

# The Practice of Liberal Pluralism

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## Introduction

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. As such, 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 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*,<sup>1</sup> I argued that we must develop a more complex theory of the limits to government. In this endeavor, three key 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 of 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 relationships 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. Because 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 that 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 on, promotes, or commands a single conception of human good or excellence is presumptively 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 (which is why the critical phrase “in order to” immediately follows “We the People”); 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 U.S. Supreme Court, religious groups have a right to practice animal sacrifice. Does anyone believe that it would be legitimate for them to practice 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 limits it may do what is necessary to defend itself against destruction, even if measures clearly essential to self-defense restrict 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, cruelty and humiliation, 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 much else. 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. Tolerance 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 a “political” theory. It makes sense to connect what 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 to the Declaration of Independence, and all citizens pledge allegiance to the republic for which the flag stands, not to Locke or Hutcheson. So I disagree with Martha Nussbaum when she suggests that making public claims about foundational truths somehow signals disrespect for those who dissent.<sup>2</sup> 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.

These, then, are the basics of the thesis I advanced in *Liberal Pluralism*. Since then, critics have helped me see that in two important respects I failed to take the argument far enough. First, while I appealed to everyday experience to support the principles of political pluralism, value pluralism, and expressive liberty, I did not offer an adequate philosophical justification. Second, I did not sufficiently explore the practical implications of liberal pluralism for key aspects of public action and public life.

This book seeks to fill these gaps. Part I addresses the philosophical foundations of liberal pluralism. Chapters 2, 3, and 4 explore, seriatim, the key concepts of value pluralism, political pluralism, and expressive liberty. In Part II (Chapters 5 and 6), I extend the analysis of value pluralism to aspects of political behavior and moral motivation.

Part III tacks toward practice. Chapter 7 links philosophy and public life via the idea of “public philosophy” rooted in specific cultural and historical circumstances. Chapters 8 and 9 outline the elements of a liberal pluralist public philosophy that responds to these circumstances, focusing on modern markets and economic life.

In Part IV, I assemble and respond to what I consider the most important criticisms to date of *Liberal Pluralism*. To be sure, these are early returns, with many precincts yet to report. Nonetheless, these criticisms convey a vivid and rounded sense of the kinds of qualms that my account of liberal democracy is likely to raise, and replying to them even at this juncture advances the debate. Chapter 10 responds to theorists who have criticized liberal pluralism as insufficiently egalitarian, while Chapter 11 addresses a more diverse set of objections. The concluding Chapter 12 briefly explores the application of liberal pluralism to international laws and regimes.

I conclude this Introduction with four observations on method. First, the materials I use to build my case are heterogeneous, to say the least. Philosophical argument, constitutional law, cultural and economic history, institutional analysis, empirical social science – all of these make more than cameo appearances. Some critics regard this eclecticism as a sign of imprecision, even incoherence. It must be obvious already that I disagree. Methods of inquiry must suit objects of inquiry. I have the highest regard for sustained philosophical reasoning, but often it is not enough to get us where we want to go. For those seeking to craft a three-dimensional account of the basic structures of public life, a diversity of materials is essential.

To pick just one example: To understand what is at stake in the tension between the pursuit of broad public goals and respect for the expressive liberty of individuals and groups, actual cases and controversies are far more illuminating than philosophers' armchair examples. That is why my defense of expressive liberty draws so heavily on U.S. constitutional cases and history.

Second, the adjudication of philosophical disputes often rests on human experience as well as on the logic of argument. So, for example, my defense of value pluralism as the most adequate account of the moral universe we happen to inhabit proceeds, in part, by addressing the best arguments of its critics. If I am right, their objections leave the core of value pluralism unscathed. But the affirmative case for value pluralism flows from our encounter with the world, not with philosophers. As Isaiah Berlin memorably puts it:

[I]f we are not armed with an *a priori* guarantee of the proposition that a total harmony of true values is somewhere to be found . . . we must fall back on the ordinary resources of empirical observation and ordinary human knowledge. And these certainly give us no warrant for supposing . . . that all good things, or all bad things for that matter, are reconcilable with each other. The world that we encounter in ordinary experience is one in which we are faced with choices between ends equally ultimate, and claims equally absolute, the realization of some of which must inevitably involve the sacrifice of others.<sup>3</sup>

Readers must decide for themselves whether the world of conflict Berlin describes – not just between good and bad, but also between good and good (in many ways the harder case) – is congruent with their own experience. My point is only that in moral and political matters, human experience is the ultimate benchmark.

I do not mean “raw” experience, of course, and I do not presuppose that all human beings will share the same experiences or draw the same

inferences from them. I have concluded, however, that what might be called the “center of gravity” of human experience points to two broad conclusions: First, that as species beings of a certain kind we are structured to experience certain phenomena as great evils to be avoided at virtually all cost; and second, that as free beings endowed with imagination as well as reason, different individuals will pursue a vast diversity of ends, each of which is rightly regarded as legitimate in itself, but which are not compossible in the aggregate. It is the burden of this book to suggest that these propositions are not devoid of implications for public life.

Third, the road from the general premises of political philosophy to concrete conclusions about regimes and institutions is paved with more than logical deductions. In constructing this road, political philosophy necessarily makes use of materials quarried from multiple sources of knowledge – for example, a psychology that helps define the extent to which stable political arrangements can require devotion to the common good at the expense of self-interest. So I make no apology for drawing from psychological studies (among many others) to frame conclusions about institutions and policies that give life to the theory of liberal pluralism. If I am right about how political philosophy must proceed, then I am simply being explicit about the debts that every venture into this discipline implicitly or avowedly incurs.

This brings me to my concluding point. I have devoted much of my scholarly life to political philosophy, but I am not, and would never claim to be, a professional moral philosopher. While the inner logic of the questions that most concern me in political philosophy from time to time leads me across the border into moral philosophy, I am always a tourist, at best.

Nonetheless, because critics have raised questions about the relationship between positions I espouse and some central questions of modern moral philosophy, it may clarify matters to state that value pluralism as I understand it commits me to what Brad Hooker labels “Rossian generalism” and John Rawls calls “intuitionism” rather to the full-blown thesis of moral particularism. There are certain considerations whose moral valence is invariant – that always count as reasons for or against a course of action – but there are no fully general rules for weighting or rank-ordering the multiple considerations that bear on the choice-worthiness of that option.<sup>4</sup> My position is Rossian in the additional sense that some considerations establish strong presumptions in favor of particular choices (Ross calls them *prima facie* duties) such that only powerful reasons, outside the normal course of events, will suffice to rebut these presumptions.

Ordinary morality is not a set of universal rules, valid in all circumstances, but it is better to begin by assuming that we need to make a special effort to justify departures from what is ordinarily, and for the most part, the good or right thing to do. Within the political sphere, this moral orientation leaves space for the kinds of unpleasant actions that the exigencies of emergencies sometimes require – without placing political leaders outside the realm of normal moral restraints.

#### Notes

1. William A. Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (New York: Cambridge University Press, 2002).
2. Martha Nussbaum, "Political Objectivity," *New Literary History* 32, 4 (2001): 883–906.
3. Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), pp. 170–1.
4. See Brad Hooker, "Moral Particularism: Wrong and Bad," in *Moral Particularism*, Brad Hooker and Margaret Olivia Little, eds. (Oxford: Clarendon, 2000), pp. 1–6. The entire volume should be consulted for its relentlessly exhaustive (and exhausting) exploration of these issues.