Four Strikes for Pluralist Liberalism
(And Two Cheers for Classical Liberalism)

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(*Appears in* The Journal of Value Inquiry **48**, *315-333 (2014),*
available at https://link.springer.com/article/10.1007/s10790-014-9437-x)

Abstract:

The *pluralist liberal* defends a conception of liberal politics grounded in the thesis of value pluralism. Since he argues from a particular metaphysical thesis – value pluralism – to a particular understanding of politics – liberalism – his account will feature two separable, but interrelated, components: a distinctive *justification* of liberalism, and a conception of politics with distinctive *content*. The particular flavor of liberalism to which the pluralist is led is a species of what I term "accommodationism" – an understanding that sees as a polity's central task the accommodation of many divergent conceptions of the good life.

I argue that the pluralist liberal's case is hampered by four difficulties. Two of these difficulties challenge the justification of liberalism in terms of value pluralism, and two of them plague the particular accommodationist understanding of liberalism to which the pluralist is led. I conclude by arguing that *classical liberalism* is a view that is immune to these latter two criticisms. In fact, I suggest a more general claim: that classical liberalism provides the most promising resources for the articulation and defense of a conception of politics dedicated to accommodating the diverse and heterogeneous versions of human flourishing countenanced by value pluralism.

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April 2014

Value Pluralism is the view, perhaps most famously associated with Isaiah Berlin, that at its most fundamental level, human value is irreducibly heterogeneous. On this account, rival conceptions of life's meaning and value – both religious and secular – are thought to represent equally valid, though mutually incompatible, modes of genuine human flourishing. Such divergent values are said to be *incommensurable* – we cannot compare the worth of one to another, as they do not reduce to any common value, nor is there any common currency in terms of which their relative magnitudes can be expressed.

Recently, several authors have turned to the theory of value pluralism in hopes that it might provide a fruitful basis upon which to defend a conception of liberal politics. Representative of this trend are three books that I'll draw upon for purposes of this paper: George Crowder's *Liberalism and Value Pluralism* (2002), William Galston's *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (2002), and Galston's *The Practice of Liberal Pluralism* (2004). Galston uses the phrase *liberal pluralism* to refer to the conception of liberalism drawn from value pluralism, while Crowder prefers *pluralist liberalism*; I shall use the latter formulation to refer to this view.

The pluralist liberal argues *from* a particular metaphysical thesis – value pluralism – *to* a particular vision of politics – liberalism. Accordingly, his account will feature two separable, but interrelated, components: a distinctive *justification* of liberalism, and a conception of politics with distinctive *content*. I argue that the pluralist liberal's case is hampered by four difficulties. Two of these difficulties challenge the justification of

liberalism in terms of value pluralism, and two of them plague the particular understanding of liberalism to which the pluralist is led.

This paper includes three main sections. The first part is occupied with stage-setting. Since the pluralist liberal's view is in a sense a marriage of value pluralism and liberalism, I highlight the general features of each view most relevant to this marriage. In particular, I argue that the vision of liberal politics to which the pluralist is led is a species of what I term "accommodationism" – an understanding that sees as a polity's central task the accommodation of many divergent conceptions of the good life. So I briefly set forth what I have in mind by this term, and why I think pluralist liberalism fits this description.

The second part contains my "negative project", wherein I set forth the four problems with the pluralist liberal's efforts to characterize and defend liberalism on the basis of value pluralism: two challenges of *justification*, and two challenges of *formulation*. The two challenges of justification are as follows:

(1) One might wonder how the pluralist liberal can privilege preeminent liberal values – individual rights and liberties, autonomy, and expressive liberty – as foundational elements of his political morality, consistently with his commitment to value pluralism. For a true commitment to value pluralism seemingly requires recognizing as legitimate at least some political orders organized according to fundamentally illiberal values.

(2) Second, there is a certain practical difficulty attending efforts to erect value pluralism as the founding principle of a political morality. For in any diverse polity, many citizens' conceptions of life's meaning and value are what we would term "monistic" – their orientations are such as to be inimical to value pluralism's central claim that genuine human goods are heterogeneous, and thus that there is no single, rationally-

defensible *summum bonum* – no one best way for human beings to live. Thus pluralist liberalism has only limited appeal as a public philosophy.

The two challenges of formulation, meanwhile, are as follows:

(3) According to Galston, pluralist liberalism is (to borrow terminology from John Rawls) a "comprehensive" account, rather than a "free-standing" one. Crowder likewise characterizes his view as representing a "perfectionist" version of liberalism, as opposed to a "neutralist" one. These observations in themselves might not seem to constitute a criticism of pluralist liberalism – after all, plenty of theorists are quite happy to defend comprehensive and perfectionist strands of liberalism – until we note the manner in which these features of the pluralist liberals' views stand in tension with their commitment to a liberalism of broadly accommodationist orientation. For a comprehensive, perfectionist understanding of liberalism is more apt to endorse coercive interventions into the internal lives of voluntary associations not organized along liberal lines, than is a free-standing, neutralist liberalism.

(4) Finally, pluralist liberal public policy is problematically indeterminate in cases where equally-legitimate but incompatible values come into conflict. To illustrate this difficulty, I consider two such conflicts, drawn from the contemporary controversies surrounding same-sex marriage and recent proposals to include so-called Intelligent Design perspectives in high school biology classes.

In the paper's third and final section, I suggest that the best formulation of a politics of accommodation is expressed in terms provided by the *classical liberal* tradition. In support of this claim, I make the case that a classically liberal conception of politics is immune to the latter two criticisms of pluralist liberalism (what I termed the formulation challenges) set forth in section two. Far from befuddling the classical liberal, as I argue they befuddle the

pluralist liberal, these two challenges actually provide an opportunity for the classical liberal to showcase the formidable resources of her theory. Thus, I conclude that, even if value pluralism can be used to defend liberalism – even if my first two criticisms can be met, in other words – the most natural way to construe a politics of accommodation is along lines provided by classical liberalism.

1. Background

1.1 Value Pluralism

We can characterize value pluralism in terms of its commitment to three theses: the *heterogeneity thesis*, the *incompatibility thesis*, and the *incommensurability thesis*. Let us examine each in turn.

1.1.1 Heterogeneity

Human beings have long disagreed about the best way to live. They have disagreed about which god, or gods, if any, should be worshipped and glorified. Even when they have so agreed, they have differed in their views as to what, precisely, fidelity and devotion to that divinity entails. Humans also diverge on their core value commitments: is a life of austere self-discipline the "best life for man", or does human flourishing consist in the pursuit Epicurean delights? Or is it perhaps, as Aristotle suggested, a little of both: a life that seeks all goods in moderation? Finally, people have been divided as to how best to organize our social and communal life: should values of community and conformity and solidarity take precedence, or should individuals' rights to self-expression and self-determination have pride of place? Should private property rights exist? If so, how far might they extend? Ought people to have property rights to the means of production, or to valuable natural resources?

Further noteworthy is the fact that these theological, ethical, and political disagreements persist, even among reasonable and well-intentioned people, and even after such persons have been brought into full dialog with one another. Such disagreements persist, even after such persons have been brought into full awareness of alternative conceptions of life's meaning and value. It is not as if divergent conceptions of the Good once persisted only because diverse communities evolved in relative isolation from one another, and that – upon coming into contact with each other – these societies tended to converge on philosophical beliefs and cultural practices. (If anything, the reverse might be true.)

Call the persistence of such disagreements about the Good Life, even among reasonable and well-intentioned individuals, the "fact of diversity." What might explain this fact? There are several responses one might offer. We might take the fact of diversity to betoken the fact that many persons and communities persist in grave error as to the true content of the Good Life. The fact that such a variety of conceptions of the Good are currently on offer simply means that, while perhaps one such conception tracks the truth, all the rest are simply mistaken. Call this the "exclusivist" position. Alternatively, we may judge that *all* conceptions of the Good are mistaken. On this way of seeing things, the variety of conceptions of the Good results from there simply being no fact of the matter in this regard; all who believe otherwise are mistaken, and all attempts to articulate a rationally-grounded conception of human flourishing are misguided and chimerical. Call this the "nihilist" position.[1]

The value pluralist is one who rejects both the exclusivist and the nihilist positions. Against the nihilist, he holds that we can use reason to establish the truth of some moral claims and the validity of some values, and to establish the falsity and invalidity of other

claims and values. However, against the exclusivist, the pluralist *also* denies that there need be only *one* rationally defensible conception of human flourishing. The pluralist sees disagreement about the good life persisting, then – not because some or all parties are deceived, or unreasonable, or unintelligent, or arguing in bad faith – but because even the most well-intentioned and proper exercise of human reason can lead us to divergent yet equally valid conceptions of human flourishing.

(An aside: value pluralists are often quite keen to insist that theirs is *not* a relativistic position. It strikes me, though, that what they really mean to assert is that theirs is not a *nihilistic* or a *subjectivist* position. True, we may be able to identify components of relativistic views that are not shared with most value pluralist views. For instance, consider a version of relativism asserting that the moral imperatives incumbent upon a person are determined with relation to the norms prevailing in the moral or political community in which she finds herself. If that's true, then it seems the pluralist must deny this species of relativism: for proponents of modes of living that just happen to go against the grain of the society in which they live – but which otherwise have plenty to recommend them – are not to think that their preferred conception of the good life is *mistaken*, or *invalid*, just because it happens not to be favored by a sufficient majority of his or her peers. However, consider a more benign version of relativism: the view that simply maintains that evaluative canons, standards of excellence, and even some moral norms are to be (or can only be) determined with reference to some particular notion of the good life, or human flourishing, and that there are no universal, meta-framework standards that bind all persons everywhere, at all times. The value pluralist should have no quarrel with this variety of relativism, except perhaps insofar as the pluralist insists that there *are* some universal values that transcend, or apply to, all conceptions of the Good Life. To my mind, the main concern of the pluralists, in their

resistance to charges of relativism, is to ward off the charge of an anything-goes version of nihilism that says, in effect, "Without Value Monism, everything is permitted.")

1.1.2 Incompatibility

A further hallmark of pluralist thought is that these divergent modes of genuine human flourishing are not all co-possible. This is true at both what we might call the intra-personal and inter-personal levels. At the intra-personal level, the claim is that no single individual can live a life that embodies all (or even many) of the full set of human values. There are genuine trade-offs among different ways of life. Attempts to live putatively *comprehensive* lives that embody a wide (or even the full) range of human values will either require sacrifices of some benefits that would normally accrue from a more full-bodied pursuit of some particular value, or will fail altogether. Quiet family life offers many advantages, as does a life devoted to high-stakes international espionage. But it is doubtful that James Bond could reap the full benefits of domestic tranquility concurrently with the life of intrigue and danger he experiences on the job – something, somewhere, would have to give. And it may be altogether impossible to simultaneously reap the advantages of ascetic self-reflection – advantages which accrue to the life of the nun or monk, say – and social involvement and self-affirmation – the life of a political office holder, say. One might simply find it impossible to hit the campaign trail during the day and retreat to the monastery during evenings and weekends, while deriving the benefits of either.

This insight holds at the inter-personal level as well: certain forms of society may be co-impossible within the same community. For instance, folks who happen to be born members of the medieval European aristocracy might find that the embodiment of certain courtly virtues – *chivalry*, for example – makes their lives go much better for them. A life of

courtly virtue might represent a genuine mode of valuable human flourishing. But individuals born into modern liberal democracies will find their efforts to live out an existence steeped in such virtues constantly thwarted. Such an individual has available to him all the modes of human flourishing compatible with liberal democracy – but not the life of courtly virtue. For such a life, while perhaps genuinely embodying value, requires as a prerequisite certain inegalitarian modes of social organization incompatible with life in a modern liberal democratic polity.

1.1.3 Incommensurability

The value pluralist denies that heterogeneous human goods can be realized in the same individual life, and further denies that they are co-possible within the same community. But he goes even further, by denying that such divergent human ideals are co-possible even within a common *evaluative framework*. That is, according to the value pluralist, competing conceptions of the human good are not only incompatible, they are also *incommensurable*. To say that some values are incommensurable is to say that they do not even admit of direct comparison. To understand this claim, it is helpful to contrast it with two views according to which diverse values *are* commensurable. One is a position according to which seemingly-divergent values actually all reduce to a common value; another is a position according to which there is a common measure or currency in terms of which the magnitude of divergent values can be expressed and compared. For an example of the former position, consider views according to which everything of value ultimately derives its value from the fact that it is valued by God. So, on this account, on the face of things we might identify many things as having value. We might be tempted to say that some things – like faith, hope, love, and tithing – have value because they are activities that God commanded, while other things –

like coffee, baseball, and crossword puzzles – are valuable simply because human beings value them. But suppose we further stipulate that human beings have this *value-conferring status* – their ability to make things (like coffee and baseball) valuable, simply in the act of valuing them – in virtue of the fact that God values human beings, and chooses Himself to regard as valuable any thing or activity that His valued creatures deem as valuable. And suppose we also stipulate that God has commanded certain activities only because He finds them valuable. Then we are left with the view that, in the final analysis, all value reduces (as it were) to a single value: *being-valued-by-God*.

Consider now the second position: that wherein – even if we don't hold that all value ultimately reduces to a common value – we still hold there to be a common denominator in terms of which all these values can be measured. A classical expression of this view is utilitarianism. The utilitarian holds that all purportedly valuable activities can be evaluated in terms of their effects on human happiness or pleasure. Human pleasure is the currency in terms of which all values are to be compared. An activity or action is valuable because – and to the extent – that it causes pleasure. Thus, a utilitarian can agree with a value pluralist that human value is heterogeneous: she (the utilitarian) acknowledges that there are many equally-valid yet incompatible human activities and modes of living. However, the utilitarian differs from the value pluralist in her assertion that rival claims to the Good *can* be compared, by comparing their effects on human happiness. One form of life is more valuable than another (claims the utilitarian) if it results (on average) in a life more replete with hedons.

By denying there is any common value that all seemingly-divergent values reduce to, and that there is any common measure of genuinely heterogeneous values, value pluralists thereby assert the genuine incommensurability of the theological, ethical, and political disputes countenanced by the fact of diversity.

1.2 Liberalism

So much, then, for the general characterization of value pluralism; let us turn now to a similarly broad sketch of liberalism. This sketch is in one sense easier to give, as the liberal tradition within political philosophy is probably more familiar to many readers than is the relatively recent tradition of value pluralist thought. So formulations of liberalism, like the ones offered by Galston and Crowder, will resonate with many readers. Galston describes liberalism as being committed to "a robust though rebuttable presumption in favor of individuals and groups leading their lives as they see fit."[2] Crowder's formulation is similar: "Liberalism involves a commitment to the following four main values or principles: the equal moral worth of individuals (issuing in a principle of equal treatment), individual liberties and rights, limited government and private property."[3]

But in another sense, our sketch of liberalism is more difficult to provide, as the term "liberalism" is not best regarded as referring to any *one* particular view of politics; rather, there is a range of views, each of which might be aptly characterized as "liberal". These liberal views are sometimes in tension with one another. Furthermore, the different variants of liberalism are not always carefully distinguished by the major thinkers whose political writings jointly constitute the corpus of liberal thought, so that many of the canonical liberal writings actually give expression to distinct (and not always compatible) views. This fact about the liberal tradition gives some context for my remark above to the effect that the pluralist liberal stance is individuated both by its particular defense of liberalism – via appeal to the purported truth of value pluralism – and by the particular content of its liberalism. For inasmuch as *each and every* liberalism is heir to a tradition that embodies a number of

crucial ambiguities and tensions, it will represent some particular vision of liberalism or other – some distinctive interpretation of liberal values or other.

So I will sketch liberalism in two stages: first, we can get some traction by clarifying what liberalism is *not*. Thus, I will delineate the broad outlines of liberal thought by contrasting it with some rival, non-liberal views. Second, I will describe one respect (among many) in which liberal views have tended to diverge: that is, whether they regard liberty as bearing *intrinsic* or *instrumental* value. Why do I choose this one particular cleavage within liberal thought? Because, as some have suggested (and I agree), one helpful way to understand the distinctive character of pluralist liberalism is to understand the innovative way in which it resolves this tension. So for purposes of illuminating the pluralist liberal's position, we will discuss it. This will involve a broad, sweeping, highly-stylized and (admittedly) over-simplified version of the history of liberal thought. But before proceeding, let us clear some ground by situating the general project of liberalism over and against a few modes of thought that are decidedly *not* liberal.

1.2.1 General Parameters

Liberal political regimes privilege individual rights of self-determination, over and against the Sovereign, or the collective. Again, it is helpful here to consider the contrast to utilitarianism. An (admittedly unsophisticated) version of utilitarianism entails that the interests of individuals are subordinate to the interests of the aggregate. Famously, utilitarianism is vulnerable to the charge that it yields highly counterintuitive results in this regard. The utilitarian must countenance the sacrifice of one healthy hospital patient for the sake of the five patients, each of whom is in need of an organ for a life-saving transplant, for instance; the utilitarian seems to require the sacrifice of one innocent individual who can be

framed as part of an effort to ward off the nefarious activities of an angry mob, when this mob is otherwise sure to exact a form of vigilante justice that will take the lives of *multiple* innocent victims; and so forth. (And clearly, liberalism stands opposed to tyrannical regimes that regard individuals as sacrifice-able – not even to the interests of the majority, as in utilitarianism – but to the interests and whims of the ruling elite.) On another flank, liberalism stands opposed to a *communitarian* ethos that regards the imperatives of communal self-determination, and the rights of the community, as capable of overriding individual freedom. Similarly, liberalism resists the conservative's urging that individual liberty be restricted for the sake of preserving norms imposed by tradition and custom.

1.2.2 An Important Ambiguity in Liberal Thought

Within the broad parameters just set forth, however, there is a considerable diversity of views all falling under the collective banner of liberalism. There are a variety of dimensions along which one may seek to characterize this diversity. Most familiar, perhaps, is the cleavage between so-called "old" and "new" versions of liberalism – between *classical* liberalism, with its preeminent focus on the value of (negative) liberty, on the one hand, and *welfare state* or *egalitarian* or *social* liberalism on the other, with its comparative emphasis on the value of equality. For our purposes, though, we shall focus on another cleavage within liberal thought: that which separates the tendency to regard liberty as being of instrumental value or importance, and the tendency to regard it as being of intrinsic value. The issue was not entertained explicitly by most authors in the liberal tradition, but we can identify some thinkers as exemplifying each tendency. With his focus on *autonomy* as a crucial ingredient of any worthwhile human life, Kant gives expression to the view that sees liberty as bearing intrinsic value. (A contemporary expression of this view can be found in the writings of

Joseph Raz.) And – at least in certain moods – Mill seems to give expression to the view that liberty has, at most, (temporary) instrumental value. This instrumental value derives from the fact that, in Mill's view, the most effective means of ensuring that, in matters of ultimate concern, the Truth prevails, is to let a thousand flowers bloom. This way, the truth is bound to emerge naturally, as the result of the free proliferation of a multitude of experiments in living. This point was perhaps expressed most poetically by John Milton, in his defense of free speech in his 1644 tract *Areopagitica*: "And though all the winds of doctrine were let loose to play on the earth, so Truth be in the field, we do injuriously by licensing; and by prohibiting, misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse in a free and open encounter?"[4] (It must be acknowledged that in other moods, Mill seems to agree more with Kant that autonomy is a precondition of any life's having value for any person. In fact, Mill's *On Liberty* can be cited as a paradigm case of the uneasy admixture of these two positions.)

What these two tendencies have in common is an (often tacit) commitment to what we would now call *value monism*: the idea that, whatever the truth about the "best life for man," it is universally valid and applicable; that, once it has been correctly identified, all will aspire to live up to its ideals. Kant believes he has identified the essential nature of human flourishing: it is autonomous choice. Mill and his ilk, while not necessarily sharing Kant's confidence that the content of the Good Life has already been discovered, do share with Kant an enthusiasm for a system of liberty. They prize liberty because they see it as hastening the day when we will reach a free, un-coerced consensus as to the content of the true account of human flourishing. Once that day comes, though, liberal institutions may lose their attractiveness or necessity, as liberal principles may come to be supplanted by others. Which others? Ones provided by the account of human flourishing, which is now

the object of rational consensus. As John Gray puts it, on this view "[a] liberal society has no value in itself. It is no more than a stage on the way to a rational consensus. In that case, as humankind progresses, liberal values are bound to become obsolete."[5] But all parties seem to presume that, once discovered (if it hasn't been discovered already), the Good will be monistic: that there will be only one way to flourish, universally applicable to all humans, at all times and at all places. Isaiah Berlin's innovation, according to Gray, is to argue that there are *multiple* modes of human flourishing – and that this fact holds the key to understanding the true meaning of liberalism: that it allows for the expression and flourishing of many different modes of living. Liberty is valuable, *neither* because of its close association to the allegedly supreme value of autonomy (as Kant thought), *nor* because it represents an effective means of hastening our journey towards a universal civilization founded upon a rational consensus as to the best way to live (as Mill thought), but rather because it allows for the accommodation of diverse and incompatible – yet equally valid – modes of human flourishing.

1.2.3 Accommodationism

We are at last in position to give terse expression to the particular flavor of liberalism to which pluralist liberals are led: it is a species of what I have termed "accommodationism." The particular brand of liberalism favored by value pluralists is one that affords maximal scope for citizens to live according to their cherished conceptions of life's meaning and value. Galston calls this "expressive liberty": the "robust though rebuttable presumption in favor of individuals and groups leading their lives as they see fit, within a broad range of legitimate variation, in accordance with their own understanding of what gives life meaning and value."[6] My adoption of the term "accommodationism" also comes from Galston, who

says that a "liberal polity guided by a commitment to moral … pluralism will be parsimonious in specifying binding public principles and cautious about employing such principles to intervene in the internal affairs of civil associations. It will, rather, pursue a policy of *maximum feasible accommodation*."[7]

The relevant contrasts to accommodationism should by now be clear: it is opposed, on the one hand, to perfectionist conceptions of liberalism, which see liberal regimes as justified insofar as they promote core liberal values which constitute, on this view, essential ingredients in any worthwhile human life – autonomy, for example. On the other hand, accommodationism is opposed to liberalisms which take liberty to be of merely temporary instrumental value. Accommodationism is opposed, then, to any view that regards the fact of diversity as something to be ameliorated, or temporarily tolerated. Instead, accommodationist views, like pluralist liberalism, countenance the fact of diversity as the natural outcome of the free and unfettered exercise of human reason. The central task of the liberal polity, then, is to create and sustain the conditions and institutions that provide a broad public space within which individuals can lead their lives as they see fit. Thus, the pluralist liberal offers a distinctive justification for liberalism – by appealing to the purported truth of value pluralism – and is led by this justification to articulate a particular conception *of* liberalism – an accommodationist version.

2. Four Challenges to Pluralist Liberalism

As stated previously, the four criticisms I wish to make of pluralist liberalism can be divided into two categories. The first two concern the pluralist liberal's justification of liberal political philosophy in terms of value pluralism; the latter two concern the particular flavor of liberal theory to which the pluralist liberal is led.

2.1 Problems of Justification

2.1.1 Conceptual Difficulties in Defending Liberalism on the Basis of Value Pluralism

This we might nickname the "John Gray worry," after its most noted proponent. In essence, the worry is this: how can one privilege preeminent liberal values – individual rights and liberties, autonomy, and (particularly) expressive liberty – as foundational elements of one's political morality, consistently with one's commitment to value pluralism? A true commitment to pluralism, it seems, requires recognizing as legitimate at least some political orders organized according to fundamentally illiberal values. But, pursuant to the central tenets of value pluralism, these values may be every bit as valid as the preeminent liberal values. If human values are truly diverse and heterogeneous, then surely also diverse and heterogeneous forms of governance can embody equally valid and incommensurable modes of human flourishing. It seems the value pluralist can at most allow that liberalism is one member of a set of equally-valid political moralities.

2.1.2 Practical Difficulties in Defending Liberalism on the Basis of Value Pluralism

We may distinguish two versions of this criticism: the narrow version, or the *philosopher's qualm*, and the broad version, or the *layman's qualm*. Let us consider each in turn.

On the narrow version, we note that value pluralism may itself suffer from some internal theoretical difficulties. It may be incoherent, for example. Plenty of detractors have found plenty of reasons to criticize it.[8] Value pluralism is unlikely, at any rate, to command the widespread assent of philosophers and reflective laypersons as the founding principle of a political morality.

For the broad version, we abandon our focus on the philosophers and other reflective laypersons who may harbor theoretical reservations concerning value pluralism,

and consider the citizenry more generally. Many citizens are unlikely to accept the truth of value pluralism – at any rate, many of the considerable number of citizens whose belief systems are incompatible with the truth of value pluralism. For many conceptions of life's meaning and value are monistic: their orientations are such as to be inimical to value pluralism's central claim that genuine human goods are heterogeneous, and thus that there is no single, rationally-defensible *summum bonum* – no one best way for human beings to live. Thus, pluralist liberalism has only limited appeal as a public philosophy: limited capacity to command the allegiance and loyalty and hearts and minds of large swaths of the population.

But this latter objection requires fuller discussion, as this charge has not gone un-noticed by pluralist liberals. Galston's reply, for one, is that a critical elision is occurring here, in the form of a failure to distinguish *politics* and *political theorizing*. In chapter four of *Liberal Pluralism*, Galston distinguishes political philosophers' "civil" role from their "political" role.[9] He marshals this distinction in support of the claim that a political regime's *philosophical* justification need not be mirrored by its *public* justification, or by the principles admissible in the "public reason" (to appropriate a Rawlsian phrase) of that regime. To illustrate this possibility as applied to our context, we might imagine that political philosophers eventually all come to be convinced as to the superiority of liberalism, and they do so on grounds of their having been convinced of the truth of value pluralism, and of the cogency of the argument linking the two. Even so, Galston suggests, these political philosophers might recognize the limited appeal of value pluralism as a public philosophy – that is, they may recognize the cogency of what I'm here presenting as the broad version of our second problem of justification. But, since the "political" role of political philosophy need not be constrained by the same considerations that are operative in its "civil" (or civic) functioning, political philosophers committed to pluralist liberalism need not require

liberalism to be promulgated in terms that explicitly link its validity to the truth of value pluralism. Nor must political philosophers *themselves* publicly advocate for the necessary link between value pluralism and liberalism.

But how far can Galston's distinction between the civic and political roles of political philosophy actually be maintained? I am not sure that it is tenable. This worry is perhaps best expressed by shifting the burden back to the liberal pluralist. The real challenge for liberal pluralists who avail themselves of this argumentative strategy, I think, is to show how the distinction between a regime's true, philosophical justification and its publicly promulgated justification can be maintained without resorting to something like Plato's "Noble Lie." For that *is* the vision Galston offers us here, is it not? We – the (allegedly) enlightened philosophers – come to recognize both the truth of value pluralism, and the fact that value pluralism (properly understood) entails liberalism. But we also recognize that many among the *hoi poloi* are irreversibly committed to value-schemes incompatible with pluralism – monistic value schemes, that is. Thus, these members of the public cannot be persuaded to support a political regime whose true justification ultimately requires assenting to the truth of a doctrine which is, by their lights, heretical. Requiring these citizens to assent to liberalism on the basis of the truth of value pluralism actually requires them to deny crucial features of their most fundamental views – or, at least, requires them to re-conceive their cherished notions of life's meaning and value, in ways they might reasonably reject. So we, the enlightened philosophers, endorse public justifications of liberalism that surreptitiously avoid a controversial reliance on value pluralism. In our public roles, as actors in the political sphere, we enlightened political philosophers are required to formulate inauthentic arguments, offered up in bad faith, in support of a noble lie to sustain liberalism.

2.2 Problems of Formulation

2.2.1 Pluralist Liberalism is a *Comprehensive*, or *Perfectionist*, Account

There are two ways we might choose to express this worry: in terms of the distinction between comprehensive versus freestanding views, or in terms of the distinction between perfectionist and neutralist accounts. Take the former mode of expression first: the distinction between "freestanding" and "comprehensive" liberalisms comes from John Rawls's *Political Liberalism*. Comprehensive doctrines are those that apply to "a wide range of subjects, and in the limit to all subjects universally," including "conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole."[10] Whereas a freestanding conception "can be presented without saying, or knowing, or hazarding a conjecture about, what such doctrines it may belong to, or be supported by."[11] Now take the latter mode of expression: *perfectionist* understandings of liberalism are those that identify some particular value or cluster of values, or some conception of the Good (or cluster of conceptions) as authoritative for public purposes. *Neutralist* regimes, by contrast, aspire to some sense of neutrality with regard to competing understandings of value, or the human Good. In this sense, perfectionist polities are somewhat more disposed to recommend paternalistic policies than are neutralist ones – more likely, that is, to prescribe some activity, or to prohibit some other activity, because doing so is good for its citizens, or promotes the values that it regards as publicly authoritative, and so forth.

Galston explicitly characterizes his view as comprehensive rather than freestanding, and eschews neutrality as an appropriate liberal ideal. Likewise, Crowder describes his view as perfectionist. But why should this be a concern? Why prefer a freestanding or neutralist

liberalism to a comprehensive or perfectionist one? Well, for at least this reason: the latter runs the danger of interfering with the internal affairs and ordering principles of voluntary associations not organized along liberal lines. Mark Henrie expresses this worry in an article titled "Understanding Traditionalist Conservatism." In the following passage, he distinguishes traditionalist conservativism from what he calls "compleat liberalism": this latter view holds that

> some form of the principle of consent and the natural rights of individuals *is* justice, simply. What is more, justice so understood has primacy over all other dimensions of the human good. Any deviation from this principle is ipso facto illegitimate. Where hitherto held in abeyance, it must be pressed forward to completion. Anything – any human institution or rule of life – that we have hitherto valued that cannot stand under the conditions of liberal justice has no "right" to exist; the failure of any human institution when exposed to liberal principles is prima facie evidence of the prior existence of injustice in that institution.[12]

A comprehensive, or perfectionist, understanding of liberalism is more apt to endorse coercive interventions into the internal lives of voluntary organizations. A liberal polity understood in more freestanding or neutralist terms, on the other hand, refrains from endorsing any thick conception of the good as authoritative for public purposes, and thus is less likely to feel itself justified in interfering with the fundamental ordering of voluntary associations, when these ordering principles are illiberal.

Note that this is not in itself a criticism – plenty of other political theorists happily characterize their own views as being comprehensive or perfectionist. Furthermore, plenty

of theorists are happy to endorse state intervention in circumstances when private organizations run afoul of liberal norms that are operative in *public* life. So why should pluralist liberals like Galston and Crowder be any different? The answer is that their doing so seems to stand in tension with their commitment to accommodationism. A liberal polity whose fundamental organizing principle is a commitment to effecting (in Galston's phrase) "maximum feasible accommodation" of divergent conceptions of the Good Life should hesitate to license too many perfectionist intrusions into the lives of its citizens – even when these intrusions are (purportedly) justified in the name of promoting liberalism.

2.2.2 The Indeterminacy of Pluralist Liberal Public Policy

Proponents of pluralist liberalism like Galston and Crowder make many passing references – and others not so passing – to concrete policy measures they believe are justified in a regime organized along pluralist liberal lines. Conspicuous by its absence in their writings, however, is anything resembling a demarcation criterion distinguishing between, e.g., legitimate and illegitimate uses of state coercion to suppress citizens' efforts to live lives which conform to their cherished notions of life's meaning and value; legitimate and illegitimate models of human flourishing or experiments in living; legitimate and illegitimate public purposes; and so forth. These authors seem to assume that the content of the value pluralist view will itself settle all such matters.

There are two possible ways in which they seem to believe this might happen. One is through what we might call value pluralism's "positive dimension." Pluralists like Crowder and Galston often allude to a set of universal or basic values that *every* legitimate conception of human flourishing must recognize and embody. Galston says they are "basic" in the sense that they "form a part of *any* choiceworthy conception of a human life."[13] We might

think of this as something like Rawls's "overlapping consensus": despite their varying valuational structures, *all* legitimate modes of human life overlap on a set of fundamental values. (However, these authors typically stop short of enumerating these values.) If we *did* have a definitive list of these universal or basic values, or even if we had a few we were confident would be included on this list, we could use these values to guide public policy. Perhaps we would favor policies that promote or prescribe pursuit of these values; additionally, we might proscribe activities or forms of life that are inimical to these values.

The second way in which pluralist liberals seem to think that the content of value pluralism will itself offer sufficiently determinate guidance to public policy is through what we might term value pluralism's "negative dimension." Galston and Crowder often speak of pluralist liberal states as accommodating "legitimate" variation in ways of life, "legitimate" diversity in conceptions of the good, and of allowing a range of activity compatible with the broad limits of acceptable variation countenanced by value pluralism. At the same time, though, these authors speak of some ways of life as being simply beyond the pale. Again, conspicuous by its absence is any enumeration of such ways of life. But still: assuming we *were* to produce such an enumeration, we might find that this list also provides a serviceably determinate guide to public policy in a pluralist liberal state. For we might then legislatively proscribe the forms of life that are beyond the pale, or proscribe certain activities that can only be understood as instantiating "illegitimate" values, and so on.

However, in the absence of such explicitly articulated demarcation criteria, we seem to be left with the worry that pluralist liberalism will be problematically indeterminate. To illustrate this point, we can draw upon two contemporary examples: same-sex marriage and public school curricular controversies. First, let us look at same-sex marriage: assume for the moment that both the proponents and the opponents of same-sex marriage are reasonable

and well-intentioned. Suppose further that each side is articulating a perspective that is firmly grounded in a legitimate set of values, or a genuinely valid conception of life's meaning and value. Each perspective is to be firmly endorsed as reasonable and legitimate, from the perspective of value pluralism. (I do not believe we are required to be overly charitable with respect to either set of disputants, in order to make these assumptions.) How should a pluralist liberal regime respond to this stand-off? It seems that either way – whether it restricts civil marriage to heterosexual couples, or extends the institution so as to include same-sex couples – such a state will run afoul of the cherished values of *some* of its citizens. In cases like this, it seems that the liberal pluralist state is condemned to take a position opposed to one (reasonably) held by a large swath of its citizenry – to embody values contrary to those (legitimately) affirmed by many. Furthermore, pluralist liberalism seems to offer no practical guidance as to the resolution of this controversy.

A second example pertains to education policy, as it relates to the issues raised by the recent controversy surrounding the teaching of so-called Intelligent Design (ID) theory in schools. This controversy does not necessarily revolve around a conflict between opposed values – though similar curricular disputes *could*. (For instance, we can easily imagine similarly-structured curricular controversies where the object of dispute is which one of several value schemes – each with a seemingly legitimate claim to validity, but each in many ways opposed to the others – is to guide a school system's curriculum in values education.) But the conflict surrounding ID *does* illustrate another kind of clash in values: the tension between parents' legitimate interest in fashioning the content of their children's education, and the state's legitimate interest in the same. Here again, assume for the present that each party to the dispute is articulating a standpoint which, judged from the perspective of value pluralism, is reasonable and legitimate.[14] Here again, the pluralist liberal state faces a

deliberative stand-off. What is it to do? It seems that offending some significant portion of its citizenry is unavoidable. Pluralist liberalism is problematically indeterminate and unhelpful with respect to this controversy. All the pluralist can say is that here, as in many circumstances, difficult and painful choices are required – choices wherein there is no way to avoid genuine loss.

Indeed, it seems we have hit upon a *general* feature here: it would seem there is a theoretical roadblock to the very notion of public education in any liberal polity – pluralist liberal or otherwise. Again, Mark C. Henrie has articulated this challenge forcefully:

> [L]iberalism's boast is that it chastely denies to itself any thick theory of the good. Thus, it uniquely does not need to indoctrinate its citizens with controversial orthodoxies. But when the liberal state appropriated to itself the business of education with the advent of the "common school," it seized the responsibility of soulcraft – without really admitting to that fact. Education is, in its nature, value-laden. Liberalism's principled refusal to speak in teleological terms of a summum bonum, therefore, renders it a much-abashed patron of the schools. For, as every parent knows, children ask *Why?* And continue to ask *Why?* until they come to the end of the matter. A consistently liberal schooling must always stop short of that end, satisfying no one. For most of American history, the common school surreptitiously reflected shared local values while the central organs of government looked the other way, a reasonable strategy for muddling through a theoretical inconsistency. Lately, however, courts have insisted on enforcing liberal norms on the schools … [15]

My fourth criticism trades heavily on the worry that – though it predicts that fundamental value conflicts are the inevitable result of the free unfettered exercise of human reason – pluralist liberalism offers little in the way of guidance as to how to effect political resolutions of these conflicts when they arise. Yet is there any other conception of liberalism that *is* equipped to handle this difficulty? My answer is that yes, there is: the limited state recommended by classical liberals – limited to the fundamental tasks of protecting citizens against violence, theft, and fraud, enforcing contracts, providing a limited range of public goods, and so forth – would serve the pluralist liberal better here. In the paper's third section, we turn our attention to examining the resources that *classical liberalism* has to offer on behalf of the pluralist liberal's accommodationist project.

3. Should Pluralist Liberals be Classical Liberals?

The tradition of classical liberalism, with its focus on limited government, provides the resources for the most satisfactory expression of the politics of accommodation, to which pluralist liberals find themselves led. At any rate, classical liberalism provides for a more satisfactory articulation of accommodationism than that offered by either Galston or Crowder. In support of this claim, I shall now show that classical liberalism is immune to the third and fourth criticisms leveled against pluralist liberalism, and how instead it offers novel solutions to these challenges.

3.1 Classical Liberalism: a Freestanding, Neutralist View

Recall that the third criticism of pluralist liberalism comprised a worry about the danger of governmental overreach vis-à-vis the internal workings of private associations organized along illiberal lines. This concern is less likely to arise in states organized along classically

liberal lines. The reason for this is simple: the less a state does, the fewer are its opportunities to impede impermissibly its citizens' expressive liberty. A state that does not undertake to promote values that it deems central to the pursuit of human excellence, or does not endeavor to stamp out practices that, though harmless to others, it deems wicked or depraved, is a state that is unlikely to interfere with practices embodying genuine values. From the value pluralist's perspective, this is a desirable result. Unless we know with utter confidence which are the universal values, and which ways of life are simply beyond the pale (and recall the pluralists' seeming reluctance to put forth any firm conjectures in these regards), it seems that the value pluralist will want to honor a strong presumption in favor of individuals leading their lives as they see fit, and banding together in voluntary organizations as they see fit. This presumption is threatened by states organized along perfectionist lines, and those that embody comprehensive conceptions of liberalism, but is honored and protected in the more limited state countenanced by classical liberals.

3.2 Classical Liberalism: Serviceably Determinate Policy Prescriptions

Recall that on the issue of same-sex marriage, there was seemingly no way out for the pluralist liberal: either policy option seems bound to offend the deeply-held and –cherished beliefs of significant segments of the populace. But, it might be objected, this challenge is not unique to pluralist liberalism: *any* liberal polity, organized along *any* lines, will face this dilemma. However, this objection is without merit. For consider the classical liberal's response here: she will maintain that the intractability of the dispute itself bears witness to the wisdom of a more minarchist conception of the state. For what is the proper stance for the state to take with regard to the proper scope of the institution of marriage? The proper stance is *no* stance at all, claims the classical liberal: the state need not – and, as current

controversies exhibit, *ought* not – be in the business of licensing marriages in the first place. On this view of things, the historical expansion in the scope of liberal states' activities and authorities merely represents an ever-expanding arena in which the state's coercive power can (and must) be thrown behind this or that disputed value. Again, from the value pluralist's perspective, this should be viewed as an unfortunate result. The more ubiquitous and expansive are the reach of government action and regulation, the more frequent are the occasions where the state must interfere – often *coercively* interfere – with some of its citizens' legitimate efforts to lead lives responsive to genuine values.

Let us turn our attention now to the issue of curricular controversies. Recall the particular charge that pluralist liberalism is incapable of offering principled resolution to controversies such as those surrounding the proper content of public school science curricula. Recall also Mark Henrie's more general allegation that, insofar as it involves the task of "soulcraft" (as he called it), the project of public education poses a challenge to *any* liberal regime, pluralist or otherwise. I will now argue that classical liberalism is better-suited than is pluralist liberalism to meet the challenge posed by curricular controversies such as the one surrounding ID, and that the mechanism by which it meets this challenge serves as an adequate response to the general challenge issued by Henrie.

Any accommodationist liberalism is going to seek, insofar as is practical and possible, to refrain from privileging any particular conception of the Good. However, *privileging one or another conception of the Good* is bound to be the inevitable result of assuming direct responsibility for public education. So is the solution here similar in form to the solution offered above, as a response to the seeming dilemma posed by the controversy surrounding same-sex marriage? Must a state organized according to the principles of accommodationism refrain from providing public education? Certainly not – a well-

educated populace is a public good (a good whose spontaneous provision in the marketplace is precluded by a market failure), and thus (according to many versions of classical liberalism) a legitimate arena for state action.[16] How to resolve the dilemma, then? How can the state perform the legitimate service of supplying this public good while simultaneously fully respecting its citizens' expressive liberty? The answer lies in the observation that there's more than one way to skin a cat; in this case, there's more than one way to make provision for a public good. In the arena of public education, perhaps (and in other similar areas besides), a liberalism of accommodation should seek *indirect* ways of providing public goods. For example, it may create the market conditions required for an adequate system of public education spontaneously to arise by granting vouchers to all families with school-aged children. Schools would then be free to teach Intelligent Design, or evolution, or both, as they chose, but a certain landmine would be avoided inasmuch as the state is not throwing its authority behind one or another controversial value. (This seems unavoidable in situations wherein local school boards – instruments of the state – must make the unattractive choice between offending the scientifically-minded, or offending the religiously-minded, with their choice of curricula). Granted, under such a voucher system the state would still retain a fair degree of influence on the range of curricula available, as it would reserve the right to scrutinize and pre-approve the institutions eligible to receive the state's education vouchers. But by allowing parents and children to redeem their vouchers at a school of their choosing, selected (perhaps) from a menu of options representing a diverse range of reasonable curricular offerings, the state avoids the dilemmas posed whenever such curricular controversies (like that surrounding ID) arise: the dilemma of choosing between (or among) its citizens' conflicting (yet equally reasonable) curricular preferences with regard to public schools.[17]

4. Conclusion

The view I have considered holds that value pluralism – distinguished by its commitment to the theses of *heterogeneity*, *incompatibility*, and *incommensurability* – supports a conception of liberal politics. Particularly, it supports a version of liberalism organized around the need to provide maximum feasible accommodation of persons' divergent conceptions of the good life. I've termed this flavor of liberalism "accommodationism." I then adduced four criticisms of this pluralist liberalism – two of which concern the justification of liberalism in terms of value pluralism, and two of which concern the particular, accommodationist expression of liberalism to which pluralists like Galston and Crowder are led. I've concluded, then, by suggesting that such pluralists would be better-served offering a vision of politics more in line with the limited state of classical liberal theory. For the resources of classical liberal thought provide for a more natural expression of a political morality dedicated to effecting wide accommodation of divergent conceptions of human flourishing – the very political morality Galston and Crowder have sought to defend. So, even if pluralist liberals are correct that value pluralism can and should be used to ground liberal theory – that is, even if their distinctive vision of the *justification* of liberalism holds up against my first two criticisms – their distinctive vision of the *content* of liberal theory ought to be revised, more in the direction of classical liberalism.

Notes

1. A close cousin of the nihilist position – worth articulating in a footnote, if not in the main text – is that of the 'skeptic'. In contrast to the nihilist, the skeptic allows that there *may* actually be some 'fact of the matter' with regard to the Good Life, but that human beings are unable to know it. (Or at least, have thus far failed to successfully identify the true account of human flourishing).

2. William Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (New York: Cambridge University Press, 2002), p. 3.

3. George Crowder, *Liberalism and Value Pluralism* (New York: Continuum, 2002), p. 22.

4. John Milton, *Areopagitica*, in Gordon Campbell (ed.), *John Milton: The Complete English Poems* (London: David Campbell Publishers), 573-618, p. 613.

5. John Gray, *The Two Faces of Liberalism* (New York: New Press, 2000), pp. 29-30.

6. Galston, op. cit., p. 3.

7. Ibid., p. 20.

8. For an instructive survey of much of this literature, see William Galston, *The Practice of Liberal Pluralism* (New York: Cambridge University Press, 2005), chp. 2.

9. Galston (2002), pp. 40ff. Galston (2005) appeals to a similar distinction, when he writes on p. 194 of there being "no guarantee that what is philosophically defensible will coincide with what is publicly and politically desirable."

10. John Rawls, *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 1996), p. 13.

11. Ibid., p. 12.

12. Mark Henrie, "Understanding Traditionalist Conservativism," in Peter Berkowitz (ed.), *Varieties of Conservativism in American* (Stanford: Hoover Institution Press, 2004), 3-30, p. 15.

13. Galston (2002), p. 6.

14. Readers who find themselves simply unable to entertain the notion that proponents of including ID in public school curricula are reasonable (I presume I will have some such readers) should focus their attention instead on the aspect of this conflict that pits the values of *parental choice* and *public regulation* with regard to the final determination of public school curricula.

15. Henrie, op. cit., p. 23.

16. Extremely minarchist versions of classical liberalism, often going under the name of "Night Watchman' conceptions of the state – of the style associated with Robert Nozick, e.g. – provide an exception.

17. Readers who accepted my counsel in footnote 14, and who focused on the *privileging public regulation vs. privileging parental choice* dimension of this example, will now have to focus on the manner in which the voucher system sketched here effects a better accommodation of these conflicting values, than does the current approach to settling such disputes – wherein school boards face no option but to privilege one of these values to the exclusion of the other.