LIBERAL PLURALISM: WHY SHOULD WE CARE?

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Introduction

I would like to begin by thanking Roberto Merrill, Janie Pelabay, and their colleagues at CEVIPOF for their vision in imaging this conference and their perseverance in surmounting numerous obstacles to make it a reality.

A decade ago, this meeting would have been neither possible nor necessary. The wonderful aggregation of scholars gathered here today testifies to the remarkable growth of interest in liberal pluralism. It is important, however, that liberal pluralism not become just one more academic *topos* in political theory, parsed with our typical tools of conceptual analysis and textual interpretation. For me, and I hope for you, the phrase evokes existential issues. So let me begin with some personal reflections.

I have long believed that although authoritarian governance can be justified in some unfortunate circumstances, some form of liberal democracy is preferable whenever circumstances permit. More recently, I have come to believe that value pluralism is congruent with actual moral intuition and reflection in a way that no monistic account of value can match. It thus becomes a matter of importance and urgency to determine whether these two bodies of belief cohere. It would be distressing to discover that value pluralism renders the preference for liberal democracy groundless or conversely, that a rational embrace of liberal democracy requires us to affirm what value pluralism denies.

The relationship between value pluralism and liberal politics

I will refer to liberalism and value pluralism as the “twin commitments.” The issue is the relation between them. It cannot be one of logical or conceptual entailment, either way. As a formal matter, a practical syllogism requires at least two premises to generate a conclusion. So the argument that brings the twin commitments together is incomplete without at least one additional premise. If you want a formula, it would be something like this: VP + X = LP.

One question before us, therefore, is “What is X?” I will address that question, among others, in the remarks that follow. But note, at the threshold, that if X includes empirical conditions that may not always exist, then value pluralism need not entail liberal regimes. Or—to put the point less formally and more historically—it could be the case that for some nations a period of illiberal governance is needed to create the background conditions that liberal orders require. This possibility connects to questions long debated among development economists and democracy promoters, and I won’t pursue them farther right now.
Value pluralism claims to be the best description of the moral universe we happen to inhabit. One might imagine, then, that this description is orthogonal to—has no bearing on—the moral merits of different political regimes, including liberal democracy. That is not my view. Although I am arguing that additional premises are needed to establish the connection between value pluralism and liberal governance, it is not the case that there is no conceptual connection between them. Here’s why:

As an account of the structure of moral value, pluralism suggests that there is a range of indeterminacy within which many different ways of life are permissible. More than that: there is a sense in which they are on the same plane, morally speaking: for pluralists, there is no single, uniquely rational ordering or combination of the value commitments that comprise different ways of life. There is therefore no rational basis for restrictive or coercive public policies whose justification includes the claim that there is a uniquely rational ordering of value, and states cannot rightly employ this claim to justify its policies.

A legal analogy illustrates the thrust of my claim. The common law tradition includes the principle of “estoppel,” which means that under particular circumstances, the parties to a controversy are precluded from offering certain arguments in support of their positions. In the political arena, I want to say, value pluralism functions as a kind of estoppel: while it does not ipso facto mandate (or reject) particular political conclusions, it does exclude certain kinds of justificatory arguments from the political arena. So if a government says that it may rightly repress certain ways of life because they are inferior to others, value pluralists reply that there is no basis for that claim.

That is not to say that there can be no justification for such policies. In circumstances of deep social division, the public expression of a group’s beliefs may lead to violent disorder. Consider Protestant marches through Catholic areas of Belfast at the height of the conflict in Northern Ireland—or public displays of same-gender affection and premarital sex in highly traditional society. Individuals who are willing to resort to violence to suppress ways of life other than their own can in effect veto the expression of legitimate differences—a deeply regrettable fact, but a fact nonetheless. In such circumstances, the government may have little choice but to limit the freedom to express difference—not because officials agree with the perpetrators of violence, but because they have a duty is to maintain order. Over time, it is equally their duty to work toward a more discriminate policy that suppresses the perpetrators of violence rather than its victims. At first, however, that may not be possible.

To summarize: value pluralism neither entails nor is irrelevant to liberal politics. When we combine value pluralism accounts of with individual motivation, the diversity of human endowments, and political structures that we have good reason to prefer to alternative accounts, and when we take into account the diversity that develops under the circumstances of social liberty and economic prosperity in advanced societies, we are led to broadly liberal conclusions.
The case for value pluralism

I have proceeded thus far under the assumption that the twin commitments are worthy of our rational assent. But that is hardly self-evident. Many moral philosophers and theologians endorse in theory what many individual agents implicitly endorse in practice—the superiority of a specific way of life. Many governments (and not a few theorists) reject liberal democracy in favor of either a non-liberal conception of democracy or some form of authoritarianism. Although a full response to these claims would take us too far afield, it is appropriate at least to sketch the kinds of defenses that liberal pluralists can offer.

In a conference such as this, I need not begin by defining value pluralism. The argument in favor of this conception of moral structure rests on experience—not only the variety of ways of life we regard as legitimate and even admirable, but also moral conflict and moral regret. Moral situations often feature competing and inharmonious claims that we cannot equally honor and obey. When we choose and act, we embrace some goods or principles while leaving others behind.

Regret is a moral emotion that attends moral conflict. In some situations, it is tolerably clear what we should do, but doing it requires us to reject an alternative that we experience as powerful, or even as preferable in some respects. In the Nicomachean Ethics, Aristotle raises the case of a man who would have to do something ignoble to save his family from a tyrant. If he rescues his family, he surrenders his honor; if he preserves his honor, he sacrifices his family. Even if he concludes that he must put family above honor, he can regret the blot on his character. If one good enjoyed lexical priority over the other, regret would be irrational; so too if the choice involved different quantities of a single homogeneous good. The reality of justified regret is strong evidence against both Rawlsians and utilitarians and in favor of the incommensurable heterogeneity at the heart of value pluralism.

One might think that clashes of this sort are confined to the secular realm and that religious believers enjoy moral harmony. But consider Abraham on Mount Moriah, caught between what he regarded as the indubitable command of the sovereign God and the patent immorality of the sacrifice God demanded. In the famous colloquy about the impending destruction of Sodom, the Bible shows us that Abraham possesses an independent moral consciousness capable of questioning God’s will. Although Abraham does not give voice to these questions as he binds Isaac for sacrifice, the narrative makes it clear that he feels them keenly—and that his tortured willingness to choose obedience to God over the life of his son left a residue that disfigured his family relationships for the rest of his life.

There is a point at which value pluralism gives way to a minimal universalism. Pluralists recognize the great evils of the human condition—genocide, famine, epidemic disease, brutal tyranny—and the urgency of abating them. They also acknowledge that there are minimal conditions—social order, economic exchange, and the rule of law, among others—required for
living decent and dignified lives, however defined. So value pluralists can affirm universal human rights and what H.L.A. Hart called “the minimum conditions of natural law.” They can even endorse the responsibility to protect—the duty to intervene against genocidal acts.

But there are limits, at least from a pluralist standpoint. While there can be no justification for genocide, there may be a justification for outside parties failing to do everything possible to halt or prevent it. In some circumstances, the costs of full-scale intervention are very high—especially when some outside parties oppose it. The failure to act often turns out to be unjustified and becomes a source of controversy and regret. Bill Clinton regards his failure to act against the genocide in Rwanda as the worst mistake of his presidency, and the failure to bomb the rail lines servicing Nazi death camps was one of the worst blots on the Allied war effort. Still, the protection of human rights does not enjoy lexical priority over all other goods and principles, and nations do not act wrongly when they accord the potential costs of intervening a moral weight greater than zero. Because it rejects all lexical priorities, value pluralism implies a politics of particularist judgment rather than of bright-line general rules.

The case for liberal democracy

Although we often use the phrase “liberal democracy,” we don’t always think very carefully about it. The noun points to a particular structure of politics in which decisions are made, directly or indirectly, by the people, and more broadly, to an understanding of politics in which all legitimate power flows from the people as a whole. The adjective points to a particular understanding of the scope of politics, in which the domain of legitimate political decision-making is seen as inherently limited. Liberal governance acknowledges that important spheres of human life are wholly or partly outside the purview of political power. It stands, therefore, as a barrier against all forms of total power—including the power of democratic majorities.

The question then arises as to how we are to understand the source an extent of limits on government. The signers of the U.S. Declaration of Independence appealed to the self-evidence of certain truths, among them the concept of individuals as bearers of rights with which they are “endowed” by sources other than and prior to government, rights that both orient and restrict governmental power. Today, rights represent an important (some would say dominant) part of a global moral vocabulary.

Rights do not suffice to characterize and justify the full range of constraints on the exercise of public power, however. Value pluralism helps explain why. One kind of moral heterogeneity is the qualitative difference between public and non-public goods. While politics shapes, and often distorts, relations of friendship, family, and love, it cannot create (or for that matter destroy) those attachments through the direct exercise of public power. Despite the best efforts of King Saul, the friendship of David and Jonathan is a bond that withstands paternal disapproval and the threat of death. It verges on grotesque to imagine a government that selects marriage partners for
its citizens. Governmental efforts to constrain art yielded fascist grandiosity and Social Realism. (Public support for a range of artistic expression is another matter altogether.)

Another source of limitation on public power inheres in the network of associations that human beings create based on shared identities or interests. Civil society is not wholly independent of state power, but it is not a product of that power either. Moved by the view that civil associations thwart the legitimate pursuit of public purposes, some regimes try to bring them to heel. But governments go too far when they insist that civil associations must conduct themselves in accordance with the norms that govern the public realm. These associations do not exist to achieve public purposes, although they may contribute to them indirectly. Instead, they represent the social correlative of human variety, and they are vehicles for expressing the commonalities we discover we share with some members of our species but not others.

The life of the mind is another source of limitation on public power. Consider the nature of political authority over scientific inquiry. It is appropriate for public institutions to determine the distribution of resources devoted to various domains of inquiry. While physicists regret the refusal of some governments to invest the billions of dollars needed to construct the next generation of particle accelerators, it cannot be said that in so doing government oversteps its bounds. Governments may legitimately impose restrictions on research methods (on human subjects, for example), even though these restraints may make it more difficult for research projects to succeed. And in certain circumstances, it may be legitimate for governments to restrict the public dissemination of specific research findings. (The recent controversy over avian flu may be one such instance.)

Distinct from all these actions is government intervention to dictate the outcome of inquiry. The quest for truth is an activity guided by its own rules. Communities of inquiry shape and deploy those rules, but not on a political basis (which is not to say that partisan and personal factors never enter into their application).

One of the sorriest episodes in the history of the Soviet Union was the use of state power to impose the pseudo-Lamarckian views of the quack agronomist Trofim Lysenko on the whole of Soviet biology. Plant scientists of unimpeachable international standing were forced to recant their adherence to Mendelian genetics and to conduct research on the basis of an ideologically-driven theory of the environmental determination of species change. (The Nazis’ rejection of Einstein’s theory of relativity as “Jewish science” raises similar issues.)

The Lysenko affair is regarded as the epitome of undemocratic totalitarianism. But it would have been no better, no more legitimate, if a politically-driven view of scientific truth had been imposed by a democratic vote after public deliberation. The political sphere has no rightful authority over the processes internal to inquiry that guide the quest for truth.

A final source of limits on public power is religion and its sometimes secular brother, individual conscience. Since the rise of revealed religions, which are not “civil” in either the Greco-Roman
sense or Rousseau’s, conscientious citizens who are also pious have acknowledged two authorities—secular and religious. This becomes a problem when both authorities claim authority over the same domains. Jesus famously urged his followers to “render unto Caesar what is Caesar’s and unto God what is God’s,” as if the two could be surgically separated. More typically, the claims of political and religious authorities overlap and conflict. In the United States, the government requires Catholic hospitals to offer health insurance policies that cover contraception, while many Catholic doctors, nurses, and administrators believe that a higher religious authority forbids them to do so. It is not easy to determine which claim is to be given priority. The point is that religious authority does constitute a limit to public power. Piety sometimes trumps patriotism.

The argument from human diversity

Value pluralism offers a plausible account of our inability to rank-order a wide range of ways of life. How are we to say that the good artist outranks the good general, or that either way of life is intrinsically more worthy than that of the devoted parent who manages the difficult task of raising competent adults? The idea of the good (if that phrase is even meaningful) tells us nothing about the content of the good.

It might nonetheless be the case that what is good for human beings is less heterogeneous in practice than is the infinite orderings of value we can construct in theory. This is one of the points at which experience offers a necessary supplement to value pluralism. I refer, specifically, to the diversity of human types and endowments. As every parent soon learns, infants are not blank slates on which we can inscribe what we choose. They differ innately in temperament, in what they are good at, and in what gives them satisfaction. The good life for each individual includes developing and exercising at least some of the distinctive potentialities with which that individual begins. When that process goes well, it is source of happiness for the individual and satisfaction for others as well. Who will ever forget the joy of the young Olympic gymnast Gabby Douglass, leaping higher than seemed humanly possible off the balance beam while executing movements that appeared impossible even on the ground? The converse is the quiet tragedy of lives stunted by circumstances that prevent that kind of development. That is the pathos of Thomas Gray’s justly renowned “Elegy Written in a Country Churchyard”:

Perhaps in this neglected spot is laid
Some heart pregnant with celestial fire
Hands that the rod of empire might have swayed
Or waked to ecstasy the living lyre.

But knowledge to their eyes her ample pages
Rich with the spoils of time did ne’er unroll
Chill Penury repressed their noble rage
And froze the genial current of the soul.
This account brings an element of objectivity to the life-choices individuals make. It also opens the disturbing prospect of a mismatch between the aspirations we form and the capacities with which we begin. Some aspirations—perhaps our deepest—will be in vain. If we aim in a direction that our nature and talents will not allow us to go, we may squander the chance to develop what we could have done well and with satisfaction. Retrospective regret often attends such choices. But it is hard to know ourselves before we begin to make choices and live our lives, and often we learn too late what we wish we had known at the outset. No matter how fortunate our circumstances, a good life takes some good luck.

Expressive liberty as an enabling condition

Gray’s Elegy reminds us that living lives that are good from the standpoint of the individuals who live them requires supportive conditions. One—not the only one—is what I call expressive liberty. By that phrase I mean the absence of constraints, imposed by some individuals on others, that make it impossible (or very difficult and risky) for the affected individuals to live their lives in ways that express their deepest beliefs about what gives meaning and value to life. An example of such constraints would be the consequences of the Inquisition for Iberian Jews, who were forced either to renounce their religious practices or to undergo persecution that could involve torture and death.

Expressive liberty offers the opportunity to enjoy a fit between inner and outer, belief and practice—an opportunity extending to practices that do not reflect a preference for liberty as ordinarily understood. Part of what it means to have sincere beliefs about how one should live is the desire to live in accordance with them. It is only in rare cases (certain kinds of stoicism, for example) that constraints imposed by other individuals do not affect the ability of believers to act on their convictions. For most of us, impediments to acting on those convictions are experienced as sources of deprivation and unhappiness, anger and resentment. The absence of expressive liberty is an occasion for misfortunes that few would willingly endure.

So understood, expressive liberty is not a good or value, at least not of the kind that combine to make up conceptions of good lives. Here’s why. From each agent’s point of view, his or her preferred conception of how to lead life is not theoretical, but rather practical. It implies a desire to live out that conception, and therefore a preference for the conditions that make it possible to do so. Expressive liberty, then, is part of human agency itself—at least when we become self-reflective about the meaning of that agency.

Some theorists have argued that the contradiction between liberalism and value pluralism is clear on its face: liberalism elevates the status of liberty above that of other goods, affirming precisely what value pluralism denies. But on my account, expressive liberty is a condition of living any way of life, including those that do not value liberty understood as autonomy or freedom of choice. And expressive liberty is the only conception of liberty that liberalism must affirm.
The distinctive status of expressive liberty implies that liberalism rightly understood does not affirm any moral premises inconsistent with value pluralism. The structure of relations among goods and principles that we now value pluralism may begin as a theoretical account, but it does not remain there. To say that every human being has good reason to value expressive liberty is not to deny what value pluralism affirms—that the moral universe contains countless conceptions of good lives and that within a capacious zone, neither theoretical nor practical reason can definitively rank-order some over others.

There is an obvious objection: if expressive liberty is a condition for every way of life, it cannot be a distinctive feature of liberal orders. A traditional community that embraces a single way of life to which it cannot imagine alternatives nonetheless needs expressive liberty—the absence of constraints—if it is to live that life collectively. This is a valid objection—but to accounts of liberalism other than mine. My argument is that the defining feature of liberal regimes is the recognition that there are non-public as well as public goods and that legitimate public power respects that difference.

*From liberal theory to liberal politics*

The transition from the morality of expressive liberty to a politics of expressive liberty is not straightforward. Within a shared public space, the multiplicity of and differences among individuals combine to create a familiar difficulty: the conditions most conducive to living as individual A prefers may not be equally hospitable to B. When conflict arises among individuals and groups, each seeking to live out its aspirations for a good life, what are the implications for a regime of expressive liberty?

This much is clear: consistent with value pluralism, we cannot say that A is more worthy of enjoying enabling conditions than is B. If multiplicity and difference mean that A and B cannot simultaneously maximize their ability to live as they choose, then we must look for rules that impose roughly equal constraints on both. The heterogeneity of goods complicates this quest. Suppose that A’s conception of how to live includes going door-to-door distributing religious literature while B’s emphasizes solitude and silence. B may be asked to tolerate knocks on the door between (say) 10AM and 6PM while A is prohibited from proselytizing in residential neighborhoods outside those times. Who is to say how much diminution of the ability to evangelize is equivalent to the diminished solitude of individuals who want nothing more than peace and quiet? The best we can do, I suspect, is to institute arrangements that appear roughly symmetrical in their effects and then make adjustments in cases where it is clear that they do not impose equivalent burdens.

Nor can we say that regimes must be in the business of maximizing expressive liberty. Every government has some bedrock duties—securing basic order and defending the community against attack, among others—that may tug against expressive liberty. Here again, expressive
liberty is a guide to, but not a recipe for, good politics, because circumstances may force regrettable compromises on even the most principled defenders of liberal governance.

In the early days of the American Civil War, when the survival of the Union hung in the balance, President Abraham Lincoln suspended the writ of habeas corpus—a fundamental defense against tyranny. He argued that he had no choice, and many historians agree. In wars against external adversaries, freedom of speech and of the press are often restricted, not always without justification. During the depth of the Great Depression, when the economic order stood on the verge of outright collapse, Franklin Roosevelt made it clear that he was prepared to request emergency powers. European political developments during the 1930s made it clear that if liberals were not willing to do what the situation required, potential tyrants were more than willing to step in. Liberal means do not always suffice to secure liberal ends.

“X” revisited

The arguments sketched in this paper clarify the relation between value pluralism and liberalism. They are consistent in the sense that neither asserts what the other rejects. But there is considerable conceptual space between them, and neither straightforward implies the other. Still, the connection between them reflects more than the vagaries of individual psychology. When we supplement value pluralism with (1) a conception of legitimate public power as limited and (2) a formal account of good lives as the development and exercise of diverse individual endowment, the gap between value pluralism and liberalism narrows significantly. The principles of estoppel—limits on justificatory principles that political may legitimately employ—and of expressive liberty further narrow the gap, and familiar observations about the inevitability of moral diversity under contemporary social and economic conditions narrow it still more.

But it would be a mistake to conclude that value pluralists always must be liberals. In unfortunate circumstances—pervasive economic privation and violent social conflict, for example—the best available alternatives may be modes of governance that do not respect liberal limits on public power. If these circumstances prove intractable, value pluralists may end up supporting extended periods of authoritarian governance.

But value pluralists who embrace the principles of individual development and limited public power are bound to regard such arrangements as a distinct second-best. They will insist that authoritarian governments do whatever they can to put themselves out of business by creating the conditions for liberal orders. When illiberal regimes strive to perpetuate themselves indefinitely (as most do in practice), they forfeit whatever limited legitimacy they may enjoy.