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Between Logic and Psychology: The Links between Value Pluralism and Liberal Theory

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Although I welcome the opportunity to discuss Alex Zakaras's fine essay, I fear that my response will disappoint him (and perhaps others as well). I find his arguments cogent and plausible, if not altogether persuasive, but many of them are directed against claims that I do not think I made. Two examples will suffice.

In the first place, I never set out to write as an interpreter of Berlin. He inspired my views of liberal pluralism, but that does not mean that my position is the same as his. While I used some broadly Berlinian building-blocks—specifically, value pluralism, the moral minimum, negative liberty, and antitotalitarianism—to develop a theory I could endorse, I have no reason to believe that Berlin would be comfortable with it, and I don't much care whether he would or not. From time to time I may have ventured some speculations about what he "really meant," but the claims I make in my own name, whatever their merit, do not rest on interpretive fidelity. So Zakaras may be right that "Berlin never set out to offer a foundational justification of liberalism." That does not mean that when I tried to offer such a justification, I somehow turned Berlin into a "spokesman for a philosophical project that was not really his." As everyone knows, the late master of Wolfson College was eminently capable of speaking for himself. In that respect, I tried—however imperfectly—to emulate him.

For this reason—I now reach my second point—I regard the question of how Berlin himself understood the relationship between value pluralism and liberalism as distinct from the question of how that relationship is best understood. The latter was the puzzle I endeavored to solve. Here again, I do not quite recognize myself in the mirror Zakaras holds up.

To the best of my knowledge, I never argued that value pluralism "entails" liberalism. Indeed, I insisted from the beginning that my conception of liberal pluralism rests on three distinct bodies of theory—Berlinian value pluralism, the political pluralism that thinkers from Figgis to Kuyper helped developed, and what I called expressive liberty. Each adds crucial premises that the

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others neither stated nor implied. That is why I ended my discussion of this triad with reflections on "how [these] sources of liberal theory fit together." If expressive liberty and political pluralism were mere inferences from value pluralism, this discussion would have been otiose. But they aren't, and it wasn't.

Because I did not suggest that value pluralism entails liberalism, it would have been odd to claim that value pluralism by itself renders all nonliberal regimes illegitimate. As Zakaras recognizes, I did nothing of the sort. Indeed, I specified two sets of circumstances in which illiberal governance might be consistent with value pluralism. I made no effort to demonstrate that these two categories exhaust the field of possibilities, and I am open to the possibility that others may exist.

Zakaras agrees with me on another key point: value pluralism rules out policies and regimes whose justification relies on the assertion that there is a single uniquely valuable ordering of human goods and principles. Consider, for example, the Committee for the Promotion of Virtue and the Preservation of Vice, charged with enforcing sharia throughout Saudi Arabia. The activities of this religious police force presuppose—and are unthinkable without—a single canonical conception of the virtuous life, which is used to justify coercive practices such as beatings, detention, and public humiliation.

So far, so good. But, asks Zakaras, what about the illiberal regimes John Gray invokes, which are "particularist, not universalistic, in the values they claim to embody"? Illiberalism designed to preserve a local way of life, Gray says, makes "none of the universal claims that value-pluralism subverts." That's fair enough, as far as it goes. But it doesn't go far enough.

If by "local way of life" Gray means a mode of living that everyone within the community endorses, I have no quarrel with him. Indeed, that is one of the categories of illiberal regimes I explicitly characterized as compatible with value pluralism. But that condition—homogeneity—is rarely if ever realized outside of communities much smaller than nation states. Preserving a local way of life almost always means coercing some citizens to conform to others' preferred way of life.

Consider Israel, a country I have come to know well. Certain kinds of highly observant Jews known as haredim embrace a way of life that practices strict separation of men and women, whose lives proceed in qualitatively different spheres. It is one thing for the haredim to ask that outsiders not interfere with their practices, quite another to insist that outsiders conform to them. That line is often breached. In Jerusalem, for example, many haredim are now demanding that public buses whose routes cross their neighborhoods establish separate seating areas for men and women. Because these buses serve municipal residents with a wide variety of religious beliefs and practices, yielding to these demands would coerce people outside the haredi community to conform to practices they conscientiously reject.

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How might this be justified? One can imagine thoughtful haredi leaders arguing that this coercion is a regrettable necessity, because it is unacceptable for female members of their community to be required to sit next to—and often to touch—adult men to whom they are not married. Separate seating on public buses is defensive, not offensive. It is intended to preserve haredi norms, not to impose them on others, and it requires only the limited coercion required to achieve that inward-focused goal.

It does not require much imagination, however, to predict the response of those subject to these unwelcome strictures. "*Our* way of life," they will say, "includes practices that contradict yours. By what right do you claim that yours take priority?" It is at this juncture that value pluralism does real work, because it rules out most of the answers that homogeneous communities typically offer. The haredim might want to say that their way of life is simply better than the others—the one true path of fidelity to God's word. That works as a claim internal to their community. It can work as part of a proselytizing appeal for others to embrace their way of life. It cannot work as a basis for coercion, unless one argues that no other way of life instantiates any worthy human goods—that is, the conflict is not between good and good, but between good and bad or good and evil, and coercion is justified to suppress what is bad and evil. But if value pluralism means anything, it is that there is more than one way of life meriting respect as choiceworthy for (at least some) human beings.

It is examples such as these, by the way, that led me to incorporate an updated version of political pluralism into the architecture of my theory. Robust spheres of communal autonomy can mute many disputes about the structure of public spaces. The haredim should be free to establish their own systems of transportation incorporating their preferred seating practices. It would be permissible, and perhaps even prudent, for the state of Israel to assist them by remitting the portion of their taxes used to support the system of public transportation to which they object. The state need not and should not actively work to reconstruct internal communal practices—unless those practices contravene norms that all minimally decent societies must uphold. (Recent child abuse scandals in both the Catholic Church and haredi communities have driven this point home.) The state's other main responsibility is to ensure meaningful exit rights for community members who can no longer endorse its communal norms. States cannot allow cultural communities to become de facto prisons for disempowered dissenters.

This line of argument does not dispose fully of Zakaras's critique. He has another arrow, plucked from Lord Devlin's quiver. Even if way of life A is not demonstrably preferable to way of life B, there may still be a sociological argument in favor of enforcing A. As Zakaras summarizes Devlin, "absent a coherent set of ethical ideals, taught and encouraged by law and culture, people would tend to lapse into degradation." Even if ethical coherence can be achieved only by suppressing worthy ways of life incompatible with the dominant ethos, the price is worth paying, because the cost of ethical laissez-

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faire is far higher. We need not suppose that homosexual conduct is intrinsically inferior or immoral to justify its criminalization.

Let me grant, *arguendo*, that this argument is not logically incoherent. We may still wonder whether the arguments in its favor are compelling. Note, first, that coherence is one thing, decency another. There are sets of ethical practices that pass the first test but fail the second. In such cases, cultural encouragement and legal enforcement themselves promote human degradation. The ensemble of segregationist practices that prevailed in the American South for nearly a century after the Civil War did just that. Martin Luther King Jr. was not alone is arguing that segregation did at least as much damage to the character of whites as to African Americans. There are circumstances in which unraveling and reweaving a society's moral fabric is the right thing to do, despite the disruption and even violence the effort may entail.

To be fair, this is an easy case. So let us take a harder one—the decriminalizing of homosexual conduct at issue in the famous debate between Devlin and H. L. A. Hart. Applied to this case, Devlin's general argument yields a prediction: if homosexual conduct is made legal, public morality would be rendered incoherent, and people would be more likely to lead degraded lives. This is in part an empirical proposition, and I don't see the grounds for regarding it as valid. To be sure, if the state declares flatly that individual sexual conduct is none of its business, the path from liberty to license may not be very long. But that's not the whole story, or even the main story. In most instances, decriminalization occurs because the majority of the public can no longer discern a morally significant difference between homosexual and heterosexual conduct. Within certain bounds, both can be elements of worthwhile and fulfilling lives. To say this is not to replace ethical coherence with ethical anarchy. It is rather to replace one set of ethical ideals with a somewhat different set that many people see as more congruent with their ethical convictions. Even if ethical coherence is needed to patrol the perimeter of morality against the anarchy without, there should be no increase in degradation–because there has been no diminution of coherence. It may well be that "Burkean pessimists" can see no difference between ethical change and moral anarchy, but the rest of us need not participate in their myopia.

Let us return to the main thread. From the outset I have insisted that the relationship between value pluralism and liberalism is not one of logical entailment. Unprompted, I offered two categories of illiberal governance compatible with value pluralism. Arguing that the link between value pluralism and liberalism was even weaker than I had acknowledged, Zakaras put two other cases on the table, each of which claimed to justify illiberal practices without contradicting value-pluralist premises. If my counterarguments are correct, then neither case successfully expands the gap between value pluralism as a structural account of the moral world we inhabit and liberalism as the best form of government achievable in modernity under favorable material and social circumstances.

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Why should we care about any of this? Less grandly, why do I care? The answer is simple. 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 system 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 rendered groundless my preference for liberal democracy. Like George Crowder and unlike John Gray, I do not believe that value pluralism warrants anything like neutrality among different types of political regime.

But—to repeat—that is not to say that the relation between value pluralism as a theory of morality and liberalism as a theory of politics is anything like logical entailment. Still, there is a lot of daylight between strict entailment and the broadly "psychological" link between them toward which Zakaras inclines. My view is this: when we add to value pluralism accounts of individual motivation, human diversity, and political structures that we have good reason to prefer to alternative accounts, we are led to broadly liberal conclusions. Berlin may well have derived them from John Stuart Mill, as Zakaras suggests. I came to them via a different path. It really doesn't matter, so long as the evidence and argument supporting them may fairly be judged to be compelling.

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