in Friendship Justice is not required", says Aristotle (Aristotle, 1998: 138). If political relationships rest on virtue/solidarity, they imply justice. Gray, however, argues that the social fabric of contemporary pluralist societies in the global world cannot take into consideration moral solidarity. Even if a form of such solidarity existed, it would be restricted to communities, so there is no reason to believe that citizen solidarity really works at a particular social level, and even less globally. "Now it is the nature of utility not to be permanent but constantly varying" (Aristotle, 1998: 141). Thus even Rawls' principles of justice aimed at strengthening the social position of the weak would most probably not be accepted by them if the weak would not benefit from them in changed circumstances in which they are powerful and somebody else weaker.

However, the plural global society is not a monolithic Athenian *polis* and that is why when there is no social solidarity we cannot hope for anything better than some sort of the *modus vivendi* tolerance. In other words, *modus vivendi* is the most blatant tragedy of the situation in which the minimum's minimum is offered just because we are not appreciative of something more. *Modus vivendi* is similar to a managerial approach in which we try to strike a balance with the *status quo.* However, this does not offer a good enough argument to prove the aversion towards the political risk that includes repression. Why strive after the *modus vivendi* tolerance among irreconcilable ways of life if there is hope that a long-term repression will be more successful?[13] Hobbes would have dismissed this criticism of the radical political risk as it includes a risk of a violent death and the state of nature environment. Gray's neo-Hobbesian *modus vivendi* follows Hobbes' blueprint of commodious life i.e. the assumption that we have "buried the hatchet" and are concerned with common utility (security, peace, prosperity, justice, etc). That is why *modus vivendi* works well when the irreconcilable ways of life somehow reconcile. The best example of common institutions built upon the *modus vivendi* concept of toleration is the European Union.

Translated from Croatian by Božica Jakovlev

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[12] Friendship, Greek Φιλία among other things means *affection* that implies an awareness of togetherness among parties, which in political terms *is* solidarity. Aristotle says there are three types of friendship: for utility, for pleasure, or for virtue.

[13] This was Barry's objection to Locke's tolerance. For more details see in: Barry, 1991 and in Kurelić, 2003.

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