

Francis Canavan, S.J. - *The Pluralist Game: Pluralism, Liberalism and the Moral Conscience*. Lanham, Maryland: Rowman & Littlefield, 1995.

When John Courtney Murray died in 1967, he left the bold intellectual project that had been his life's work unfinished. This is not surprising. What has come to be called "the John Courtney Murray project" was too complex and far-ranging to be brought to completion by a single scholar, even one of Murray's brilliance. On the one hand, Murray had sought to renew Catholic social thought both by identifying the transtemporal principles governing Catholic thought on church-state relations and distinguishing them from historically conditioned efforts to incarnate these principles in specific cultural environments, and by developing theories of religious liberty and democratic government rooted in the Catholic model of man and society. On the other hand, as far as America was concerned, he had attempted to show how, if both were properly understood, the American democratic experiment was compatible with the basic principles of Catholic social thought, and to forge a public philosophy capable of reinvigorating this experiment.

What is surprising, however, is the fact that for two decades following his untimely death in 1967, Murray's work ceased to command much serious attention. Sadly, in the very circles one would have expected to take the lead in bringing Murray's work to completion, it even became fashionable to deride his thought as naive and outdated. Nevertheless, even in these decades a number of scholars quietly continued work on various aspects of Murray's far-reaching project. Written between 1963 and 1993, the essays collected in *The Pluralist Game* leave no doubt that their author, Francis Canavan, must be numbered among the most important of these scholars. Indeed, on the showing of these essays a case could well be made that Canavan is the most important American Catholic political theorist of the past three decades.

Broadly, speaking, the essays collected here explore two interrelated problems familiar to anyone acquainted with Murray's work: the problem of contemporary America's quest for a public philosophy capable of renewing America's ongoing experiment in ordered liberty, and the problem of religious pluralism (i.e., the problem of how a body politic whose citizens hold divergent views on ultimate questions can secure civic unity while simultaneously safeguarding the religious integrity of the various faith communities coexisting within it). They explore these problems in light of what Canavan considers to be perhaps the two most important developments in American political culture over the past three decades. These developments, Canavan believes, have revolutionized American public life making the inherently difficult problems with which he is concerned even more complex than they were in Murray's day.

The first of these developments is the transformation of America's religious pluralism. Although America has always been religiously pluralistic, Canavan

observes, until recently “all of the religions that had adherents numerous enough to matter shared a common Judeo-Christian tradition” and “in most respects”—particularly regarding “matters of public concern”—“taught substantially” the “same Biblical morality.” Today, all this has changed. On the one hand, we have witnessed the “disintegration” of the mainline Protestantism that had been “the bedrock on which the republic was founded.” On the other hand, we have witnessed the emergence of a radically secularist *Weltanschauung* issuing from the Enlightenment as a major force in American life. Itself, a “new religion,” this worldview embodies a new post-Christian morality in which “individual self-fulfillment” is elevated to the status of “the highest good.”

This transformation has eroded the “religio-moral consensus” on which “our pluralistic society” has historically “traded.” Today, we no longer agree about “the nature of man,” about “what is good and bad for him,” and about “what his basic structure of social relations ought to be.” The result is the rise of what has come to be called the procedural republic—a democratic society united not by a substantive consensus about the moral principles and goals that inform its public life, but by a merely formal agreement about the procedures to be utilized in resolving conflicts—and the continuing culture war over which moral and spiritual ethos will be enshrined as the foundation of law and public policy that has turned our public life into—in Alastair MacIntyre’s apt phrase—civil war carried on by other means.

The second development is the emergence of a new variety of liberal individualism as the leading candidate for the role of contemporary America’s public philosophy. Committed to a radically voluntarist conception of social relations that sees such relations as “artificial,” “external,” “contractual,” and “accidental,” and exalting “individual freedom” as the “chief” human and political good, this liberalism champions “the sovereignty of the individual” and “his right to decide for himself what norms he will obey.” “All individual appetites and opinions,” it insists, “are morally equal and should be equal in the eyes of the law.” Thus, law and public policy must be structured so as to be “neutral” on the whole question of “the good life;” The “neuralgic” moral issues upon which today’s culture wars center must be removed from public life and relegated to the realm of “individual choice.”

Each of these developments, Canavan persuasively argues, “engenders certain risks for the future of [American] democracy” Our new religious pluralism poses dangers because “a viable pluralist society depends on more than formal rules of the game.” On the contrary, “it trades constantly” on “substantive” consensus. It does so because “different communities can live together as constituent parts of a larger national community only to the extent that they are held together by more than merely legal and material bonds,” but by “substantive moral, cultural and political convictions which people share and which underlie and contain their disagreements.”

On the one hand, the loss of such a consensus complicates political decision-making. “Decisions on public policy,” Canavan writes, “concern the use of means to achieve social goals.” Now, “in a society where a strong consensus exists, the decisions need not concern anything other than the choice of means to agreed-upon goals.” When “consensus” about the moral principles and goals that ought to inform public life “breaks down” and “the choice of means...[also] of ends becomes a subject of controversy,” the task of making laws and public policy becomes dramatically more difficult.

On the other hand, insofar as without a shared moral consensus laws do not “represent the conscience of the community” but simply “impose the moral judgment of one part of it on the other,” absent such a consensus politics will degenerate into a mere “struggle among pressure groups regulated by no common standards of justice.” Under such conditions, people will tend to regard politics as “a game in which winning is the only thing, nice guys finish last, and the good of the community is merely a slogan to deceive the gullible into making sacrifices for the unscrupulous.” Over the long-term, this will tend to cause both the loss by the political system of its “moral legitimacy and authority” and the intensification of the demands placed on it as groups increasingly adopt a hardball approach to politics.

By diminishing the ability of our institutions to govern effectively and threatening us with the prospect of gridlock, Canavan concludes, our new pluralism threatens progressively to devitalize our democratic institutions.

The ascendancy of today’s liberal cult of the sovereign self itself involves a whole series of dangers. To begin with, Canavan contends that this new liberalism threatens the integrity of our public argument. No “neat lines” Canavan observes, “can be drawn between...law and morality” because the making of law necessarily involves the making of moral judgments, judgments about “what is good and bad for human beings,” and “therefore on what is permissible or obligatory to do to them or for them.” Inasmuch as religion and morality are inextricably intertwined, “the pluralist game”—the task of making these public moral decisions in a religiously pluralistic environment—is “likely to be rather messy” and “somewhat confused” and the decisions themselves will “certainly [be] less than universally satisfactory ones.”

What threatens the integrity of this process is liberalism’s pretensions of “neutrality,” its claim to fashion a public order “neutral” toward the profound moral questions that divide Americans today and which relegates these issues to what Canavan following Robert Dahl terms “the domain of Autonomous Decision.” The difficulty is that liberalism’s claim to neutrality is fundamentally dishonest. “Leaving a matter to individual choice,” writes Canavan, “is as much a public decision as deciding to regulate it and implies some scheme of values quite as much as a decision to regulate does.” Thus, while “decisions to leave

matters to individual consciences may be and often are wise and right,...neutral they are not.”

Indeed, liberalism’s rhetoric about neutrality masks a particular—and highly controversial—vision of man, society and the human and political good, as well as a demand that this vision be enshrined as the basis of law and public policy. Although liberalism regards “the ideal situation as one in which the individual freely...set norms for himself,” what at first appears to be

normlessness...turns out to be itself a norm. It is a steady choice of individual freedom over any other human or social good that conflicts with it, an unrelenting subordination of all allegedly objective goods to the subjective good of individual preference. Such a policy does not merely set individuals free to shape their own lives. It necessarily sets norms for a whole society, creates an environment in which everyone has to live, and exerts a powerful influence on social institutions.

Thus, the triumph of liberalism would not mean “the advent of a truly neutral state but the replacement of one view of man, with the ethic and legal norms based on it, by another view,” the replacement of a public morality deriving from the Judeo-Christian tradition with one deriving from liberalism’s own “sectarian” conception of the human good. The result would not be authentic pluralism, but a thoroughly “monistic” social order framed by the liberal view of man and the human good. Liberal neutrality thus surreptitiously confers on liberalism’s “philosophy” of man and society “the status and privileges of an established doctrine.”

Seen in this light, it becomes apparent that liberalism’s appeal to neutrality threatens to transform our public argument into “a flim-flam and a confidence game” in which one side disarms its opponents by hiding its partisan agenda behind a smokescreen of neutrality. Liberalism’s “specious neutrality” acts to preclude honest and open debate on the fundamental issue which confronts the American polity today: namely, which vision of man and the human good—the vision of Judeo-Christian tradition or that of the Enlightenment—will inform our public life.

Secondly, today’s liberalism threatens the integrity of the democratic process itself. It does this by effecting a massive shift in power from the legislature to the courts by empowering the latter to strike down laws inconsistent with governmental neutrality or with “the autonomy of the individual,” inconsistent, this is to say, with liberal political morality.

Finally, this new liberalism acts to dissolve the complex of convictions, virtues, and social arrangements on which a free society depends for its vitality. The “agnosticism in religion, skepticism in philosophy and relativism in morals”

espoused by contemporary liberalism acts both to dissolve “the communal beliefs without which there is no community” and to preclude the moral and intellectual affirmations which constitute the foundations of a free society. (A regime of “ordered liberty,” Canavan notes, ultimately presupposes “belief” in “an ordered universe.”)

Simultaneously, “the corrosive acid of [liberalism’s] individualism” erodes what we have come to call—somewhat misleadingly—“intermediate associations” and thus threatens to dissolve our society into a mere aggregation of “rootless individuals.” The difficulty is that “political society and the state depend on forces that they cannot create” and it is precisely these intermediate associations that generate the cultural capital on which a democratic society depends. Thus, by undermining these associations, liberalism dries up the virtues on which the political order depends for its “vitality.” The “mere individualism” into which liberalism threatens to transform our pluralism threatens our freedom, Canavan warns, because, as George Sabine noted several decades ago, “the absolutely sovereign and omniscient state is the logical correlate of a society which consists of atomic individuals.” If the prospect of such a development might seem farfetched to some, Canavan reminds us that such a state need not be a brutal dictatorship but might instead take the form of the “soft despotism” of the “the universal, homogeneous administrative state” feared by Tocqueville.

Where then do we go from here? To begin with, we must, Canavan argues, resist liberalism’s effort to “lure us into agreeing” to its “highly individualistic and secularist...agenda” under the guise of “neutrality.” We must recognize, this is to say, that societies—including pluralistic societies like ours—“do face moral issues to which they must give moral answers,” and therefore that “the larger and sounder part of society must have the right and the power to determine the moral limits of permissible action.” It is simply “begging the question to assume” that because we disagree on a subject (e.g., “the nature of marriage and the family”), it ought to be made a matter “of merely personal choice” and is “of little or no significance to society and its common good.” Thus, we must refuse to afford to “every group and even every individual the power to veto any public policy” they find inconsistent with their conception of man and the human good lest “the values of some be imposed on others.” “There is inescapably a public morality” and to afford individuals and groups such a veto is tantamount to establishing “the beliefs of the most secularized, materialistic, and hedonistic element of the population” as the basis of law and public policy. (To suggest that as a pluralist society we must settle for “the lowest common denominator in our public morality,” Canavan points out, ignores the fact that “the lowest denominator is not common.”)

Furthermore, we must stop allowing ourselves to be intimidated by skeptics and relativists, and must refuse to acquiesce in their “*a priori*” assumptions about

the unknowability of the human good and “the subjectivity and relativity of all values.” Similarly, Catholics and other religious believers must refuse “to be brow-beaten into silence” by the proponents of secularism. Although “public morality is a secular morality inasmuch as it aims only at secular goals,” it does not follow that it is “a secularist morality.” Believers are “free” to use “the vision of man and his good” they derive from their religion as the basis for the views they advocate on public policy.

More fundamentally, our thinking about pluralism must begin with the understanding that a society is “a community of communities, not just individuals” and thus that “pluralism does not require that the communities [composing a society] and their moral beliefs be sacrificed to the equality of all individual preferences.”

To renew our thinking about American pluralism in this manner will involve the forging of a new public philosophy embodying a richer vision of man and society than that presupposed by our current public argument. Our search for such a philosophy, Canavan insists, must proceed from the recognition of the inadequacy not just of today’s liberalism of the sovereign self but of the liberal tradition as a whole. To begin with, liberalism’s social ontology embodies the inadequate conceptualization of society “in terms of the sovereign state and the sovereign individual” alone, from which we need to escape today. Furthermore, contemporary liberalism with its radical individualism and insistence upon what Canavan, following George Will, terms “the moral equality of appetites,” is no aberration. It is true that early in its history the mainstream of modern liberalism “incorporated into its idea of personal freedom moral norms...inherited from the classical and Christian past.” Nevertheless, as “the implications of the liberal view of man...were worked out...gradually over a period of several centuries,” liberalism rejected these norms as incompatible with its commitment to the autonomy of the individual and unsustainable in the light of the “rationalism” and “nominalism” that inform its metaphysics.

The seeds of “the rot now apparent in liberal politics,” Canavan concludes, were “planted in liberal social and political theory at its beginning more than three centuries ago.” Far from being an aberration, today’s liberalism finally reveals what “liberal individualism really implies.” Thus, however much “we may applaud the historical achievements of liberalism” in fostering the rise of “limited, constitutional government,” liberalism is an irremediably flawed theory of politics, and over the long haul, “a menace rather than a support of constitutional democracy.”

The public philosophy we need will have to be grounded in a better theory of man and society than that championed by liberalism. Such a “sounder theory” would view “man as a social being from whose nature flow relations to his family, neighbors, fellow workers, the community and the political order,” relations that “are the foundation of both rights and obligations that are prior to and independent of consent.”

This new public philosophy would enable us simultaneously to consolidate and purify liberalism's legitimate historical accomplishments. While applauding liberalism's role in helping us to instill in our political consciousness the idea of an order of human rights which the state must respect, for example, it would reject the liberal understanding of the foundation and nature of these rights. More specifically, it would insist that the rights in question "are *human* rights, not everyone's right to frame his own conception of morality" and as such "must fit within some overarching community order," embodying a "richer, fuller and more truly human image of man" and of "what is good for human beings" than that which animates liberalism.

Such a public philosophy would lay the groundwork for very different types of public policy than we have today: public policies in which the rights of individuals do not always "trump the claims of a common morality"; public policies that make the "strengthening" of intermediate associations, "the family, in particular," a high priority; public policies that embody "a better understanding" of the establishment clause than that which has informed our jurisprudence over the past fifty years, an understanding untainted by liberalism's secularism and individualism; public policies that recognize that the right of "the constituent communities" composing our pluralistic society "to maintain and transmit their beliefs and values is at least as important as the freedom of the individual to live as he pleases."

Canavan is well aware that the public philosophy and the approach to public policy he is calling for "will go down hard, if they go down at all in the present climate of American public opinion." Yet as our social fabric continues to unravel and our political institutions become progressively more dysfunctional, it offers us "a standard to which the wise and honest may repair."

From any number of perspectives *The Pluralist Game* is a truly remarkable volume. The essays collected here cohere so well that one at times forgets that they were written for widely different audiences over the course of three decades. Then there is their astonishing prescience. In the mid-1960s Canavan was predicting with uncanny accuracy the nature and course of the cultural and political crisis that has transformed American life over the past thirty years. There is also Canavan's knack for getting to the heart of highly complex theoretical issues and addressing them clearly, concisely, and in a jargon-free language accessible to nonspecialists.

Finally, there is the incisive character of this volume's analysis. The fruit of decades of reflection on the problems that beset us today, *The Pluralist Game* provides us with a penetrating analysis of the political implications of our growing religious pluralism and a much-needed primer for Catholics and other Americans concerned with our ongoing moral free fall in the fashioning of law and public morality in a religiously pluralist society. Most importantly, it offers us an utterly devastating critique of contemporary liberalism and a nothing less than brilliant demonstration of the "specious" character of liberal "neutrality." When it comes

to exposing the disingenuous character of liberalism's claims of neutrality on the question of the human good, Canavan is without peer. Accordingly, *The Pluralist Game* is indispensable reading not just for Catholics, but for anyone interested in the moral and religious dimensions of American public life.

—Kenneth L. Grasso
*Southwest Texas State University,
San Marcos, Texas*

William A. Donohue - *The Politics of the American Civil Liberties Union* (1985), *The New Freedom* (1990), and *Twilight of Liberty* (1994). All from Transaction Publishers, and available from the Catholic League.

The American Civil Liberties Union (ACLU) is insane, systematically insane, insane on principle. Those words are mine, not those of William A. Donohue, the President of The Catholic League for Civil and Religious Rights. In his writings he is careful to give credit to the ACLU where he can and to speak of it in more measured terms than I have done. But my opinion of the ACLU, which I have long held, has been bolstered by these three books written by Dr. Donohue.

Only the first and third of these books treat directly the ACLU. The second, whose subtitle is *Individualism and Collectivism in the Social Lives of Americans*, explains the ideology that since the 1960s has become a kind of orthodoxy in liberal circles in the United States. But since it is the ideology that inspires the civil-rights positions taken by the ACLU, the second book fits well with the other two to constitute a unified series.

Because the books form a coherent whole, I will usually refer to them without distinguishing one from another. One distinction, however, seems advisable. In the preface of the last book in the series, Donohue says that over the years he has had two basic criticisms of the ACLU: “it is not the nonpartisan organization it pretends to be” and “it hurts the cause of liberty by taking an extremist interpretation of individual rights.”

The Politics of the American Civil Liberties Union is devoted to the first criticism. It is true, it says, that the ACLU is inherently dedicated to the values of liberalism, which is founded upon an “atomistic” view of society. That is to say, society is seen, not as a natural outgrowth of the social nature of man who can achieve the proper development of his humanity only through living in community, but rather as an aggregation of discrete individuals who choose to associate themselves in order to protect their personal autonomy and individual rights. Yet out of this “classical liberalism” there grew in the late nineteenth century a collectivistic liberalism.