Liberal Pluralism: A Reply to Talisse

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Liberal pluralism is a comprehensive account and justification of liberal democracy that rests on three premises: an account of the structure of morality (value pluralism); an account of the structure of political life (political pluralism); and an account of action oriented toward a conception of the good (expressive liberty). In a critique, Robert Talisse contends that no coherent path can lead from value pluralism to the justification of liberalism. The only coherent options are to: (a) affirm value pluralism while denying the general validity of liberalism; (b) offer a general justification of liberalism based on non-pluralist premises; or (c) acknowledge that the justification of liberalism can only be 'political' (in Rawls's sense) rather than comprehensive. In response, I defend the coherence of a justification of liberalism that incorporates value pluralism as a key premise.
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What Liberalism Pluralism Is

We often use the phrase 'liberal democracy', but we don't always think about it very carefully. The noun points to a particular *structure* of politics in which decisions are made, directly or indirectly, by the people as a whole; and more broadly, to an understanding of politics in which all legitimate power flows from the people. 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 as a barrier against all forms of total power, including the power of democratic majorities.

The question then arises as to how are we to understand the nature and extent of limits on government. The signers of the US Declaration of Independence appealed to the self-evidence of certain truths, among them the concept of individuals as bearers of rights that both orient and restrict governmental power. Today, individual rights represent an important (some would say dominant) part of our moral vocabulary. The question is whether they are sufficient to explain and justify the full range of constraints we wish to impose on the exercise

of public power — for example, the limits on government's right to intervene in the internal affairs of civil associations and faith-based institutions.

In a recent book, *Liberal Pluralism* (Galston, 2002), I argue that we must develop a more complex theory of the limits to government. In this endeavor, three concepts are of special importance. The first is *political pluralism*, an understanding of social life that comprises multiple sources of authority — individuals, parents, civil associations, faith-based institutions, and the state, among others — no one of which is dominant in all spheres, for all purposes, on all occasions.

Political pluralism is a politics of recognition rather than construction. It respects the diverse spheres of human association; it does not understand itself as creating or constituting those activities. For example, families are shaped by public law, but this does not mean that they are 'socially constructed.' There are complex relations between public law and faith communities, but it is preposterous to claim that the public sphere constructs those communities, any more than environmental laws create air and water. As so many types of human association possess an identity not derived from the state, pluralist politics does not presume that the inner structure and principles of every sphere must mirror those of basic political institutions. For example, in filling positions of religious authority, faith communities may use, without state interference, gender-based norms that would be forbidden in businesses and public accommodations.

The second key concept is *value pluralism*, made prominent by the late British philosopher Isaiah Berlin. This concept offers an account of the moral world we inhabit: while the distinction between good and bad is objective, there are multiple goods that differ qualitatively from one another and which cannot be ranked-ordered. If this is the case, there is no single way of life, based on a singular ordering of values, that is the highest and best for all individuals. This has important implications for politics. While states may legitimately act to prevent the great evils of human existence, they may not seek to force their citizens into one-size-fits-all patterns of desirable human lives. Any public policy that relies upon, promotes, or commands a single conception of human good or excellence is on its face illegitimate.

The third key concept in my account of limited government is *expressive liberty*. Simply put, this is a presumption in favor of individuals and groups leading their lives as they see fit, within the broad range of legitimate variation defined by value pluralism, in accordance with their own understandings of what gives life meaning and value. Expressive liberty may be understood as an extension of the free exercise of religion, generalized to cover comprehensive conceptions of human life that rest on non-religious as well as religious claims.

The concept of expressive liberty yields an understanding of politics as an instrumental rather than ultimate value. Politics is purposive; we measure the

value of political institutions and practices by the extent to which they help us attain the ends for which they were established. In a liberal pluralist regime, a key end is the creation of social space within which individuals and groups can freely pursue their distinctive visions of what gives meaning and worth to human existence. There is a presumption in favor of the free exercise of this kind of purposive activity, and a liberal pluralist state bears and must discharge a burden of proof whenever it seeks to restrict expressive liberty.

This standard for state action is demanding, but hardly impossible to meet. While expressive liberty is a very important good, it is not the only good, and it is not unlimited. In the first place, the social space within which differing visions of the good are pursued must be organized and sustained through the exercise of public power; to solve inevitable problems of coordination among divergent individuals and groups, the rules constituting this space will inevitably limit in some respects their ability to act as they see fit. Second, there are some core evils of the human condition that states have the right (indeed the duty) to prevent; to do this, they may rightly restrict the actions of individuals and groups. (According to the US Supreme Court, religious groups have a right to practise animal sacrifice. Does anyone believe that it would be legitimate for them to practise human sacrifice, or that the state would act wrongly if it intervened in the sacrificial practices of a neo-Aztec cult?) Third, the state cannot sustain a free social space if its very existence is jeopardized by internal or external threats, and within broad limits it may do what is necessary to defend itself against destruction, even if self-defense restricts valuable liberties of individuals and groups. A free society is not a suicide pact.

Liberal pluralists, then, endorse the minimum conditions of public order, such as the rule of law and a public authority with the capacity to enforce it. They also endorse what may be called a 'minimal universalism' — that is, the moral and practical necessity of organizing public life so as to ward off, to the greatest extent possible, the great evils of the human condition, such as tyranny, genocide, mass starvation, and deadly epidemics. (I call the human condition characterized by the absence of the great evils as one of 'basic decency.') This minimal universalism overlaps with contemporary movements for universal human rights and provision of basic needs.

Under modern conditions, a liberal pluralist regime is likely to be 'constitutional' in that it will distinguish between ordinary policy and legislation, on the one hand, and basic, more entrenched structures of governance, on the other. A constitution, we may say, represents an authoritative partial ordering of public values. It selects a subset of values within the much broader range of goodness demarcated by value pluralism, and it brings that subset into the foreground. These preferred values then become benchmarks for shaping and assessing legislation, public policy, and so on. All acceptable constitutions must create the preconditions for public order and basic decency. Among the constitutions that

satisfy these criteria, there is, within the pluralist understanding, no single ordering that is rationally preferable to all others — certainly not across differences of space, time, and culture, and arguably not even within a given situation.

So understood, liberal pluralist government is both limited and robust. In securing the cultural conditions of its survival and perpetuation, for example, it may legitimately engage in civic education, carefully restricted to the public essentials — the virtues and competences that citizens will need to fulfill diverse roles in a liberal pluralist economy, society, and polity. One thing above all is clear: because the likely result of liberal pluralist institutions and practices will be a highly diverse society, the virtue of tolerance will be a core attribute of liberal pluralist citizenship. This type of tolerance does not mean wishy-washiness or the propensity to doubt one's own position, the sort of thing Robert Frost had in mind when he defined a liberal as someone who cannot take his own side in an argument. It does not imply, or require, an easy relativism about the human good; indeed, it is compatible with engaged moral criticism of those with whom one differs. Toleration rightly understood means the principled refusal to use coercive state power to impose one's views on others, and therefore a commitment to moral competition through recruitment and persuasion alone.

Liberal pluralism is (in the terms John Rawls made familiar) a 'comprehensive' rather than 'political' theory. It makes sense, I believe, to connect with one believes to be the best account of public life with comparably persuasive accounts of morality, human psychology, and the natural world. As a practical matter, of course, it makes sense to seek overlapping consensus. Politics as we know it would come to a halt if cooperation required agreement, not only on conclusions, but on premises as well. But philosophical argument, even concerning politics, need not mirror the structure of public life. A political philosopher may assert that X is true, and foundational for a particular understanding of a good, decent, or just society, without demanding that all citizens affirm the truth of X. Indeed, the founders of a political regime may publicly proclaim what they take to be moral, metaphysical, or religious truths as the basis of that regime without insisting that all citizens assent to those truths. In the United States, naturalizing citizens affirm their loyalty to the Constitution, not the Declaration of Independence, and all citizens pledge allegiance to the republic for which the flag stands, not Locke or Hutcheson. So I disagree with Martha Nussbaum (2001) when she suggests that making public claims about foundational truths somehow signals disrespect for those who dissent. Disrespect requires something more — namely, the use of coercive state power to silence and repress dissenters. Respect requires, not parsimony in declaring truth, but rather restraint in the exercise of power. By limiting the scope of legitimate public power, liberal pluralism does all that is necessary to secure the theoretical and institutional bases of respect.

Talisse's Critique: You Can't Get There from Here

Robert Talisse (2004) has offered a searching critique of the possibility that a philosophical path can lead from value pluralism to a species of liberalism. He argues that there are three kinds of coherent relationships between value pluralism and liberal political theory. One can (a) affirm value pluralism and deny liberalism understood as a foundational, universalist thesis (roughly, John Gray's position); (b) affirm liberalism while grounding it on non-pluralist premises, as Ronald Dworkin, Brian Barry, and others do; or (c) reject the idea of comprehensive liberalism altogether and follow Rawls in constructing some form of 'political' liberal theory.

By contrast, Talisse contends, my proposal for a comprehensive liberalism built on value pluralism is hopelessly incoherent. As I understand it, he offers three main arguments for his contention. First, he criticizes my negative argument for this connection. To argue, as I do, that value pluralism and liberalism are linked because no illiberal regimes can justify its practices in a manner consistent with value pluralism is to engage in a suspect 'burden-shifting.' Otherwise put, it presupposes that liberal negative liberty is the 'default position.' Second, he denies that value pluralism in fact renders illiberal arrangements unreasonable: 'There is nothing inconsistent in the idea of a state imposing a single way of life upon its citizens without thereby making *any* claim about the worth of other ways of life.' Third, he criticizes my claim that the 'pervasive human desire to go our own way' means *ipso facto* that coercion stands in need of justification, on the grounds that the inference from the fact of desire to the badness of repressing it requires the premise of autonomy as an overriding value, a premise that no value pluralist can consistently endorse. Otherwise put, my presumption against coercion leaves me, against my intentions, in the camp of political liberals who appeal to basic ideas and principles implicit in liberal polities.

A Response

The usual strategy in controversies of this sort is for the author under attack to adopt an aggressively defensive stance designed to yield as little ground as possible. I propose to proceed differently, by treating Talisse's critique as a welcome opportunity to clarify the intention of my argument and to refine its execution. I shall first offer some general remarks concerning my conception of liberal pluralism and then address his criticisms *seriatim*.

To begin: it was not my intention to suggest that by itself, value pluralism entails any form of liberalism. From a purely formal standpoint, that claim would be bizarre. If value pluralism functions as one premise in the argument, then surely we must add another premise to have any hope of reaching the desired conclusion. My claim is rather that by itself, value pluralism functions as what lawyers would

call a principle of estoppal: no political or moral argument that denies the truth of value pluralism can stand. One of my suggestions is that this negative argument does a great deal of work in the real-world, because many popular arguments tacitly or explicitly endorse premises that contradict value pluralism.

This is not to say that value pluralism is inconsistent with monistic communities in which all members affirm the worth of the same way of life. In my view, state authority does not stand under an affirmative obligation to promote diversity, and there is no suggestion that a community whose members pursue a wide range of ways of life is *ipso facto* preferable to a community whose members pursue fewer, or only one. Rather, value pluralism circumscribes what a monistic state can say when some of its members do not affirm, and instead challenge, the purported unique values it embodies. Otherwise put: from a value pluralist standpoint there is a crucial difference between (on the one hand) the state's presiding over a value consensus and (on the other) the state's seeking to enforce one.

Nor do I wish to suggest that a value pluralist must affirm some form of liberal democracy as right for every community at each point in its history. I cannot generalize with (say) John Stuart Mill's confidence about the cultural preconditions of a viable liberalism, but assuming *arguendo* the existence of some such preconditions, I can hardly rule out the possibility that decidedly illiberal institutions and policies will be needed to foster them. It is likely the case that under some circumstances, the alternative to state-imposed restrictions on diversity may be conflict that undermines what I have called basic decency, even civil order and life itself.

If as a logical matter we must affirm something in addition to value pluralism to reach liberal conclusions, what might that something be? One candidate is my conception of expressive liberty. The argument for expressive liberty runs roughly as follows:

To identify with a conception of way of life, to endorse it is one's own, is to do something more than to affirm its goodness. It is also to have a desire to live one's life in accordance with that conception — that is, to express one's conception of the good life through one's words, deeds, and relationships. The desire to act expressively in this sense is one of the features that distinguishes practical from theoretical reason. This conception of expressive liberty is not straightforwardly a particular value. Rather, it reflects a structural fact about human agency and gains value from the goods that it allows agents to fulfill. An individual is said to enjoy expressive liberty when surrounding social and political arrangements do not excessively or unnecessarily constrain the practices that collectively express that individual's conception of a good life.

Note that this conception of expressive liberty has nothing to say about how individuals may come to affirm or endorse particular conceptions as their own. It is neutral between the education for openness and autonomy that many contemporary liberals affirm and the more explicitly directive styles of

formation that cultural conservatives tend to prefer. To affirm expressive liberty is only to say that if a conception of the good falls within the range of moral legitimacy, then acts and arrangements that interfere with or restrict it are *prima facie* bads of a pretty high order and stand in need of justification.

With these general preliminaries in view, I turn to Talisse's specific claims.

Concerning his first argument, that I illicitly accord negative liberty that status of the default position: I do not think my position that illiberal arrangements must discharge a burden of proof is idiosyncratic. Indeed, Talisse concedes as much, so the question turns quickly to the nature of justification. Western political theory virtually begins with the question of why certain individuals or groups are entitled to rule others. Theorists divide on what counts as an acceptable answer. If value pluralism is the philosophically preferred account of the structure of the moral universe, then many traditional answers are ruled out. It seems uncontroversial to say that if X is true of domain A and has some bearing on what can be affirmed within domain B, then we cannot affirm as true any element of B that is inconsistent with X.

My contention is that while illiberal associations with full exit rights are consistent with value pluralism, illiberal polities that impose a way of life on some subset of their citizens are not. Contra Talisse's suggestion, the point is not that I regard negative liberty as the 'default position,' but rather that value pluralism constrains the range of acceptable justifications for authority.

With regard to Talisse's second argument, that political authorities can enforce a single conception of the good without running afoul of value pluralism: imagine a dialogue between rulers and ruled. The rulers say, in effect, we will 'establish' (secular or religious) way of life T as binding on all citizens. Some of the ruled object and ask why. *Ex hypothesi*, the rulers cannot respond by saying that T is preferable to (U, V, W,…,n) for all citizens. Presumably, Talissian rulers will say instead that if T exceeds the value pluralist threshold for goodness, they need no further justification. However, the ruled can respond that the fact that they endorse (U, V, W,…,N) instead makes these ways of life preferable, not *simpliciter*, but for them. So it is not good enough to say that in the abstract, there is nothing to choose between T and its alternatives, because the fact that some members of the society endorse the alternatives means that there is something to choose between them. The rulers must then offer a reason sufficiently compelling to overcome the weight of endorsement.

It is not my view that no such reason ever exists. It may be the case that the costs to society, measured along another dimension, of not imposing a single way of life on all are so compelling as to override citizens' endorsement of competing alternatives. My point, once again, is that the authorities are obligated to make that case. Simply saying, 'We choose to establish A' is not good enough.

Nor, finally, does this commit me against my intentions to endorsing autonomy as a trumping value. My defence of expressive liberty rests on other

grounds entirely. To prefer, for oneself, a particular way of life is not (only) to embrace some conception of what is good or true; it is to have the desire to live in accordance with that conception. Assuming that one's conception crosses the threshold of pluralist acceptability, social arrangements that needlessly restrict my ability to translate my convictions into the structure of my life deprive me of a great human good. A life lived with the requisite symmetry between the inner and the outer is a life of integrity. To live otherwise is to 'live a lie,' a point appreciated by groups ranging from Marranos to closeted gays. This idea of integrity has little to do with liberal autonomy, which is at most one way in which the value of integrity may be made real.

Conclusion

While for practical reasons I have focused on our disagreements, Talisse and I agree on many points, the most important of which he makes at the end of his essay. There are, as he says, some 'very compelling reasons' to favor some form of value pluralism. Moreover, as he goes on to say, liberal democracy enjoys a 'strong intuitive appeal' (and I would add, experience-based appeal as well). And finally, those who experience the appeal of liberal democracy are bound to be dissatisfied with the thought that it is just the way we do things around here and enjoys no 'deeply philosophical justification.'

It is logically possible, of course, that even if value pluralism is the most compelling account of the moral universe we inhabit, it has no bearing on the status of liberal democracy. (The truth of '$2+2=4$' is compatible with the alleged superiority of virtually any actual or imaginable form of political organization.) However, I have given reasons for believing that value pluralism is not disconnected from or orthogonal to political philosophy in the manner of mathematical truths. At the very least (to repeat), it rules out many standard strategies of political justification.

Value pluralism is, so to speak, on the same plane as political argumentation. If so, we cannot help asking how it comports with political judgments we think we have good reasons to espouse. The drive toward a 'comprehensive' account of liberalism is neither arbitrary nor easily evaded.

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