

# Liberalism, Pluralism, and Political Justification

By Robert B. Talisse

## The Paradox of Liberal Justification

IN POPULAR PARLANCE THE TERM 'LIBERALISM' DENOTES A COLLECTION OF WELFARIST AND progressive social policies, but I am here concerned with liberalism as the theoretical framework within which familiar debates over distributive justice and the scope of state power typically are conducted. To be sure, liberalism in this sense is a complex doctrine, but its core has been well captured by Martha Nussbaum:

Liberalism holds that the flourishing of human beings taken one by one is both analytically and normatively prior to the flourishing of the state or the nation or the religious group; analytically, because such entities do not really efface the separate reality of individual lives; normatively because the recognition of that separateness is held to be a fundamental fact for ethics, which should recognize each separate entity as an end and not as a means to the ends of others.<sup>1</sup> (1997, p. 62)

As Nussbaum indicates, the chief claim of liberalism is that political and social associations exist for the sake of individuals. In a liberal political order, individuals are left free to pursue their aims unimpeded by the state, as long as their pursuits do not unjustly interfere with those of others. It is the job of the state to enforce these constraints; that is, the state's primary function is to protect individuals from interference by other individuals and other states. In this way, we can understand debates among what are popularly called liberals and conservatives over a wide variety of issues, from taxation to school choice to public funding of the arts, as falling roughly within the framework of liberalism as a political philosophy.

The task of justifying the liberal framework naturally falls to political theorists. The tradition of liberal political theory—a tradition running from

*Robert B. Talisse is assistant professor of philosophy at Vanderbilt University. His research is mainly focused on issues in contemporary political philosophy, including liberalism, pluralism, legitimacy, and deliberative democracy. In addition, he pursues research in special topics in American pragmatism, especially the epistemology of Charles Peirce. These interests are brought together in his most recent book, Democracy After Liberalism: Pragmatism and Deliberative Politics (Routledge, 2005). He is currently finishing work on a book about the epistemology of popular political discourse tentatively titled Deep Politics.*

Locke through Kant and Mill to contemporaries like the early Rawls, Ronald Dworkin, and Will Kymlicka—has been focused on three related aspirations.

The first of these may be called the *philosophical* aspiration. Traditionally, liberal thinkers proposed philosophical principles from which the legitimacy of a liberal political order could be derived. They presupposed a foundationalist view of political justification; believing that the liberal political order was in need of philosophical support, they sought to anchor the legitimacy of the liberal regime in philosophical premises. Thus Locke (1689) appeals to divinely conferred rights as the foundation of a liberal polity. Kant (1785) appeals to the very idea of rational agency as the groundwork of the liberal state. Mill's liberalism (1859) rests on the Greatest Happiness Principle. The project of identifying theoretical foundations for liberal politics was taken as the distinctive office of liberal political philosophy. The aim was to devise an unshakable foundation for liberal politics.

The remaining two aspirations concern the scope of liberalism's philosophical ground. Since one of the basic commitments of liberalism is the principle that the consent of those subject to any proposed political order is a necessary condition for the political legitimacy of that order, liberal thinkers of the past aimed for a theory that could in principle command the assent of all persons subject to the liberal state. The desire for an account of liberalism that can command the assent of all citizens is the *consensus* aspiration.

The aspiration for consensus places some constraints upon the kind of philosophical claim to which one may appeal in constructing the groundwork for the liberal state. These constraints have generated the familiar dichotomies between the right and the good on the one hand, and the public and the private on the other. It was widely thought that although citizens may never reach a consensus concerning the good life, they may nevertheless be brought to agree upon a set of principles that could establish the general public framework within which each might pursue his private ends. The idea was that if political first principles could be derived independently of a theory of the good, questions of the good could be relegated to the private realm, and liberal theory could remain focused upon the theory of the right.

A philosophical ground for liberal politics that aspired to win the assent of citizens who may be divided in their visions of the good must appeal to some fundamental fact about human beings, to some commonality underlying the differences among individuals. Traditionally the idea of a universal human nature was employed to this end. If, as Kant argued, it is in the very nature of a human being to be an autonomous agent, one can devise a theory of the right citing only the conditions necessary for autonomous agency; or, if Jefferson (1776) was correct to hold that all individuals are created equal, this fundamental equality can serve as a basis for politics. Kantian autonomy and Jeffersonian equality may be asserted without favoring any specific conception of the good, so they may be the focus of a consensus among citizens otherwise divided over moral and religious fundamentals.

If an adequate philosophical foundation for liberalism is found within *universal* facts about human beings, the resulting theory will serve not only to legitimize the liberal state, but to demonstrate the *illegitimacy* of non-liberal

regimes. In this way, the traditional liberal theorists aspired to produce a *universally valid* political philosophy which would show that of all possible regimes, only a liberal regime is legitimate. So the traditional theories address not merely some local population of liberal citizens, but ultimately all human beings as such. This is the *universalist* aspiration of liberal theory.

Following the Rawlsian nomenclature, let us call liberal theories that endorse this trio of aspirations *comprehensive* theories. Later on I shall distinguish comprehensive theories from the later Rawls's own brand of liberal theory which he called *political* liberalism. At present the important point is that, despite differences among comprehensive liberal theories as to the precise nature of the characteristically liberal political commitments, all such theories accept the same general view of political justification. This view of justification is well characterized by Jeremy Waldron:

The liberal insists that intelligible justifications in social and political life must be available in principle for everyone, for society is to be understood by the individual mind, not by the tradition or sense of community. Its legitimacy and the basis of social obligation must be made out to each individual. (1993, p. 44)

A difficulty with the aspirations of comprehensive liberal theories arises once we note that liberal societies generate *social pluralism*. That is, in any society marked by the freedoms that liberalism secures one should expect to find among citizens a number of distinct visions of the good life, value, obligation, purpose, and human nature. These visions will often be incompatible with each other; moreover, since they are visions of the highest good and answers to what Bruce Ackerman (1989) has called "Big Questions," conflicts between them will be difficult to resolve in ways that are acceptable to all concerned. Further, despite sincere attempts to reach rational consensus, disagreement persists; reconciliation seems unlikely to be forthcoming. In other words, social pluralism seems here to stay.

That social pluralism frustrates the aspirations of comprehensive liberal theory is clear. If there are no fundamental premises that all rational humans share, or can be rationally persuaded to share, then there is no raw material from which a universally acceptable philosophical account of liberalism can be constructed. Similarly, where the citizens of a given society are deeply divided at fundamental levels, there can be no single philosophical argument for a liberal polity that can command the assent of all rational citizens. Liberalism affirms the individual's liberty to pursue "his own good in his own way" (Mill 1859, p. 17), and the liberal theorist aspires to provide a philosophical account that will establish the universal legitimacy of the liberal political order. To be successful, such an account must appeal to premises that can in principle win the assent of all. Yet social pluralism entails in part that there are no such premises. Thus the aspirations of liberal theory are in conflict with the content of liberal politics; liberal *theory* is inconsistent with the social pluralism that is the result of liberal *practice*. Liberalism generates a politics that renders its own requirements for legitimacy unsatisfiable. Hence the paradox of liberal justification.

Recognizing this paradox, some contemporary liberal theorists have turned to social pluralism itself to construct a philosophical ground for liberal

politics. In this essay, I shall examine two forcefully developed versions of this strategy. I shall argue that neither escapes the paradox of liberal justification. The essay closes with a sketch of a third possible position, which I shall call “agonistic liberalism,” and which I contend can resolve the paradox.

### Two Concepts of Pluralism

THE STRATEGY TO BE EXAMINED IS THAT OF APPEALING TO THE PHENOMENON OF SOCIAL pluralism as the source of liberal justification. It is important to note at the start that the raw fact of persistent disagreement about moral, religious, and philosophical fundamentals can do no justificatory work by itself, since such disagreement can always be analyzed as the product of human wickedness, weakness, or irrationality.<sup>2</sup> Thus a pluralist approach to liberal theory must begin with an *account* of social pluralism that accepts the rationality of those who persist in disagreement, or at least does not dismiss their disagreement as *irrational*. In other words, social pluralism must be *theorized*.

That means that we must distinguish pluralism in its descriptive and philosophical senses. Pluralism in a descriptive sense is what I have been calling *social pluralism*; it is simply recognition of the fact of disagreement at the level of Big Questions and the uncontroversial induction that such disagreement is at least not transitory. *Philosophical pluralism* refers to a family of theories that attempt to explain social pluralism and to render persistent disagreement legitimate.<sup>3</sup>

We can discern two styles of pluralist theory. One style, which we shall call *ontological pluralism*, explains the persistence of disagreement by arguing that the facts about values are such that irreconcilable conflicts exist among actual, not merely apparent, values. Ontological pluralism is not relativism. The claim is not that disagreement persists because values are agent-relative or illusory. Rather, the ontological pluralist contends that the objective moral facts do not form an internally consistent set but are actually in conflict. Consequently, there is an irreducible plurality of goods and ways of flourishing, not all of which can be realized in a single human life. Disagreement over Big Questions persists because the facts upon which such disagreements are focused are themselves in conflict.

Not all pluralisms are ontological. Another version of the doctrine is cast in strictly *epistemic* terms. Epistemic pluralism asserts that there is no single comprehensive moral, religious, or philosophical doctrine upon which human reason converges. Cognitive agents, each doing their epistemic best, can come to different and mutually exclusive, but nonetheless rational, answers to Big Questions. Epistemic pluralism is not to be confused with moral skepticism. The epistemic pluralist's claim is not that disagreements persist because of some epistemic cognitive failing or cognitive inaccessibility. Rather, the epistemic pluralist holds that there is a set of Big Answers such that each Answer is fully consistent with the best reasons and the proper exercise of human reason but nonetheless inconsistent with the other members of the set. The epistemic pluralist holds that Big Questions are rationally *underdetermined*.

Of course, the distinction between ontological and epistemic pluralism does not form a strict disjunction; one can affirm both the ontological and the

epistemic theses. The difference concerns the ambitiousness of the theory. Ontological pluralism is a robust form of moral realism in that it countenances moral *objects* which vie for instantiation in human lives. Epistemic pluralists are metaphysically modest in that they aim to avoid commitment to any particular value ontology; all that is asserted is that the epistemic obstacles to reasoned agreement about Big Questions across an entire population are insurmountable.

These two styles of pluralism generate distinct varieties of liberalism. In the current literature, John Rawls's *political liberalism* is the most influential example of a liberalism based in an epistemic pluralism, and William Galston's *liberal pluralism* is a particularly well-developed liberalism rooted in ontological pluralism. I shall take each in turn, arguing that neither theorist succeeds in evading the paradox of liberal justification.

### Rawls's Political Liberalism

GIVEN THE "ABSOLUTE DEPTH" OF THE "IRRECONCILABLE LATENT CONFLICT" AT THE LEVEL of fundamental moral, religious, and philosophical commitments—what Rawls calls "comprehensive doctrines"—among citizens in any free society (1996, p. xxvi), Rawls seeks an account of liberalism which is "independent of controversial philosophical and religious doctrines" (1985, p. 388). Hence his is a *political* as opposed to *philosophical* liberalism. However, Rawls is quick to insist that liberalism must not be "political in the wrong way" (1996, p. 142). That is, unlike other pluralist theorists such as Nicholas Rescher (1996), Stuart Hampshire (2001), and John Gray (2000), Rawls contends that if a liberal society is to be stable, citizens must be committed to the basic principles of liberalism on grounds which run deeper than those he characterizes as a "modus vivendi" agreement (1996, p. 145). Where liberalism is a mere modus vivendi, each citizen sees liberalism as a second-best compromise. For such citizens, the best state of affairs would be a political arrangement which reflected completely their own comprehensive doctrine. Accordingly, a liberal society based on a modus vivendi will be unstable, because the "form and content" of its basic principles will be contingent on "the existing balance of political power" among the competing comprehensive doctrines (1996, p. 142).

The stability of a liberal society, then, cannot rest on general agreement about a single comprehensive doctrine, nor can it rest securely on a modus vivendi agreement among citizens. Whence shall it derive? Rawls proposes that if a liberal society is to be stable, it must formulate its basic commitments in terms that can be the focus of an "overlapping consensus" among the comprehensive doctrines endorsed by its reasonable citizens: Each reasonable citizen sees the basic principles as an appropriate manifestation in the political realm of his own comprehensive doctrine. In this way Rawls aims to formulate a conception of liberalism that can serve as a "module, an essential constituent part" that "fits into and can be supported by various reasonable comprehensive doctrines that endure in the society governed by it" (1996, p. 12). Citizens will endorse the liberal arrangement "for its own sake" and "on its own merits," not as a mere compromise (1996, p. 148).

The ideal of reasonableness plays a multifaceted role in Rawls's proposal. Free institutions do not merely generate diversity at the level of comprehensive

doctrines, but a diversity of *reasonable* views (1996, p. 36). Reasonable citizens are those who affirm reasonable comprehensive doctrines (1996, p. 36). And reasonableness is Rawls's criterion in identifying those persons whose consent is necessary for the legitimacy of a liberal regime. A liberal regime is legitimate, Rawls contends, only if it can win the consent of the *reasonable* citizens to whom it is proposed; the consent of *unreasonable* citizens is not necessary for legitimacy.<sup>4</sup>

According to Rawls, a citizen is reasonable only if he (1) accepts the fact of reasonable pluralism and (2) "is willing to propose and honor fair terms of cooperation" to govern his dealings with those with whom he profoundly disagrees as to comprehensive views (1996, p. 49 n. 1). It is *unreasonable* here to insist that the terms of social cooperation conform to one's own comprehensive view. Likewise, it is unreasonable to demand that the state enforce the principles of one's own comprehensive doctrine (1996, p. 65). As Rawls writes, "Where there is a plurality of reasonable doctrines, it is unreasonable or worse to want to use the sanctions of state power to correct, or to punish, those who disagree with us" (1996, p. 138). So *only* political liberals are reasonable persons; comprehensive liberals like Kant and Mill are unreasonable. Their consent is not necessary for liberal legitimacy.

Rawls will of course deny that his political liberalism finds adherents of Mill's and Kant's liberalism to be unreasonable. He will assign the comprehensive doctrines associated with Kant and Mill to "their proper place in the background culture" of a free society and allow that such views and theirs can play a "supporting role" in a regime of political liberalism (1996, p. 211 n. 42). He will likewise deny that political liberalism excludes Kantians and Millians from the "legitimation pool," the "pool of persons whose endorsement would confirm the legitimacy of Rawls's political liberalism" (Friedman 2000, p. 16).

Yet it is unclear that Rawls can maintain this with consistency. Consider the simple utilitarian, who deems state action and policy *just* only insofar as they maximize general happiness and who maintains that a state is legitimate only if it abides by the dictates of justice. Such a utilitarian contends that the legitimate state must strive to maximize general happiness. State policies based on grounds other than the Greatest Happiness Principle will be unjust and illegitimate. Yet Rawls holds it unreasonable to expect the state to endorse one's own comprehensive doctrine. The utilitarian is unreasonable by that standard.

Rawls will respond that in a liberal society citizens are free to endorse and follow any reasonable comprehensive view in their private lives, but they are unreasonable if they expect state policy to reflect their own doctrine. So the utilitarian is fully reasonable in judging right actions as those which maximize the general good, but unreasonable if he believes that this conception should be adopted in the political realm. In order to be reasonable, one must recognize the political as a "special domain" (1989, p. 482), separate from non-political realms and having its own distinct values, which "normally will have sufficient weight to override all other values that may come into conflict with them" (1989, p. 483).

The utilitarian may believe that persons should seek to maximize general happiness, but he must not insist that the state adopt this view. The



utilitarian may believe that his conceptions of morality and justice are *true*, but must not insist that they be given any political force. Is this possible? Rawls writes,

It is vital to the idea of political liberalism that we may with perfect consistency hold that it would be unreasonable to use political power to enforce our own comprehensive view, which we must, of course, affirm as either reasonable or true. (1996, p. 138)

On Rawls's view, then, to qualify as reasonable, the utilitarian must accept the proposed distinction between the political and non-political domains and must additionally subordinate the specific values associated with utilitarianism to the "political" values associated with the political domain. So, whereas the utilitarian maintains that (1) Actions and policies are just only if they maximize general happiness, he is reasonable *if and only if* he also accepts that (2) It is not the case that in deciding action and policy the state must try to maximize general happiness. Thus, on Rawls's view, the reasonable utilitarian believes that (3) A state may be legitimate even though it does not always strive to do what is just. But this is incoherent. Part of what makes utilitarianism a *comprehensive* philosophical view is that it proposes *its own* conception of political justice and *its own* distinction between the political and the non-political. It may be possible for someone to believe both (1) and (2), but it is not possible for a *utilitarian* to do so. One who accepts (2) ceases to be a utilitarian. Rawls maintains that rejecting (2) would render the utilitarian unreasonable, so according to Rawls utilitarians are unreasonable.

Rawls is demanding that utilitarians revise their position in light of the fact of reasonable pluralism. To be sure, the revision will not require great deviation from the classical utilitarian view. It amounts to hemming in the Greatest Happiness Principle so that it applies only in non-political domains. We might even imagine a "reformed utilitarian" who agrees with Rawls and makes the necessary adjustments. But a reformed utilitarian is a *compromised* utilitarian, and it is unclear why any utilitarian *ought* to reform his view to accommodate Rawls. More importantly, it is not clear that Rawls can give any non-question-begging reason why utilitarians should reform. Unless he is to defend reasonable pluralism as an independent thesis, thereby plunging into the depths of philosophical controversy, Rawls can offer no principled incentive to the utilitarian to become a reformed utilitarian.

Of course, one reason why utilitarians might reform their view is that not doing so will exclude them from the legitimation pool. Recall that according to Rawls, legitimacy is generated by the consent of rational and reasonable persons; the consent of irrational and unreasonable persons is not required for legitimacy. For the consent of an unreformed utilitarian is not necessary for political legitimacy, and, on Rawls's view, the state may legitimately coerce unreformed utilitarians to conform to policies at odds with their principles.

Rawls further claims that the politically liberal state may take positive steps to curb the influence of unreasonable comprehensive views:

[A] given society may also contain unreasonable, irrational, and even mad, comprehensive doctrines. In their case the problem is to contain them so that they do not undermine the unity and justice of society. (1996, pp. xvi–xvii)

So the utilitarian may elect to become a reformed utilitarian as a matter of political prudence. We might speak of the “reluctantly reformed utilitarian” as one who tempers his utilitarianism not in recognition of the fact of reasonable pluralism, but simply out of prudence.

The foregoing argument can be generalized. For on Rawls’s view anyone holding a comprehensive doctrine which specifies a particular conception of political justice and which contains a view regarding how the political should be distinguished from the non-political is unreasonable. To avoid the measures designed to “contain” their allegedly unreasonable doctrines, those holding such views will “reform” their respective doctrines to accommodate the fact of reasonable pluralism and the other elements of political liberalism. In so doing, they will in part abandon their doctrines, often reluctantly, as a matter of political compromise.

Yet clearly where citizens reform their comprehensive views reluctantly to meet the demands of political expediency, political liberalism has failed to win an overlapping consensus. Such citizens accept the constraints of political liberalism, but only to avoid the fate of the unreasonable under a politically liberal regime. This does not just cast a pall of illiberality over the “politically liberal” regime, it turns the regime’s consensus into a *modus vivendi*, an arrangement that Rawls deems inherently unstable.

One way to avoid such *reluctant* reformation would be to offer a convincing philosophical argument for reasonable pluralism. If citizens could be convinced that the full exercise of human reason does not converge on a single comprehensive doctrine, each might be persuaded to accept the terms of political liberalism. But this option is certainly not open to Rawls, since it would invoke the kind of philosophical controversy he seeks to avoid. Were he to engage in philosophical theorizing to establish that reasonable pluralism is indeed a fact, he would no longer be a *political*, but a *comprehensive* liberal.

But comprehensive liberalism too must confront the paradox of liberal legitimacy. Not only will liberal freedoms nurture citizens who steadfastly hold anti-pluralist comprehensive doctrines, but even among those who do not oppose pluralism, there is room for reasonable disagreement about the nature and implications of pluralism itself. Rawls’s attempt to evade the paradox of liberal legitimacy by endorsing a “political not metaphysical” interpretation of liberalism does not succeed.

### Galston’s Liberal Pluralism

IN HIS RECENT WORK (2002, 2004), WILLIAM GALSTON ATTEMPTS TO REVIVE ISAIAH Berlin’s project in “Two Concepts of Liberty” (1969) of deriving a liberal politics from ontological pluralist premises. In this way, Galston promotes a comprehensive liberalism rooted in pluralism. The Berlinian argument is roughly that since values conflict and choice among incommensurable goods is inevitable, the state must maintain a framework within which individuals can choose freely



among competing goods. The state can do this only if it restricts itself to the project of protecting individuals from interference. Hence pluralism entails liberalism.

The argument has a certain intuitive appeal, but it is actually a non sequitur. As many of Berlin's critics, including Galston (2002, p. 53), have insisted, the argument moves without justification from the *inevitability* of choice to the political need to *value* and promote the freedom to make such choices by protecting the negative liberty of individuals. After all, why should it follow from the fact that humans confront a plurality of competing goods that the state ought to allow individuals to choose freely among such goods? A further premise is needed to support the inference. It seems that the enthymeme can be repaired only by the introduction of some value, such as autonomy, that functions as a good of an order higher than the competing values among which we must choose. But to privilege autonomy or any other value in this way is to violate pluralism. It commits to the kind of rank-ordering that pluralism claims to find impossible. So Berlin's argument from pluralism to liberalism fails.

Galston employs a slightly different argument to establish the entailment. The core of his argument can be stated easily:

Value pluralism suggests that there is a range of indeterminacy within which various choices are rationally defensible, at least in the sense that they all fall above the . . . line of minimum decency. Because there is no single uniquely rational ordering or combination of such values, no one can provide a generally valid reason, binding on all individuals, for a particular ranking or combination. There is, therefore, no rational basis for restrictive policies whose justification includes the assertion that there is a unique rational ordering of value. (2002, pp. 57–58)

Summarizing the argument, Galston approvingly cites Stephen Lukes's (1991, p. 20) claim that if pluralism were true, then it would be "unreasonable" for the state to "impose a single [way of life] on some of its citizens" (Galston 2002, p. 58). So pluralism entails that any state that goes beyond the protection of negative liberty is unreasonable. Hence pluralism entails liberalism.

Does Galston's argument fare better than Berlin's? First, note that whereas Berlin contended that pluralism provides a positive case for liberalism, Galston's argument is that liberalism follows from pluralism simply because no illiberal order is consistent with the pluralist thesis. Surely a demonstration that pluralism entails the rejection of illiberal arrangements is not sufficient for a demonstration of liberalism from pluralism. Charity prevents an interpretation under which Galston is guilty of this error; the argument must be read as a deliberate attempt to shift the burden of proof to those who would deviate from the liberal norm. Galston's point is that pluralism *defeats* the case for illiberal arrangements: if pluralism is true, there could be no good reason for a state to impose a single way of life upon its citizens. Hence Galston claims that his argument for negative liberty "rests on the insufficiency of the reasons typically invoked in favor of restricting it" (2002, p. 58).

Burden-shifting maneuvers are typically controversial, and this case is no exception. We must ask: What entitles Galston to presume that liberal negative

liberty is the proper default, deviation from which stands in need of justification? Moreover, if negative liberty is assumed to be a proper default, in what sense is Galston's liberal pluralism a *comprehensive* theory? That is, if Galston's argument *presumes* the legitimacy of a liberal political order, it is not clear how his view differs from Rawls's.

Although I think these are difficult questions for Galston, we need not engage his argument at this level, since it is unclear that pluralism does in fact render illiberal arrangements unreasonable. To see this, imagine three internally consistent but mutually exclusive clusters of values, *A*, *B*, and *C*. Let us stipulate that the clusters each represent a *comprehensive* set of values—what Rawls would call a “comprehensive doctrine”—and that each commends or commands a way of life that falls above the “line of minimum decency.” To fix ideas, we may say that *A* represents a Millian life of civic engagement, political participation, and open-mindedness, in the face of a wide variety of experiments in living; *B* represents a life of devotion, orthodoxy, and service, in the name of a traditional religion; and *C* represents an Emersonian life of self-sufficiency, hard work, and independence. Galston's argument has it that there could be no valid reason for a state to promote any of these ways of life among its citizens. The point is intuitive: since *A*, *B*, and *C* are *all* good, there could be no compelling reason to impose, say, *A* over *B*, or *C* to the exclusion of *A*. Thus, the argument runs, the state must allow for *A*, *B*, and *C*, and leave it to citizens to decide which to pursue; that is to say, the state has no good reason to do more than protect negative liberty.

But the argument is a muddle. The state indeed has good reason to promote, for example, *A*, namely that *A* is good. Of course, Galston will insist that the state has no *better* reason for promoting Millian civic liberty rather than religious devotion or Emersonian self-sufficiency, but surely this is *not* a reason for remaining neutral with regard to these options, and it is *not* a reason not to promote Millian civic liberty. After all, *ex hypothesi*, the Millian way of life is actually good. What could be a better reason for promoting it?

As the passage above suggests, Galston has supposed that the promotion of a Millian way of life will necessarily be accompanied by the claim that it is *exclusively* good, or that its competitors are less good. But this need not be so, and might not matter even if it were. 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; nor is there anything contradictory about the idea of a state promoting a single way of life while openly acknowledging that other ways of life are also good. But even granting that the imposition of a single way of life must be accompanied by the false claim that it is *exclusively* good, the implication that imposing a single way of life is unreasonable does not follow.<sup>5</sup>

Galston claims his argument employs “the underlying assumption that coercion always stands exposed to a potential demand for justification.” He explains, “[C]oercion is not a fact of nature, nor is it self-justifying. Just the reverse: There is a presumption against it, grounded in the pervasive human desire to go our own way in accordance with our own desires and beliefs” (2002, p. 58).

We may concede that “coercion always stands exposed to a potential demand for justification.” On the argument I have posed, a state’s imposition of a way of life based in Millian civic liberty can be justified by appealing to the fact that the Millian way of life is *good*. This will seem insufficient to Galston, who, like Berlin, locates the force of the demand for justification within the “pervasive human desire to go our own way in accordance with our own desires and beliefs.” But why should a pluralist give any weight to this supposed desire? First, it is not clear that such a desire is reasonable if pluralism is true. When one is presented with a choice between several irreducibly good, incommensurable, and impossible options, what sense does it make to desire one rather than another? That is, the desire to “go our own way” is rational only when the options can be rank ordered. Second, what reason can the pluralist give for the state to accommodate such desires, especially when doing so opens individuals to the possibility of living bad lives, or lives that are less good than they might otherwise be?

The traditional liberal can give a strong account of why the desire to live in “accordance with our own desires and beliefs” ought to be accommodated. Such a story will draw upon the overriding value of autonomy, derived generally from the need to feel that one’s life is valuable *from the inside* (Kymlicka 1989, p. 12).<sup>6</sup> The liberal can countenance autonomous choice as a kind of trumping value. On this picture, that a given individual perceives a way of life based in Millian civic liberty as choice-worthy contributes to the value of that way of life for that individual. But this line of argument is not open to the pluralist, for it involves the claim that autonomy is a trumping value, and consequently that goods can be rank ordered.<sup>7</sup>

Galston’s justification for giving weight to the “pervasive human desire to go our own way” cannot rest on a standard liberal appeal to autonomy. The most he offers by way of justification is that there is, in fact, a “presumption” against coercion. Indeed there is such a presumption *in a liberal political order*. There is certainly no such presumption among those who are not already committed to liberalism. So, as with Berlin, the proposed pluralist case for liberalism in fact *presumes* characteristic principles of liberalism that cannot be derived from pluralism, and are indeed inconsistent with it. The argument thus fails.

To review: the analysis has shown that in order to produce a comprehensive theory of liberalism, Galston must commit to some fundamental value that provides the foundation for the legitimacy of the liberal state. However, the identification of such a value is inconsistent with his pluralism. Galston must thus appeal to political “presumptions” operative *in a liberal society* against coercion and in favor of negative liberty. But he cannot give a philosophical account of the soundness of upholding these presumptions. In this respect, Galston’s liberal pluralism is indistinguishable from the general justificatory strategy employed by Rawls’s political liberalism; accordingly, Galston has failed to provide a *comprehensive* liberal theory. More importantly, if my argument against Rawls is sound, the fact that Galston’s view collapses into a version of political liberalism is bad news both for Galston and for liberalism. Not only

has Galston failed to devise a comprehensive liberalism based in pluralist premises, but the paradox of liberal justification remains unresolved.

### Agonistic Liberalism

I NOTED AT THE OUTSET THAT RAWLS AND GALSTON REPRESENT TWO VERSIONS OF THE same strategy for dealing with the paradox of liberal justification. In response to the realization that social pluralism is the outcome of liberal practice and yet frustrates the traditional aspirations of liberal theory, both theorists turned to the fact of social pluralism itself as the basis from which to justify liberal politics. But, as also noted earlier, the mere fact of disagreement—what I have been calling social pluralism—is not by itself sufficient for the justificatory task. Rather, what is required is a *pluralist theory* according to which persistent disagreement over Big Questions is not necessarily symptomatic of human error, depravity, or irrationality.

However, in devising a theory of pluralism, both theorists have overshot the mark. According to both, disagreement over Big Questions is, as Rawls says, “the inevitable outcome of free human reason” and a “permanent feature of the public culture of democracy” (1996, pp. 36–37). As we have seen, Rawls cannot underwrite the claim of the *permanence* of disagreement without relinquishing his aim of “staying on the surface, philosophically speaking” (Rawls 1985, p. 395). Galston offers a deep theory of pluralism that can account for the permanence of disagreement, but in the end cannot unaided underwrite liberalism’s claim to normative superiority over illiberal regimes. In response to Galston’s neo-Berlinian arguments, a tyrant can say that there are distinctive individual goods to be realized by a life of coerced submission to harsh political authority. It is unclear that Galston can offer a defense of liberalism without violating his pluralism.

Rawls is right to argue that the traditional project of comprehensive liberalism is “unrealistic” (1996, p. xviii) since it does not account for the “absolute depth” (1996, p. xxvi) of the conflict among citizens’ comprehensive views. But, as I have argued, both Rawlsian political liberalism and Galstonian liberal pluralism are unstable. What, then, is a liberal philosopher to do?

Let us take stock of the available options. Rawls promotes a political liberalism based in epistemic pluralism, and Galston promotes a comprehensive liberalism based in ontological pluralism. This leaves open two further logical possibilities: (1) a political liberalism based in an ontological pluralism and (2) a comprehensive liberalism based in epistemic pluralism. Although the first of these is contradictory, I propose that the second is worth exploring. In this final section, then, I should like to sketch a particular version of an epistemically pluralist comprehensive liberalism, which I shall call *agonistic liberalism*. Of course, I cannot here develop this view fully, but only point the direction in which I think such a liberalism can resolve the paradox of liberal justification.

The main thought driving agonistic liberalism is that although reasonable disagreement over Big Questions persists among sincere, intelligent, and rational persons doing their epistemic best, there is no reason to hold that this is a *permanent* condition of a free society. That is, agonistic liberalism rejects ontological versions of pluralism and promotes a more reserved form of the

epistemic pluralism driving political liberalism. More specifically, agonistic liberalism is committed to an epistemic pluralism that is noncommittal with regard to its own permanence, what I shall call a *modest epistemic pluralism*. To explain: that reasonable disagreement persists and seems likely to continue does *not* warrant the Rawlsian claim that disagreement is permanent, but instead constitutes an instigation to *persist* in moral inquiry and argument. In this way, the agonistic view does *not* require citizens to reform their comprehensive views to accommodate a conception of value or moral epistemology according to which disputes over Big Questions are forever underdetermined by evidence and argument; it requires citizens to recognize only that, at least for the time being, there are persons who hold comprehensive doctrines that conflict with one's own but who are nonetheless sincere, intelligent, and rational persons doing their epistemic best.

An agonistic liberalism is prepared to recognize the possibility that in the future someone could devise a decisive argument in favor of some particular comprehensive doctrine. We may imagine an extremely clever utilitarian developing a knock-down argument for the Greatest Happiness Principle that answers all objections and defeats every counter-case. If so, our current liberal society would have to revise its fundamental institutions. But until such an argument is unveiled, the best the liberal state can do is to preserve the conditions under which moral argument and inquiry can continue. In this way, the paradox of liberal justification is resolved by recognizing that the project of political justification is an ongoing philosophical project that requires continuing engagement among proponents of opposing doctrines. The justification of the liberal state consists precisely in its distinctive ability to countenance and encourage substantive argument and contestation about its fundamental commitments and institutions.

Accordingly, the familiar constitutional provisions of a liberal society are preserved. An agonistic liberalism recognizes freedom of speech, a free press, property rights, individual protections from interference, a state policy that aspires to be neutral among competing viable moral doctrines, and a representative government in which persons are treated as equal citizens. Additionally, an agonistic liberalism would support a roughly Rawlsian system of distributive justice. It sees all these as necessary to the maintenance of a political framework in which a pluralistic civic culture of disagreement and inquiry can flourish.

It seems then that agonistic liberalism is a species of deliberative democracy. Like other deliberative democrats, the agonistic liberal rejects aggregative and reductionist interpretations of democracy, envisioning instead a vibrant and dynamic public sphere in which citizens engage each other in ongoing processes of critical dialogue. However, unlike many other versions of deliberative democracy (such as Rawls's own public reason proposal), the agonist does not seek to impose *ex ante* constraints upon the issues that can be subject to public deliberation and the kinds of reasons that can be employed in such deliberation. Nor does the agonist hold that public deliberation must begin from some initial consensus about what is and what is not a properly "political" or

“public” issue. That is, it resists the impulse to remove from the political agenda “the most divisive issues, serious contention about which must undermine the bases of social cooperation” (Rawls 1996, p. 157), and upholds “the legitimacy of a debate as to what is legitimate and what is illegitimate” (Lefort 1988, p. 39).

As a version of deliberative democracy, agonistic liberalism must countenance a distinction between proper contestation and sheer rhetoric, browbeating, or demagoguery. The thought is that under conditions of modest epistemic pluralism, where several competing doctrines are epistemically viable, citizens should engage each other’s arguments. However, the state must ensure, to the degree that it can, that what gets exchanged are arguments and reasons, not just slogans, insults, or threats. That is, the state must promote among its citizens proper habits of discursive engagement and moral argument, while at the same time allowing for practical accommodation and coexistence.

To this extent, the agonistic liberal state must break ranks with some of the more strict interpretations of liberal neutrality: it must not simply establish and protect a liberal framework that allows for contestation, it must actually *cultivate* and *maintain* conditions under which such engagement actually occurs.<sup>8</sup> Accordingly, an agonistic liberalism incorporates a key component of certain civic republican proposals in currency; the state must, in Michael Sandel’s words, seek to “cultivate in citizens the qualities of character necessary to the common good of self-government” (1996, p. 25).<sup>9</sup> As Philip Pettit has put it, “if the state’s power is to be rendered non-arbitrary, then . . . people must be able to contest the decisions made”; Pettit holds that such contestation is possible only when citizens “have access to the reasons” and are capable inquirers (2003, p. 152). And this in turn requires that the state “effectively promote contestability” (2003, p. 152) through a variety of institutions, including “fora beyond those of government” (2003, p. 153).

To be sure, the agonistic view I have sketched endorses what Sandel has called the “formative project” (1996, p. 321), and to this extent it is incompatible with certain other forms of liberalism. However, as the formative project for the agonistic liberal state is primarily epistemic and not moral, it can allay the standard liberal worries concerning deviations from strict neutrality. Neutralist liberals often criticize perfectionist, civic republican, and communitarian proposals for being unable to protect individuals from moral tyranny and oppression; according to these critics, “the formative project” is a euphemism for homogenizing social processes that can only quash individuality and disempower individuals.<sup>10</sup> However, the demand for a politics in which individuals can flourish because entrenched power structures can be challenged, institutional and structural injustices be resisted, and standing assumptions exposed is implicitly a demand for a politics in which individuals are capable of engaging in processes of reasoned dialogue, inquiry, and critique. As recent work by Cass Sunstein (2001, 2003) emphasizes, these are skills that can be developed, exercised, and maintained only with the help of certain forms of social and institutional support. If a political theory that calls upon the state to provide such support is indeed in violation of neutrality, then this is a form of non-neutral politics that liberals must endorse.  $\phi$



## Notes

<sup>1</sup> Compare similar statements by Buchanan (1989, p. 854), Geuss (2002, p. 323), and Galston (2002, pp. 3–4). For extended discussions, see Forst 2002, ch. 2; and Gaus 2003, ch. 1.

<sup>2</sup> Consider that Locke, whose liberalism is grounded in a doctrine of divinely conferred natural rights, concluded that atheists were “not to be tolerated” (1689, p. 313). That is, on Locke’s view, theological disagreement indicated that certain individuals (that is, atheists) were wicked.

<sup>3</sup> From this point forward the term ‘pluralism’ shall denote the *philosophical* sense. I shall continue to use ‘social pluralism’ to denote the sociological fact of disagreement.

<sup>4</sup> “It is unreasonable for us to use political power, should we possess it, or share it with others, to repress comprehensive doctrines that are not unreasonable” (Rawls 1996, p. 61). Rawls here suggests that it may be fully reasonable in some cases to use political power to repress *unreasonable* comprehensive doctrines.

<sup>5</sup> Following Raz (1986), we may envision a state that simultaneously promotes all three options specified above, as well as many other good options, but does not claim that any of these is exclusively good or best. Such a state would certainly be engaged in something more than protecting negative liberty, but I cannot see how a value pluralist has the resources to argue that such a state would be unreasonable.

<sup>6</sup> Kymlicka writes, “You can coerce someone into going to church and making the right physical movements, but you won’t make someone’s life better that way. It won’t work, even if the coerced person is mistaken in her belief that praying to God is a waste of time. It won’t work because a life only goes better if led from the inside (and some values can only be pursued from the inside)” (1989, p. 12).

<sup>7</sup> I note once again Raz’s (1986) pluralist argument for an autonomy-based perfectionist liberalism. Galston rejects Raz’s proposal, claiming that it is insufficiently pluralist (2002, pp. 20–27).

<sup>8</sup> The question of the precise nature of liberal neutrality is difficult and cannot be engaged here. See Wall and Klosko (2003) for a survey of the current debates.

<sup>9</sup> The claim, common to many liberals, that liberalism is necessarily opposed to civic republicanism is effectively challenged by Larmore (1996, ch. 6) and Dagger (1997).

<sup>10</sup> See especially Gutmann (1985) for this line of criticism.

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