ABSTRACT

Title of dissertation: DIVERSITY, MODESTY, LIBERTY: AN ESSAY ON
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Human beings have long disagreed about the best way to live. Of what significance is this fact for politics? In this dissertation, I argue that it is of the *utmost* significance, and that substantial theoretical conclusions follow from our decision to take it seriously. Arguing that few accounts of politics have given due consideration to the fact of persistent disagreement, among reasonable and well-intentioned individuals, as to what gives life meaning and value, I articulate what I hope to be the most defensible account of a politics that accommodates this fact. Citing (in Part One) a variety of possible inferences we might make in response to this 'fact of diversity', I defend (in Part Two) a *humble* assessment of our cognitive abilities in this regard as the most charitable inference on offer. Formulated from the perspective of those who would claim the right to exercise political power and authority, this epistemically-humble response to the fact of diversity issues in a principled refusal to endorse any particular account of the Good Life as authoritative for public purposes. The state manifests this principled refusal by adopting an attitude of 'maximum

feasible accommodation' with respect to its citizens' pursuits of their diverse conceptions of life's meaning and value. Such an attitude needs to be fleshed out in terms of policy, however, so in Part Three I articulate and defend, as the best practical expression of a stance of maximum accommodation, a principle that restricts the use of the state's coercive power to only those measures needed to protect citizens' 'expressive liberty' – that is, their right to live lives that express their cherished notions of life's meaning and value, free from coercive interference.

DIVERSITY, MODESTY, LIBERTY:
AN ESSAY ON STATE NETURALITY

by

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Introduction

0.1 Giving Diversity Its Due

Let us begin with the simple observation that human beings have long disagreed about the best way to live. For ease of exposition, let us give this observation the name **Diversity**:

- **Diversity:** Human beings disagree about the best way to live.

We must be clear at the outset exactly what variety of disagreement we have in mind here. What I mean by the phrase 'disagreement about the best way to live' is not the sort of pedestrian disagreement long understood to be the stuff of ordinary politics, such as disagreement among neighborhood residents as to the relative merits of using surplus tax revenues to build a theatre or to build a swimming pool.[1] I mean, rather, disagreement about what we might term 'matters of ultimate concern' – disagreement about conceptions of what, in the final analysis, endows life with meaning and value. Traditionally, and still probably most commonly, such conceptions have been provided by 'spiritual' worldviews, such as one finds in the world's great religious faiths. But an ultimate conception of life's meaning and purpose need not be specifically religious or even spiritual in character. (Existentialism provides one example of a purely philosophical, 'secular' alternative; though see Thomas Nagel's recent article for a probing discussion of the extent to which this question even actually admits of expression in purely secular terms[2]). I

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[1] This example comes from Dworkin [1978, 235].
[2] Nagel [2005].

shall use the phrase "conception of the Good" to refer to any such account, so as to avoid prejudging the issue in favor of religious understandings of life's significance. (To avoid monotony I shall sometimes substitute in the definition itself: as in " . . . but as we have already noted, folks differ radically in their conceptions of what gives life meaning and value.")

We can then ask, 'How should polities respond to the truth of **Diversity**?' For ease of exposition, let us give this question the name **Political Question:**

- **Political Question**: How should polities respond to the truth of **Diversity**?

As its name suggests, the **Political Question** is a question of political theory – though historically speaking, neither political theory nor political practice has tended to make this question *central* to a conception of politics. Polities, and the traditions of political theorizing conducted within them, evolved against backdrops of relative cultural homogeneity that obviated the need to give this question its due consideration. But the times, as they say, are a'-changin'. Advances in transportation and information technology, an increasingly integrated global marketplace, increasing ease of human mobility across national borders, and the increasing empowerment of previously marginalized groups: these forces, and others besides, are all converging in such a manner as to bring to the fore the urgency of addressing **Diversity**. For increasingly, it seems, polities will find it difficult to draw upon a modicum of shared

beliefs, values, or customs to guide them in the formulation of policy, legislation, or constitutional essentials – the result of their increasingly diverse citizenries. In other words, the truth of **Diversity** is of increasing importance at the intra-polity level, whereas for much of our history its truth was primarily of interest at the *inter*-polity level.

0.2 Why Give *Diversity* Its Due?

The claim we have labeled **Diversity** is, I take it, uncontroversial. Human beings *have* long disagreed about the best way to live. They have disagreed about which god, or gods, if any, should be worshipped and glorified. Even when they have so agreed, they have differed in their views as to what, precisely, fidelity and devotion to that divinity entails. Humans also diverge on their core value commitments: is a life of austere self-discipline the 'best life for man', or does human flourishing consist in the pursuit Epicurean delights? Or is it perhaps, as Aristotle suggested, a little of both: a life that seeks all goods in moderation? Finally, people have been divided as to how best to organize our social and communal life: should values of community and conformity and solidarity take precedence, or should individuals' rights to self-expression and self-determination have pride of place? Should private property rights exist? If so, how far might they extend? Ought people to have property rights to the means of production, or to valuable natural resources?

But as the Dworkin-inspired example just invoked illustrates, disagreement is pervasive. We disagree, not only about how best to live, but also over mundane matters of tax policy, public funding, and economics; not only about what endows life

with meaning and value, but also over what justice requires in the way of criminal law; not only about the Good, we might say, but also about the Right. Why think that disagreement about the Good represents a distinctively important class of social disagreement, such that it merits a central place in our political theorizing? For that matter, why think that disagreement about the Good represents even a distinctive species of disagreement? Why not simply regard it as contiguous with other forms of disagreement – which, as we have just suggested, are everywhere we turn?

We might identify two distinct worries here. The first we can term the 'Individuation Problem': the challenge inherent in the task of individuating 'accounts of the Good', such that we may speak sensibly of disagreement about 'the Good' as a distinctive species of social disagreement, to which we might attribute special significance. The second we might term the 'Significance Problem', and it is the challenge of articulating why disagreement about the Good (assuming for the moment that we can isolate such disagreement as a special category, if not as a natural kind) should bear any more significance for our political theorizing, than do our disagreements about science, economics, or justice.

Concerning the Significance Problem, we need only note that, with our articulation of **Diversity**, we are – almost by definition – focusing on disagreement about the sorts of matters that are of the greatest concern to people. That is the point of using language such as "matters of ultimate concern" and "disagreement about conceptions of what, in the final analysis, endows life with meaning and value." Phrases such as "in the final analysis" are not meant to be opaque, but are rather meant to illuminate the fact that we are concerned with issues that people find to be of

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central or supreme importance in their lives. Can there be any issue of more importance to a person, than the question as to how best she might best organize her life, or what might endow her life with meaning and value? As evidence that the stakes are never raised higher than they are when we inquire as to how best to live, we need only point out that for many persons, answering this question correctly is a matter, not just of temporal significance – not simply a matter of flourishing during our mortal "three score years and ten"[3] – but is a matter of eternal significance. No less a matter than one's salvation – one's fate for all eternity – is at issue for many persons, as they try to work out their understanding of the Good, in fear and trembling before their God. Though it cannot be denied that such issues are passionately contested, contemporary disputes regarding matters of science, economics, and even justice presumably do not approach this level of importance – at least, not for the large segments of the population for whom the question of one's eternal salvation is a live one, and plausibly not even for many of the more secularly-inclined folks who are little interested in such otherworldly concerns. There is no reason why we should expect to observe such deep and divisive disagreement in this regard – but it is there, and it is a significant fact that must be reckoned with.

What of the Individuation Problem? Why invite trouble by characterizing the familiar problem of disagreement about how best to live in terms of "accounts of the 'Good'"? Why not simply rest content with the familiar, uncontroversial description of human disagreement set forth in the opening paragraph of this section? Why posit entities called "accounts of the Good" – entities, various instances of which are evidently affirmed by various persons at various times and places, and such that each

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[3] Psalm 90:10, KJV. See also A.E. Housman's poem "Loveliest of Trees" in his *A Shropshire Lad* (1896).

person can (evidently) uniquely affirm *one* such doctrine, and so forth? Our decision
to do so seems immediately to raise the thorny question as to how we identify,
distinguish, and count accounts of the Good, in the manner seemingly presupposed by
our elucidation of **Diversity** in terms of doxastic heterogeneity with respect to the
Good.

One response to this Problem may be to cite and to develop an analogy with,
of all things, the philosophy of biology.[4] Consider the relation between classical
Mendelian genetics and our contemporary understanding of molecular genetics. It is
not clear exactly how the former theory relates to the latter. Our study of molecular
genetics has not revealed nice, neat, one-to-one mappings between the "genes"
posited by classical Mendelian genetics, and the sequences of amino acids we now
understand to be the transmitters of our genetic information. Mendelian genetics is,
in all likelihood, an oversimplification. Nevertheless, learning Mendelian genetics
remains a useful way of coming to understand the general principles of genetics, even
though at the end of the day there may be no entities answering to the notion of a
"gene" posited by that theory. Mendelian genetics is a useful heuristic. Similarly, for
our purposes, we can treat the notion of an *account of the Good* as a heuristic – a
notion useful in helping us to think about the sorts of disagreements that, in contrast
to disagreements about, e.g., economic policy, matter most to people. We can thus
utilize this notion, even as we acknowledge that it *is* difficult (if not impossible) to
individuate accounts of the Good. At the end of the day, we can allow that there are
no entities answering to the notion of an "account of the Good" – there are just lots of

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[4] Other examples from the philosophy of science, involving conceptual issues surrounding reduction and
explanation, can no doubt serve my purposes here equally well (perhaps better?), but this is the example
most familiar to me.

individuals with lots of constellations of beliefs and commitments. In common with the Mendelian geneticist, we can maintain that, for purposes of illustrating something important about our subject matters, it is worth speaking in terms of (ultimately fictitious) discrete, individuable entites. Our doing so is justified by the fact that such talk provides the basic conceptual framework and vocabulary with which we can give our arguments pithy expression.

Hopefully the reader is satisfied with my request that we can simply stipulate a tolerably precise notion of an 'account of the Good' adequate for our present purposes. As I hope will become clear in section **8.4**, our notion of an account of the Good need not be terribly precise in order to be serviceable: as we'll see with our formulation there of a claim called "**Legitimate**", nothing much hangs on what gets counted as a disagreement about the Good and what counts as another species of disagreement. Because most any disagreement could turn out to have important implications for one's conception of how best to live, most any disagreement is going to acquire the important status that we are presently attributing to disagreement about (our stipulative sense of) the Good. The stipulation that there are individuable accounts of the Good winds up acquiring the status of an assumption in an indirect proof – one that is discharged once it has served its purpose in the argument. (The meaning of these remarks may be obscure now, but hopefully they become clearer when the reader has reached the relevant portion of the argument in chapter eight.)

0.3 Hasn't Diversity Already Been Given Its Due?

Before proceeding, I should pause to address the incredulity doubtless provoked in the minds of many readers, with my assertion (at the end of section **0.1**) that political theory and practice have tended not to make the fact of diversity central to their endeavors. For one might (very reasonably) object that the small example of *liberalism* undermines this claim. After all, is not liberalism the very tradition of theory and practice that arose precisely in response to the need to accommodate the truth of **Diversity**? We can term this objection (or the incredulous stare[5] that might be offered in its stead) the 'Liberal's Rejoinder.' My response to the Rejoinder is that this understanding of liberalism is partially correct, for a characterization of liberalism that is itself only partially correct. For 'liberalism' obviously cannot be plausibly regarded as a unitary political or philosophical movement. While there are many dimensions along which we may seek to distinguish various forms and traditions of liberal thought and practice, for present purposes I will focus on a bifurcation identified by William Galston in his 1995 article "Two Concepts of Liberalism."[6] Here Galston articulates and defends a conception of 'post-Reformation liberalism' that understands itself (in contrast with the autonomy-promoting conception of liberalism associated with the 'post-Enlightenment project') as being oriented towards the accommodation of diversity, in much the way I seem to be denying that any understanding of politics has heretofore done.[7] So, in Galston's terms, the Rejoinder is accurate only with regard to post-Reformation liberalism, and not to its post-Enlightenment cousin. Given its commitment to a robust notion of

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[5] See David Lewis [1986, 133ff.].

[6] Galston [1995].

[7] Other theorists have similarly identified and characterized such a cleavage in liberal thought and practice. See, e.g., Brian Barry's discussion of the various ways of articulating this cleavage at his [2001, 118ff.].

autonomy as a prerequisite of any life's having any value for any person, we should not understand the post-Enlightenment project as being motivated to any significant degree by the need to respond to **Diversity**. In this sense, the Liberal's Rejoinder is appropriate to a conception of liberalism that is only partially correct; if we understand liberalism in terms of the post-Enlightenment project (in the terms in which it was understood by thinkers such as Kant and Mill, that is), the Rejoinder does not apply.

Furthermore, as I have indicated, the rejoinder is only partially accurate, even with respect to the post-Reformation understanding of liberalism. For the claim that post-Reformation liberalism takes as its central component the task of responding to diversity is partially *in*accurate in at least two distinct (but related) ways. These two ways are best uncovered by attending to infelicities concealed by the italicized words in the following (now suitably restricted) formulation of the Liberal's Rejoinder: "In articulating their conception of politics, Post-Reformation liberals accorded a *central* role to the task of responding to *diversity*." In the first place, it is probably more accurate to say that, for early liberals in this tradition, the task of first importance was the attainment of a workable modus vivendi – *not* the articulation of a vision of politics properly responsive to diversity. (Thus, post-Reformation liberals did not accord 'response to diversity' a *central* role in their conception of politics.) In the second place, these liberals were probably interested, not in fashioning a conception of politics capable of accommodating generic 'circumstances of diversity' *however* they may manifest themselves, but rather with a very particular manifestation of social diversity – the experience of post-Reformation northern Europe – and with the

very particular civic and political challenges it engendered. (Thus, post-Reformation liberals did not accord response to (generic) *diversity* a central role in their conception of politics; instead, their concern was to respond specifically to the proliferation of competing politico-theological sects in northern Europe in the sixteenth century.) Let us consider each of these infelicities in turn.

First, this conception of liberalism arguably did not make responding to the fact of diversity central to its understanding of politics, in the way I am suggesting needs be done. To the extent that early liberal theory and (especially) practice were motivated by the need to attain civil peace, in the face of a theological diversity that was coming to be seen as an unavoidable and permanent feature of post-Reformation European life, this strand of liberalism probably tended to privilege whatever political arrangements seemed most productive of a workable modus vivendi among society's competing sectarian factions. Thus, while the fact of diversity constitutes the historical *circumstance* that occasioned the rise of (this flavor of) liberalism, we should not necessarily understand post-Reformation liberal theory or practice as oriented primarily towards giving central place to the need to respond to **Diversity**. Lest I incur the charge of sophistry with this exceedingly subtle distinction, I should flesh out this point with a real-life illustration. This example is drawn from the history of political theory rather than political practice, but I believe it illustrates the general worry for both these facets of (post-Reformation) liberalism. An important early work in the liberal tradition is John Locke's *On Toleration*, in which he argues, among other things, for the exemption of matters of religious conscience from the legitimate provenance of public action. His argument rests on a particular (and no

doubt contestable) theological understanding of salvation as dependent on an inward state of the believer's heart and mind – a state which by its nature is impossible to bring about via coercion.[8] For present purposes, the important point is twofold: (i) that Locke was (plausibly) moved to write in defense of religious liberty by the urgent need to secure civil peace, and by the seeming impossibility of securing said peace by means of one particular sect's imposing its vision of Christianity on dissenters; and (ii) that Locke *could* and probably *did* avail himself of this theologically-grounded argument for civic liberty in the first place precisely because it appeared to him as one of the most salient and effective arguments available, given the shared theological assumptions that prevailed at the time. Locke was in this regard very pragmatic. That is, in his attempt to forge a workable social unity in the teeth of a then-disruptive theological diversity, Locke was more than happy to invoke common ground wherever he could find it. In this sense, post-Reformation liberalism did not place the task of *responding to diversity* per se at the center of its understanding of politics. Rather, its aim was more modest: it sought only to meliorate the divisive effects of a particular eruption of diversity as it manifested itself at a particular historical moment; there was no effort to fashion a politics capable of responding to any imaginable eruption of any kind of diversity at any particular historical moment. Plausibly, early liberals like Locke sought to revise existing political arrangements only insofar as such revision was necessary for effecting peaceable co-existence, and with an eye to effecting minimal disruption of the prevailing understanding of the relation between religion and politics. That is, post-Reformation liberalism did not

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[8] For a general exploration of the extent to which Locke's entire political philosophy rests and relies on a particular (liberal Protestant) theological framework, see Waldron [2002].

undertake the more radical project of altogether decoupling *public theological justification* from *public political justification*; instead, it sought to limit the range of theological justifications that could be legitimately offered for political arrangements – e.g., allowing only generically Protestant or Christian considerations to hold currency in the political sphere, while simultaneously disallowing specifically denominational considerations, on the one hand, and (e.g.) dangerously atheistic considerations, on the other.[9]

Related to this (stylized) historical example[10] of Locke's use of theological premises in his defense of religious toleration is the second infelicity contained within the Liberal's Rejoinder as it applies to post-Reformation liberalism: that it did not reckon as its central motivation the need to accommodate *diversity*. This accusation pertains to the depth and scope of the diversity in question. As I shall argue in greater detail later, many understandings of liberalism (the 'post-Reformation project' conspicuous amongst them), and of politics in general, are best understood as being responsive to what we might term 'shallow diversity': surface disagreement occurring against a backdrop of shared belief and practice, where this backdrop is held to be of scope and substance sufficient to permit the identification and articulation (by skilled political agents, at least) of acceptable compromises on at least a wide range of issues that appear *prima facie* to be intractable. Early liberals in the post-Reformation

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[9] For Locke's views on the extent to which atheists are in a sense 'beyond the pale' when it comes to offering credible political arguments, see his discussion of atheists' inability to engage in the practice of promising at [1990, 64].

[10] I should probably take this opportunity to acknowledge that, in the foregoing example, I have most likely oversimplified greatly, and that a full account of the post-Reformation liberals – and of Locke's *On Toleration* in particular – is likely to turn out far more nuanced, and probably far messier too (at least for purposes of making my point). But I remain convinced that the broad thrust of my historical arguments are at least of sufficient accuracy and philosophical relevance to be worth including here, their acknowledged shortcomings notwithstanding.

tradition did not typically understand themselves as articulating a vision of politics adequate to circumstances of deeper and more divisive disagreement. Instead they saw their task as that of fashioning political arrangements defensible in terms of the *shared* (theological and moral) commitments that lay beneath their *disputed* (denominational and sectarian) surface disagreements. Accordingly, they saw no need to fashion a politics that aspired to accommodate future outbreaks of diversity. But when I claim that "neither political practice nor political theory has tended to make the question 'How should polities respond to the truth of **Diversity**?' *central* to a conception of politics," I mean that no tradition of political theorizing has taken, as its point of departure, the aspiration to fashion a conception of politics properly responsive to diversity in *any* of its manifestations, and not merely responsive to this or that circumstance of diversity. Fuller articulation of this point must await my discussions of the 'Common Ground Model' and 'Methodological Radical Diversity' in chapter seven below; for now I simply hope to offer the reader assurance that we should continue our exploration, even in the face of my seemingly outlandish claim that no tradition of political theory or practice – not even liberalism – has given due considerations to the need to respond to **Diversity**, in the manner I think is necessary. Assuming the reader has been given adequate assurance for the time being, we return to the main thread of the argument.

0.3 Political Responses to Diversity: Perfectionism and Neutralism

If we allow the question "How should polities respond to the truth of (intra-polity) **Diversity**?" to provide our fundamental orientation with regard to conceptions of politics, we find that we can immediately divide political frameworks into two categories: what we might term (following the recent usage of political theorists) 'Perfectionist' and 'Neutralist' approaches. A government that embodies the former approach, and whose citizenry is diverse, permits itself to pass judgment with regard to the various conceptions of the Good Life holding currency amongst its citizens, privileging some proper subset of these conceptions and organizing itself according to the tenets of this favored conception(s). (In this sense of the term, a culturally homogeneous state can of course also organize itself along Perfectionist lines. Its decision to do so would not appear nearly as controversial as it might were its citizens to exhibit more cultural diversity – unless, of course, that state for some reason elected to organize itself along moral principles incongruous with those principles (unanimously) endorsed by its members.) A government embodying the latter approach, by contrast, refrains from passing such judgment. It seeks, rather, to accommodate, to a greater or lesser extent (depending upon its precise formulation) the range of conceptions of the Good Life that hold currency amongst its citizens.

We have now given further refinement to the **Political Question**, by casting it as a choice between two broad approaches to politics. Thus refined, we can reformulate the question as follows:

- **Political Question′**: How best should polities respond to the truth of **Diversity** – by organizing themselves along Perfectionist lines, or along Neutralist lines?

In this dissertation, I explore the strongest case to be made for the Neutralist answer to this question, and articulate the vision of politics most congruent with that case.

But how might we decide whether to answer our question with a Perfectionist story or a Neutralist one? And, assuming we can discover an answer to this **Political Question′**, how might we further decide which Perfectionist or Neutralist story is the most defensible one? I suggest that a fruitful way to begin our response to this *political* question is to step back and investigate, as a preliminary matter, certain related *philosophical* questions. So before answering the political question "How should polities respond to the truth of **Diversity**?", let us ask the philosophical question "How should philosophers respond to the truth of **Diversity**?"

0.4 Philosophical Responses to Diversity: Epistemology and Metaphysics

"What are we – impartial, disinterested philosophical theorists – to make of the truth of **Diversity**?" This question is frightfully vague, and admits of several interpretations. We might wonder, for instance, exactly what sort of philosophical theorists we are to take ourselves to be. And we might ask for an elucidation of the "makes of" relation, whose two relata are (apparently) philosophical theorists on the one hand, and the fact that people disagree about the best way to live, on the other. Keeping our purposes firmly in mind, though, we may find certain ways of

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disambiguating this question to be more helpful than others. For example, at the outset we can specify two types of pertinent 'philosophical hats' we might wear: that of an epistemologist, and that of a metaphysician.[11] Thus we might, in the first place, ask the 'Epistemological Question':

- **Epistemological Question**: What attitude ought we to take with regard to our epistemic abilities vis-à-vis knowing the Good?

Or we might, in the second place, ask the 'Metaphysical Question':

- **Metaphysical Question**: How many (if any) of the accounts of the Good, now holding currency, are true or valid?

So as a preliminary matter, we are able to refine our broad, vague philosophical question into two tolerably precise questions – one epistemological, the other metaphysical. Thus far, my treatment of the generically philosophical question "What are we – impartial philosophical theorists – to make of **Diversity**?" is not very rigorous – the epistemological and metaphysical dimensions of this question may not be mutually exclusive, and they are almost certainly not jointly exhaustive. Nevertheless, I believe that for present purposes, this split is serviceable. So for the next two chapters, let us exchange our political theorist hats for those of philosophical theorists – delaying considerations of our **Political Question′** till three chapters

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[11] I've always preferred the term "metaphysicist" (it invokes images of laboratory science, rather than clinical medicine), but practitioners of the craft themselves seem to prefer the term "metaphysician", so I will follow their usage.

hence, after we have laid some preliminary philosophical groundwork. We shall begin (in the initial chapter) with an exploration of the epistemological question, before turning (in chapter two) to matters metaphysical. Hopefully, as we consider these two questions, the nature of the "makes of" relation, such as holds between the fact of **Diversity** and the theoretic interests of epistemologists and metaphysicians, will become clear.

Chapter One: *The Epistemological Question*

The first thing to note is that, at least as formulated, the **Epistemological Question** is an awkward one. This is because, on its face, phrasing the question in the first-person plural seems at odds with the fact of **Diversity** itself – with the fact, that is, that 'we' often disagree (and sharply) as to the content of the Good Life. How are we to assess our abilities to *know* the Good, when many of us profess to 'know' such different things about it?

(As an aside, I would suggest that, to the extent they have considered it, most contemporary political theorists have probably failed to recognize just how awkward the question really is. I speculate that this failure results from many theorists' assumption that, with the relevant scope of 'we', we do *not* actually disagree so much about the Good. Given the primary audience for their writings, this assumption might be warranted: we should perhaps forgive political theorists for believing that all interlocutors in these debates share a common (more or less liberal, more or less secular) comprehensive moral outlook. But, while this assumption may serve them well when they are writing for, and debating with, their fellow philosophers and political theorists, it becomes problematically contentious if one expands the scope of 'we' to include all or most citizens in contemporary liberal democracies. It becomes contentious, that is, if the dialogs internal to the political theory profession are to be extended so as to include *within* the dialog many of those persons that the dialog is supposed to be *about*. If my assessment is correct, it is, I think, a poor reflection on the current state of the dialog.)

Despite the awkwardness of the question, I propose we press forward and do the best we can to answer it anyway – bracketing for the moment the doxastic heterogeneity suppressed by our use of the first-person plural. In reflecting on the **Epistemological Question**, I think we are apt to characterize a range of attitudes towards persons' abilities to track truth in this domain, along the following lines: We may take a confident attitude, a pessimistic attitude, or a humble attitude. (I believe that this conceptualization *does* represent a set mutually exclusive and jointly exhaustive theoretical alternatives.)   For ease of exposition, let us give each of these attitudes a name and a brief characterization:

- **Confident**: Given the proper exercise of their mental faculties, it is fully within humans' cognitive abilities to obtain knowledge about the best path(s) to human flourishing.

- **Pessimistic**:   The opposite response from **Confident**, **Pessimistic** constitutes (ironically) a confident despair at humans' abilities to come to know the Truth about life's ultimate meaning and purpose.

- **Humble**: This final stance involves making a modest – yet not necessarily skeptical – assessment of humans' epistemic abilities with regard to questions of Ultimate Concern.

Let us now give a more detailed exposition of each of these possible (epistemological) attitudes towards the fact of **Diversity**.

1.1 Confident

This first attitude involves a commitment to regarding persons as capable of recognizing truth about the best way to live. At first glance, such an attitude might seem to fly in the face of the very insight embodied in **Diversity**: how can one adopt a confident trust in humans' abilities to track truth about the Good, given the fact of persistent disagreement about the Good? (It seems that already, we must revisit the just-bracketed heterogeneity suppressed by our use of 'we' in the formulation of the **Epistemological Question**.) We might call this worry the 'problem of epistemic **Confidence** in the face of disagreement' – or just the 'Disagreement Problem' for short. How might we respond to the Disagreement Problem? Two ways suggest themselves; each involves pointing out that **Confident** is not to be conflated with a similar, yet distinct, claim.

The first response to this worry is to insist that **Confident** not be confused with a claim we might name **Easy**:

- **Easy:** Ascertaining the truth about matters of ultimate concern is easily within the grasp of all normally cognitively-functioning human adults.

To say one is confident in one's ability to track truth in a given domain – or that one is confident in one's ability to do anything, for that matter – is not to concede that the

relevant task is easy, or that just anyone can do it. Thus, a skilled archer might be confident in her ability to strike her target nine times out of ten, but this does not imply that just anybody can achieve 90% accuracy, or even that the archer herself regards the task as easy. (It might require a great degree of sustained mental concentration, expert muscle control, and physical exertion – requirements which the archer finds difficult to discharge, even as she is confident in her ability to do so.) As with physical tasks, then, so also with cognitive tasks. Thus, some 'epistemically confident' folks will (say) insist that *they* are nicely tracking truth in the domain of Ultimate Concern, even while subscribing to an 'error theory' which holds that those less competent to judge such matters often go astray. And their so often going astray is precisely what constitutes the fact we've termed **Diversity**.

The second response to the worry created by the Disagreement Problem is to stress that **Confident** ought not to be conflated with another claim – namely, the 'monistic' claim that there is only *one* true account of human flourishing, or only one path to the Good Life, or only one true account of life's meaning and value, or what have you. (We shall have occasion to explore the contours of this monistic value-claim shortly, when we consider the range of available responses to the **Metaphysical Question**.) One can be confident in her own – and indeed, in everybody else's – abilities to track truth, and feel no discomfort from the fact of **Diversity** at all – just so long as one rejects this monistic outlook. For example, were one a value pluralist, one would actually (confidently) expect that the free and unfettered exercise of human reason would yield a multiplicity of creeds and faiths. For, since value (on

this view) is itself heterogeneous, one should expect human beings to reliably track this fact, and thus to cleave to divergent (though equally legitimate) schemes of value.

1.2 Pessimistic

Proponents of the second attitude share with proponents of **Confident** a certain 'meta-level' confidence in their judgment as to human beings' epistemic abilities vis-à-vis the Good. Proponents of **Confident** are quite confident that at least some persons' judgments reliably track truth in this regard – they may believe (if they are inclined towards monism) that only the adherents of one account of human flourishing get it right, or they may believe (if they are inclined instead towards pluralism) that adherents of multiple and rival creeds profess equally valid (if divergent and incompatible) understandings of life's meaning and value.[12] Proponents of **Pessimistic**, on the other hand, are quite confident in their judgment that *no* person can know that his or her beliefs and commitments with respect to human flourishing 'get it right.' They have confidence in human beings' *in*ability to obtain knowledge about values, whether or not they exist.

Note that this is purely an epistemological claim – it should not be confused with the similar, metaphysical claim (which we will examine in more detail in section **2.1** below) of nihilism, to the effect that there simply *is no truth of the matter* when it comes to questions of ultimate concern. The **Pessimist** thinks that no one can know

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[12] In theory, a proponent of **Confident** might even remain agnostic as to the question whether any creeds 'get it right', and if so which ones. (Theoretically, even, someone could maintain **Confidence** in our epistemic abilities even as she flat-out *denies* that any extant creeds get it right, so long as she simply professes faith that *someday* we will come to discover the truth about how best to live. For more on this possibility, see my discussion of the 'Approximation Thesis' in section **6.5** below.) However, we may reasonably question wherein such a theorist's confidence lies, given her inability to point to even one example of a creed she regards as verisimilitudinous.

the truth about the Good, not (necessarily) because there is no right answer here, but because there is no sense in which anyone could ever *know* the right answer, whether or not it's out there. We might therefore distinguish the 'nihilistically-inclined **Pessimist**' from the 'non-nihilistically-inclined **Pessimist**'. The latter variety of **Pessimist** might suspect that probably there are objective values, but that human beings are so cognitively defective as to remain forever unable to know them (though perhaps God knows them). By contrast, a nihilistically-inclined **Pessimist** doubts the existence of objective value altogether. However, she regards this negative existential claim to be of no real import, given humans' inability to (say) access the contents of 'Platonic Hyperspace' – even were such a space to be populated by Values, Forms of Good, Beauty, and Justice, and the like. (In all probability, the majority of **Pessimists** tend to be thus nihilistically-inclined. But it is worth distinguishing these two varieties of the doctrine, just to have a clear view of the relevant conceptual landscape.)

To appreciate the difference between non-nihilistically- and nihilistically-inclined **Pessimists** (which is to say, to appreciate the difference between the relevant epistemological claim and its closely associated, yet distinct, metaphysical claim), consider an example of the former. A non-nihilistic **Pessimist** might suspect that indeed there is a fact of the matter in this domain, while simultaneously denying the possibility of our knowing it.[13] The familiar figure of Euthyphro represents someone who affirms this pair of positions, albeit with respect to the domain of *piety*. Euthyphro famously asserted that what is pious is what the gods approve (and thus

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[13] In Christopher Peackocke's terminology, such a person finds herself unable to resolve the 'integration challenge' with respect to her metaphysical and epistemological understandings of the domain of human value. See his [1999].

that there is a fact of the matter about what is pious, inasmuch as there is a fact of the matter about what the gods approve), while simultaneously admitting (though only after much Socratic prompting) that human beings have no access to reliable beliefs about that which the gods do, in fact, approve. Someone who shares Euthyphro's stance with respect to the competing conceptions of the Good Life currently endorsed by the world's citizens might feel strongly (and in contrast to the nihilist) that at least some of the beliefs and customs associated with these various worldviews must be verisimilitudinous: perhaps she believes that widespread devotion to these worldviews could not possibly be sustained unless at least some of them were correct or accurate. ("Six billion folks can't *all* be wrong!") At the same time, however, she might endorse epistemic commitments (perhaps she has yet to hear that Logical Positivism has been discredited?) that proscribe the possibility of any human's actually *knowing* anything about the Good. It might happen that some lucky humans entertain true beliefs about the Good – it is, she feels, quite likely that they do. But these persons lack full-blown *knowledge* of the Good, inasmuch as these beliefs – while true – are not (and could not be) justified.[14] So the label 'lucky' for such persons is quite apt here: though these persons have correct beliefs about the Good,[15] it is simply a matter of luck that these persons happen to avow the correct beliefs.

1.3 Humble

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[14] Let us assume the 'Justified True Belief' analysis of knowledge to be serviceable for present purposes.
[15] And recall that our Euthyphro-like skeptic *does* regard it very likely that some persons have such true beliefs – else (she reckons) we would be unable to explain the phenomena of persistent and fervent belief and practice regarding theGood.

The **Humble** attitude with respect to our ability to know the Good is characterized primarily by its rejection of the 'meta-level' confidence that proponents of the first two epistemic attitudes share: the proponent of **Confident** is quite confident that humans *can* know the Good, while the **Pessimist** is quite confident that human beings *cannot* know the Good. Someone who is **Humble**, though, steers a middle course between these positions. She is neither unduly optimistic that she (or anyone else) knows the Truth of the matter, nor is she unduly skeptical of all humans' claims in this regard. With respect to our epistemic abilities vis-à-vis the Good, she is neither Pollyanna nor Scrooge; neither Descartes nor Hume.

In all likelihood, such **Humble** folk affirm their epistemic modesty on the basis of their judgment that, whatever the truth of the matter, ascertaining the best account of life's meaning and value is a difficult task. For ease of exposition, let us give this judgment the name **Difficulty**:

- **Difficulty:** Determining which account(s) of life's meaning and value are true (if any are) is a difficult task.[16]

According to **Difficulty**, ascertaining the nature of the *summum bonum* – if such there even be (we need not prejudge the matter in favor of 'monistic' conceptions of the Good[17]) – is a difficult task. Those who affirm this claim will no doubt invoke, in support of their judgment, the observation that several millennia's worth of human

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[16] As will emerge later – and as the reader may already suspect – **Difficulty** is simply the denial of **Easy**.
[17] Note that **Difficulty** does not assume there *is* an objectively valid account of The Good. Nihilism, for example, may be the correct account. The point is only that (say) nihilism is not *obviously* true, in a way that renders all non-nihilists unreasonable for refusing to assent to nihilist doctrine. Whether or not there's a Truth of the matter, it's difficult to come to know whether or not there's a Truth of the matter (and, if so, what this Truth is).

investigation has yielded little consensus on the matter. Further, they will observe that the longstanding theological, moral, and political disagreements that constitute the fact of diversity persist, even among reasonable and well-intentioned people, and even after such persons have been brought into full dialog with one another. Such disagreements persist, even after such persons have been brought into full awareness of alternative conceptions of life's meaning and value. It is not as if divergent conceptions of the Good once persisted only because diverse communities evolved in relative isolation from one another, and that – upon coming into contact with each other – these societies tended to converge on philosophical beliefs and cultural practices. If anything, the reverse might be true.

I note in passing that the invocation of such a 'third way' – neither epistemically confident nor skeptical – is a generally underappreciated epistemological alternative, in many domains of inquiry. In many circumstances, theorists often proceed as if they confront only two choices with respect to the domain in question: affirmation of some positive account of knowledge-of-X, or skepticism regarding the possibility of knowledge-of-X. But a stance of humility says: "We may know something about X; I'm not prepared to affirm skepticism in this regard. On the other hand, I'm sufficiently impressed by the difficulty of the epistemic task at hand, that I stop short of affirming that some extant account of X is the right one." It would be an interesting inquiry – though one I cannot undertake here – to conduct a survey of the areas of inquiry in which the state of debate might be advanced considerably by the introduction of such a 'third (epistemic) way'.

We have now given further refinement to the **Epistemological Question**, by casting it as a choice among three possible positions. Thus refined, we can reformulate the question as follows:

- **Epistemological Question′**: What attitude ought we to take with regard to our epistemic abilities vis-à-vis knowing the Good – a **Confident**, **Pessimistic**, or **Humble** one?

Having thus refined the epistemological interpretation of the question "What are we – impartial, disinterested philosophical theorists – to make of **Diversity**?", let us turn to the metaphysical interpretation of this question.

Chapter Two: *The Metaphysical Question*

The **Metaphysical Question** is considerably less 'awkward' than the epistemological one, so let us launch straight into a characterization of a range of answers to the question, "How many (if any) of the conceptions of the Good, currently holding currency, are true or valid?" If we were to articulate the full range of logically possible objective scenarios, vis-à-vis the truth or accuracy of competing conceptions, that might undergird human beings' varied and incompatible visions of the Good Life, we would recognize three relevant possibilities: perhaps none of the world's competing conceptions are true, perhaps only one of them is valid, or perhaps several (and in the limit, all[18]) of them are. (Here again, these possibilities stake a decent claim to being regarded as mutually exclusive and jointly exhaustive.) For ease of exposition, let us give each of these possibilities a name and a brief characterization:

- **None**: Nary a single person who regards him- or herself as accurately tracking the Good with his or her value judgments is correct in this self-assessment.

- **One**: There is only 'One True Faith': one true account of life's meaning and value; one true characterization of human flourishing.

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[18] We should note here a difference between our way of quantifying over possibilities, and the standard way in which logicians understand quantifiers. In quantifier logic, the universal quantifier is interpreted as 'all', and the existential quantifier is interpreted to mean 'at least one'; there is no special quantifier designated to pick out 'one and *only* one.' But the claims of those who profess to have identified the *one and only* true vision of the Good Life are going to play an important enough role in our subsequent discussion, that I think it worthwhile to work with a three-quantifier scheme of 'none', '(only) one', and 'several', where this last quantifier is interpreted so as to include the universality usually associated with the universal quantifier.

- **Some**: Despite deep differences in their patterns of living, in their beliefs and practices, adherents of rival and competing visions of the Good Life are still living lives of genuine truth and value. (Not necessarily *all* such folks are, however – perhaps some are just plum mistaken in *their* beliefs about the Good.)

Let us elucidate each of these possibilities.

2.1 None

The metaphysical position represented by **None** has already been discussed in some detail in section **1.2**, where we sought to distinguish the epistemological claim represented by **Pessimistic** from a metaphysical claim similar to the one we have now termed **None**. Nevertheless, so as to preserve symmetry in the organization of these chapters and their sub-units, we shall accord **None** its own section for elucidation – slight though it may be. Only one observation remains to be added to our discussion from section **1.2**: there, we drew the contrast between a **Pessimistic** epistemological position and a nihilistic metaphysical position. But we should note that, while a generically nihilistic[19] metaphysical stance is sufficient to undergird the position set forth in **None**, it is not necessary. The generically nihilistic metaphysical stance accounts for the truth of **None** by appealing to a natural explanation: no persons track the truth about the Good, for the simple reason that there just is no Good 'out there'

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[19] I write of a 'generically nihilistic' metaphysical stance in order to preserve a distinction between this outlook and the narrower, more precise sense of '**Nihilism**' to be introduced in section **3.1** below.

for our judgments to track. But notice that one need not necessarily embrace this negative existential claim about the Good in order to affirm **None**: one need only to deny that any *extant* conceptions of the Good resemble, in any meaningful sense, the true account of life's purpose and value. Such a denial is fully compatible with there actually being a *summum bonum*. Perhaps God has not yet fully revealed Herself, and when She does, we will come to recognize all our past beliefs and conceptions about the good life as woefully inadequate. Note that such a position is distinct, both from the generically nihilistic claim implied in section **1.2** and discussed just above, and from the **Pessimistic** epistemological stance that dismisses human beings as being forever incapable of obtaining knowledge of the Good. This stance is an observation on the current state of human knowledge, rather than a claim about any *possible* state of human knowledge. It is not a claim about human beings' congenital cognitive endowment vis-à-vis the Good (as is the epistemological stance represented by **Pessimistic**), nor is it a negative existential claim with respect to the entities populating the 'valuational universe' (as is the generically nihilistic metaphysical stance). True, there is something puzzling about characterizing this as a *metaphysical* position, or even as an apt response to something called a 'metaphysical question.' But it does occupy part of the relevant conceptual possibility space, so it is worth mentioning. However, in light of the likelihood that most or all adherents of **None** subscribe to this position on the basis of their generically nihilistic metaphysical proclivities, rather than on the basis of their expectation of a future revelation or discovery as to the true nature of the *summum bonum*, I propose that henceforth we

ignore this possibility. Unless otherwise stated, in our future discussions of **None**, we may assume it to be held on the basis of a generically nihilistic metaphysics.[20]

Having thus accorded **None** its own section, and finding little more to say on the matter, we proceed immediately to an elucidation of the next metaphysical position: **One**.

2.2 One

As was the case with **None**, the metaphysical position represented by **One** has already been discussed in some detail in the previous chapter. Recall that in section **1.1**, we invoked the *denial* of a position much like the one we have now termed **One**, as a component of one possible response to the Disagreement Problem. Specifically, we suggested that (contrary to appearances, perhaps) we need not regard a **Confident** epistemological stance as standing in tension with the fact of **Diversity**, so long as we do not conflate the **Confident** epistemological claim with the metaphysical claim represented by **One**. In other words, we suggested that epistemic **Confidence** is perfectly compatible with doxastic **Diversity**, so long as one is prepared to affirm a metaphysical position akin to **Some**. So with our three metaphysical possibilities now on the table[21], we are in a position to offer a fuller characterization of the second response to the Disagreement Problem: one can simultaneously countenance the fact of **Diversity** and adopt a **Confident** posture vis-à-vis humans' abilities to know the Good, so long as one rejects **None** and **One** in favor of **Some**.

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[20] Actually, I believe that – all things considered – it is more sensible to regard this possibility as a special instance of **One** – see my discussion of the 'Approximation Thesis' at section **6.5** below.
[21] Bearing in mind that full discussion of **Some** does not come until section **2.3**.

(Recall also that this was only the second of two possible strategies we suggested for reconciling **Diversity** and **Confident**. The first involved denying that **Confident** entailed that the nature of the *summum bonum* was **Easily** ascertainable by all, without necessarily requiring the affirmation of **Some**. On this view, **None** or **One** could very well represent the truth of the matter – it's just that it's very difficult for anyone to come to appreciate the truth of **None** or **One**.)

Having just recalled our prior invocation of a **Some**-like metaphysical claim – and finding little else to say in the way of elucidating **One** – let us now turn to an elucidation of this third metaphysical possibility. The reader who has been troubled with the pithy elucidations set forth in the two prior sections will be relieved to learn that the length and detail of our discussion of **Some** will be more than sufficient to make up for this shortcoming.[22]

2.3 Some

Some is the position one would affirm if one believed something like value pluralism to be the case. Because the relationship between value pluralism and liberalism has been the subject of much recent, vigorous discussion among political theorists, the topic deserves special attention here. Accordingly, let us examine the value pluralists' thesis in some detail.

'Value pluralism' is the name for the view, perhaps most famously associated with Isaiah Berlin, that at its most fundamental level, human value is irreducibly heterogeneous. On this account, rival conceptions of life's meaning and value – both

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[22] The reader who was quite appreciative of the aforementioned pithiness can content herself with the fact that – though the next section is long and detailed – overall this work is fairly short, as dissertations go.

religious and secular – are thought to represent equally valid, though mutually incompatible, modes of genuine human flourishing. Such divergent values are said to be incommensurable – we cannot compare the worth of one to another, as they do not reduce to any common value, nor is there any common currency in terms of which their relative magnitudes can be expressed.

We might characterize value pluralism more precisely in terms of its commitment to three theses: the 'heterogeneity thesis', the 'incompatibility thesis', and the 'incommensurability thesis'. Let us examine each in turn.

2.31. Heterogeneity

As we noted at the outset, human beings have long disagreed about the best way to live – an observation important enough to warrant its own title: **Diversity**. The value pluralist is one who rejects the explanations of this fact offered both by **None** and **One**. Against the proponent of **None** (and, for that matter, against the **Pessimist**), the value pluralist holds that human beings can use reason to establish the validity of some theories of the Good, and to establish the falsity and invalidity of other conceptions. Against the proponent of **One**, the pluralist also denies that there need be only one rationally defensible conception of human flourishing. The pluralist sees disagreement about the good life persisting, then – not because some or all parties are deceived, or unreasonable, or unintelligent, or arguing in bad faith – but because even the most well-intentioned and proper exercise of human reason can lead us to divergent yet equally valid conceptions of human flourishing. The genuine paths to human well-being, on this account, are multiple. Rather than there being

One True Faith, there are Some True Faiths. Nevertheless, there are still some False Faiths. Value Pluralism does not imply that "anything goes" when it comes to conceptions of life's meaning and value: some accounts of the Good Life are simply mistaken. Value pluralists hold that the distinction between good and evil, between better and worse ways of living, is real and rationally defensible.

2.32. Incompatibility

A further hallmark of pluralist thought is that these divergent modes of genuine human flourishing are not all co-possible. This is true at both what we might call the inter-personal and intra-personal levels. At the intra-personal level, the claim is that no single individual can live a life that embodies all (or even many) of the varied values available to human beings. There are real trade-offs among different ways of life. Attempts to live 'comprehensive' lives that embody a wide (or even the full) range of human values will either require sacrifices of some benefits that would normally accrue from a more full-bodied pursuit of some particular value, or else will fail altogether. Quiet family life offers many advantages, as does a life devoted to high-stakes international espionage. But it is doubtful that James Bond could reap the full benefits of domestic tranquility concurrently with the life of intrigue and danger he experiences on the job – something, somewhere, would have to give. And it may be altogether impossible to simultaneously reap the advantages of ascetic self-reflection – advantages which accrue to the life of the nun or monk, say – and social involvement and self-affirmation – the life of a political office-holder, say. One

might simply find it impossible to hit the campaign trail during the day and retreat to the monastery during evenings and weekends, while deriving the benefits of either.

This insight holds at the inter-personal level as well: certain forms of society may be co-impossible within the same community. For instance, folks who happen to be born members of the medieval European aristocracy might find that the embodiment of certain courtly virtues – chivalry, for example – makes their lives go much better for them. A life of courtly virtue might represent a genuine mode of valuable human flourishing. But individuals born into modern liberal democracies will find their efforts to live out an existence steeped in such virtues constantly thwarted. Such an individual has available to him all the modes of human flourishing compatible with liberal democracy – but not the life of courtly virtue. For such a life, while perhaps genuinely embodying value, requires as a prerequisite certain inegalitarian modes of social organization incompatible with modern ways of life.

2.33. Incommensurability

The value pluralist denies that heterogeneous human goods can be realized in the same individual life, and further denies that they are co-possible within the same community. But he goes even further, by denying that such divergent human ideals are co-possible even within a common *evaluative framework*. That is, according to the value pluralist, competing conceptions of the human good are not only incompatible, they are also *incommensurable*. To say that some values are incommensurable is to say that they do not even admit of direct comparison. To understand this claim, it is helpful to contrast it with two views according to which

diverse values *are* commensurable. One is a position according to which seemingly-divergent values actually all reduce to a common value; another is a position according to which there is a common measure or currency in terms of which the magnitude of divergent values can be expressed and compared.

For an example of the former position, consider views according to which everything of value ultimately derives its value from the fact that it is valued by God. So, on this account, on the face of things we might identify many things as having value. We might be tempted to say that some things – like faith, hope, love, and tithing – have value because they are activities that God commanded, while other things – like coffee, baseball, and crossword puzzles – are valuable simply because human beings value them. But suppose we further stipulate that human beings have this 'value-conferring status' – their ability to make things (like coffee and baseball) valuable, simply in the act of valuing them – in virtue of the fact that God values human beings, and chooses Himself to regard as valuable any thing or activity that his valued creatures deem as valuable. And suppose we also stipulate that God has commanded certain activities only because He finds them valuable. Then we are left with the view that, in the final analysis, all value reduces (as it were) to a single value: *being-valued-by-God*.

Consider now the second position: that wherein – even if we don't hold that all value ultimately reduces to a common value – we still hold there to be a common denominator in terms of which all these values can be measured. A classical expression of this view is utilitarianism, which holds that all purportedly valuable activities can be evaluated in terms of their effects on human happiness. Human

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pleasure is the 'currency' in terms of which all values are to be compared. An activity or action is valuable because – and to the extent that – it promotes or maximizes pleasure. Thus, a utilitarian can agree with a value pluralist that human value is heterogeneous: she (the utilitarian) acknowledges that there are many equally-valid yet incompatible human activities and modes of living. However, the utilitarian differs from the value pluralist in her assertion that rival claims to the Good *can* be compared, by comparing their effects on human happiness. One form of life is more valuable than another (claims the utilitarian) if it results (on average) in a life more replete with 'hedons'.

By denying there is any common value that all seemingly-divergent values reduce to, and that there is any common measure of genuinely heterogeneous values, value pluralists thereby assert the genuine incommensurability of the theological, ethical, and political disputes countenanced by **Diversity**.

We have now given further refinement to the **Metaphysical Question**, by casting it as a choice among three possible positions. Thus refined, we can reformulate the question as follows:

- **Metaphysical Question′**: How many (if any) of the conceptions of the Good, now holding currency, are true or valid – **None**, **One**, or **Some**?

Having set forth the seemingly relevant range of possible epistemological and metaphysical positions arising upon reflection on the truth of **Diversity**, we are now

in position to trade our philosopher's hat for that of a political theorist, and return to our **Political Question′**: "How should polities respond to the truth of **Diversity** – by organizing themselves along Perfectionist lines, or along Neutralist lines?" Let us begin this task by turning our attention to the variety of ways in which these epistemological and metaphysical positions can be *combined*. Each of the pertinent combinations will constitute a distinctive epistemological/metaphysical hybrid position with respect to the fact of **Diversity**. Apropos the fact that we are addressing a question of political theory, we will then express each of these positions from the perspective of those who would wield political authority and power – from the perspective of the state, that is.

Chapter Three: *The Political Question*

3.1 Combinatorials

As *political* theorists, we might answer the question "What are we to make of **Diversity**?" by endorsing any of a variety of stances, each itself a hybrid of the various epistemological and metaphysical positions just surveyed. So let us ask: what are these possible stances? How might these various epistemological and metaphysical positions be combined? Initially, we might suspect there to be nine possibilities: each of the three epistemological positions paired with each of the three metaphysical positions. We might represent such a possibility space graphically as follows, with the epistemic possibilities arrayed in rows, and the metaphysical possibilities arrayed in columns:

Table 1

	None	**One**	**Some**
Confident	(1)	(2)	(3)
Pessimistic	(4)	(5)	(6)
Humble	(7)	(8)	(9)

However, as we shall see, the combinatorial logic of this domain renders only six theoretical possibilities truly worth distinguishing; for our purposes, at least, not all the cells (1) through (9) represent theoretically interesting epistemological/metaphysical combinations. For ease of exposition, let us give each of the six worthwhile possibilities a name and a brief characterization:

- **Nihilism:** The conjunction of a **Confident** epistemology with the metaphysical claim that **None** of the conceptions of the Good on offer – and no possible future conception – are verisimilitudinous. Nihilism is the confident conjecture that there is simply no truth of the matter concerning the human Good – no possible truth-makers for any sort of claim to the effect that human flourishing consists in *X*, or that life's true meaning and value consists in *Y*.

- **Monism:** The conjunction of a **Confident** epistemology with the metaphysical claim that only **One** conception of the Good is true or valid. This stance holds that the persistence of disagreement represents nothing more than the persistence of error on some persons' parts, and that reasonable and well-intentioned individuals (and institutions) *can*, with a sufficiently high degree of confidence, come to know the Truth about life's ultimate meaning and purpose.[23]

- **Pluralism:** The conjunction of a **Confident** epistemology with the metaphysical claim that **Some** (in our (more colloquial) sense of 'several' – not in the logicians' sense of 'at least one') of the conceptions of the Good Life currently on offer are true or valid. This

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[23] Typically, a **Monist** will believe that one of the conceptions of the Good currently on offer is the true or valid one. However, one might espouse **Monism** without committing to the claim that the true or valid conception is one that any person has hit upon yet. Such a **Monist** accepts, as a matter of faith, that – while the intersection of the sets {extant conceptions of the Good} and {objectively valid conceptions of the Good} is the null set – the intersection of the sets {all possible conceptions of the Good} and {objectively valid conceptions of the Good} is a singleton.

stance regards the observed doxastic diversity as the expected outcome of the unfettered exercise of human reason, given that the nature of the 'valuational universe' is itself heterogeneous. On this account, genuinely valid modes of human flourishing embody incommensurable values, and thus are bound to conflict.

- **Skepticism:** The conjunction of a **Pessimistic** epistemology with its concomitant agnosticism with respect to the question of which (if any) conceptions of the Good are true or valid.

- **Falliblism:** The conjunction of a **Humble** epistemology with any of the metaphysical possibilities considered in Chapter Two. Those with a strong affinity for splitting (as opposed to lumping) are invited to make the obvious further sub-division of **Fallibilism** into its three sub-components: **Fallibilist Nihilism**, **Fallibilist Monism**, and **Fallibilist Pluralism**.

- **Abstinence**[24]**:** The conjunction of a **Humble** epistemology with the decision to chastely demur at the prospect of making confident positive claims about what (if anything) endows life with meaning and value.

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[24] In employing this term I am consciously following the usage employed by Joseph Raz in his [1990].

With the recognition that certain of our epistemological possibilities recommend a principled restraint vis-à-vis endorsing any of our three metaphysical possibilities, we see the utility both of adding an extra column to the matrix representing our possibility space, and of ignoring certain of the cells in this matrix as theoretically uninteresting. The result is that the relevant possibilities, originally suspected to be nine-fold, are actually exhausted by the six-fold possibility space represented in the updated matrix below:

Table 2

	None	**One**	**Some**	**Don't Know**
Confident	Nihilism	Monism	Pluralism	n/a
Pessimistic	n/a	n/a	n/a	Skepticism
Humble	(Fallibilist Nihilism)	(Fallibilist Monism)	(Fallibilist Pluralism)	Abstinence

where, for purposes of theoretical economy, we collapse the three 'fallibilist' positions indicated in parentheses into the single position characterized previously as **Fallibilism**.

A **Pessimistic** epistemology counsels agnosticism with respect to the three metaphysical possibilities we had considered; thus the possible epistemological/metaphysical hybrids represented by the first three cells in the second row make little sense. (A fact represented by our use of 'n/a' in the relevant cells.) Similarly, a **Confident** assessment of our relevant cognitive abilities sits uncomfortably with a thorough-going agnosticism with respect to our three metaphysical possibilities; thus we also mark the corresponding cell (the upper

rightmost) with an 'n/a'.[25] Finally, note that on our conceptualization, a **Humble** epistemology is regarded as being consistent either with espousing one of our three possible answers to the Metaphysical Question (thereby yielding one of our **Fallibilist** positions), *or* with refraining from espousing any such answer (thereby yielding our **Abstinent** position).

We have now given even further refinement to the **Political Question**. More accurately, perhaps, we have identified an 'intermediate' version of the question, the answering of which will (hopefully!) assist us in deciding how to answer the **Political Question′** ("Should states organize themselves along Perfectionist or Neutralist lines?"). This intermediate version of the question casts the original, vague **Political Question** ("How should polities respond to the truth of **Diversity**?") as a choice among the six 'combinatorial' possibilities just explored. Thus refined, we can reformulate the question as follows:

- **Political Question″**: How best should polities respond to the truth of **Diversity** – by affirming **Nihilism**, **Monism**, **Pluralism**, **Skepticism**, **Falliblism**, or **Abstinence**?

So let us explore the **Political Question″** in hopes that an answer to it might help us to answer the **Political Question′**. That is to say, let us hope that resolving

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[25] Recall that we acknowledged the possibility of this position in section **1.2** above (in fn. 11), where we noted that "a proponent of **Confident** might even remain agnostic as to the question whether any creeds 'get it right' … however, we may reasonably question wherein such a theorist's confidence lies, given her inability to point to even one example of a creed that she regards as verisimilitudinous."

the choice between **Nihilism**, **Monism**, **Pluralism**, **Skepticism**, **Falliblism**, and **Abstinence** helps us to resolve the choice between Perfectionism and Neutralism.

3.2 The Axiological Question?

Before proceeding with this task, however, we should note that by thus arraying the relevant combinatorial possibilities, our epistemological and metaphysical theorizing has only barely begun. For if we were to press on to completion, we would have to decide *which* epistemological and metaphysical positions are most defensible, and thus which combinatorial stance is best to endorse. As metaphysicians, presumably, we would not be content to suspend our theorizing with the identification of the relevant possibilities **None**, **One**, and **Some** – we would want to know *which* of these metaphysical possibilities is most defensible. And as epistemologists, presumably, we would not be content merely to have identified the three possibilities represented by **Confident**, **Pessimistic**, and **Humble** – we would want to know *which* of these epistemic attitudes we ought to endorse and adopt.

Note further that we have been thus far approaching the question "What are we – impartial, disinterested philosophical theorists – to make of **Diversity**?" only as epistemological and metaphysical theorists – and not (yet, at least) as *axiological* theorists. But presumably, as philosophers, deciding which epistemological/metaphysical hybrid stance we wish to adopt will not exhaust our theorizing impulse. We shall also want to know *which* conception(s) of the Good is true or valid – at least if we affirm one of the hybrid positions that countenance the possibility of one or more such conception's even being true or valid in the first

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place.[26]   Thus, were we as epistemological/metaphysical theorists to endorse **Monism**, we would want to continue our theorizing on the axiological plane, investigating *which* conception, exactly, is the correct one. Similarly, were we to endorse **Pluralism**, we would likely seek to distinguish the 'legitimate' visions of human flourishing from the 'illegitimate' ones, hoping to identify which worldviews and value schemes represent genuine modes of human flourishing, and which do not.

However, such theoretical exercises are costly, in terms of our time and energies; we ought to invest in their pursuit only if we believe the results of such inquiries will be germane to our purposes. And we should observe that there are several ways in which further epistemological, metaphysical or axiological investigation could turn out to be useless, given our aims. One way this could be so is if, upon completing our metaphysical theorizing, we saw fit to endorse something like **Nihilism**, thereby obviating the need for axiological theorizing (wherein we ask, "Which theory of the Good ought we to accept?"). Another way further theorizing could be rendered unnecessary is if, upon completing our epistemological theorizing, we saw fit to endorse something like **Skepticism** – thereby obviating the need, not only for axiological theorizing, but even for metaphysical theorizing (wherein we ask, "Which possibility ought we to endorse – **None**, **One** or **Some**?"). For once persuaded of a **Pessimistic** epistemology, we become persuaded as to the futility of such metaphysical investigations.

But perhaps the most salient possibility here is that, upon conducting our *political* theorizing, we discover the superfluity of further theorizing of *any* sort – epistemological, metaphysical, or axiological. After all, we should keep firmly in

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[26] We would *not* thus inquire if, say, we were to affirm the **Nihilist** stance.

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view the fact that, in this dissertation, our theoretic interests are primarily those of the political theorist – not those of the epistemologist, the metaphysician, or even the axiologist.[27]   Elucidation of the relevant epistemological and metaphysical possibilities (and their associated combinatorial possibilities) was, after all, conducted with the aim of assisting us in answering the **Political Question**: "How should polities respond to the truth of **Diversity**?" Because our primary aim is to investigate this question of political theory, it is worth our while to investigate this latter possibility – the possibility that, apropos our purposes as *political* theorists, we have already conducted all the *epistemological* and *metaphysical* speculation we need. That is, we should ascertain the extent to which the combinatorial possibilities already set forth are sufficient for our (political-theoretic) purposes, thereby obviating the need for further investigation. So with these possibilities now arrayed before us, we shall momentarily suspend our epistemological and metaphysical theorizing, postpone our axiological theorizing, and return to our question "How should polities respond to the truth of **Diversity**?" We will return to more abstract philosophical pursuits only if and when we deem it necessary to do so.

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[27] Except to the extent that political theory can be considered an axiological pursuit.

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Chapter Four: *Charity*

We now have arrayed before us the various epistemological, metaphysical, and combinatorial possibilities that might obtain compatibly with the fact of **Diversity**. Having addressed (in chapters one and two) our preliminary epistemological and metaphysical questions, we traded (in chapter three) our philosopher's hat for that of a political theorist. There we discovered that, as a preliminary means of addressing our **Political Question′** (the choice between Perfectionism and Neutralism), we must confront the **Political Question″** (the choice among the six combinatorial possibilities just set forth). How to proceed?

I suggest that a fruitful way to think about the **Political Question″** is to ask first how we ought to regard *adherents* of the competing and conflicting worldviews countenanced by the fact of **Diversity**. And I further suggest that we ought to regard them *charitably*. This chapter elucidates the consequences, vis-à-vis the various epistemological and metaphysical combinatorials considered in the previous chapter, of our so regarding them.

4.1 Charity

Ought we to regard adherents of (at least some of) the competing and conflicting worldviews countenanced by the fact of diversity as themselves unreasonable? Or can we assess most (or all) such adherents as being reasonable, even despite the fact that the employment of their rational faculties has led them to endorse sharply diverging conceptions of the Good? Consider the fact that we do not always – or even typically – regard diversity of opinion on some topic as a significant

fact that needs to be reckoned with; we consider diversity of opinion rather to betoken the fact that at least some of the disputants are simply mistaken. We do not regard the fact that, e.g., scientists often (passionately) disagree amongst themselves as to the relative merits of various hypotheses to be fraught with moral significance. Instead, we simply conclude that some of those scientists are wrong in their views. So before we proceed, we must first address the question as to whether the truth of **Diversity** constitutes *prima facie* evidence that some (if not all) the disputants in this matter are to be regarded as unreasonable, or at least mistaken (much as we regard the presence of disagreement among scientists as *prima facie* evidence that some – if not all – of them are mistaken), or whether the truth of **Diversity** instead reveals something important about the fully-informed and well-intentioned employment of humans' rational faculties – *viz.,* that such rational exercise cannot be expected to yield consensus on matters of ultimate concern. If we affirm the latter hypothesis, we proceed with our investigation as to the most defensible political accommodation of this fact. If we affirm the former, though, our strategy is this: we will seek to determine which account of human flourishing is the correct one, and then to articulate a conception of politics in accordance with this doctrine. The fact of diversity, then, would come to mean nothing more than that some people remain in error as to the content of the Best Life for Man. On this conception, polities might very well regard as one of their legitimate functions the task of enforcing conformity to the true understanding of the Good Life. 'Making men moral' – hewing to Truth and correcting Error, whenever and wherever it manifests itself among citizenries – would be seen as a legitimate public purpose.

I suggest that rather than implicate widespread cognitive failure with respect to citizens' pursuit of Truth in this domain, we ought instead to adopt a charitable stance with respect to their efforts to articulate and live out a defensible conception of life's meaning and value. For ease of exposition, let us give this stance the name **Charity**:

- **Charity**: *Ceteris paribus*, we ought to assume that adherents of the conflicting faiths that constitute the circumstance of diversity are all *reasonable* and *well-intentioned*.

Taking **Charity** seriously, then, commits us to an assessment of the fact of diversity that regards diverging opinions concerning the Good as constituting what we might term, following John Rawls, the fact of '*reasonable* diversity.'[28]

4.2 Charity *contra* Nihilism and Skepticism

If we take on board a commitment to being **Charitable**, how does that impact our answer to the **Political Question″**? How does it help us to adjudicate among the competing **Nihilist**, **Monist**, **Pluralist**, **Skeptical**, **Fallibilist**, and **Abstinent** approaches? The first thing to notice is that by acknowledging that would-be polities confront the fact of *reasonable* diversity, we seem to commit ourselves to at least this

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[28] In *Political Liberalism*, Rawls uses the phrase "the fact of reasonable pluralism" to denote the circumstances that confront modern constitutional democracies: the fact (entailed by the conjunction of what I have termed **Diversity** and **Charity**) that "widely different and opposing, though reasonable, comprehensive doctrines" are a permanent feature of any such society [1996, 38]. I do not follow Rawls's exact terminology here because I want to reserve our use of the term 'pluralism' to denote the more narrow claim, countenanced in our discussion of **Pluralism** above, that values in themselves are heterogeneous and incommensurable.

much: that various adherents of the conflicting, but reasonable, accounts of life's meaning and value are not *all* mistaken – or at least, are not all systematically mistaken in the way they would have to be if either **Nihilism** or **Skepticism** were true.

To see this, let us take a moment to review some of the non-**Nihilist** and non-**Skeptical** scenarios that have been suggested already. One possibility is that there is an objectively existing, rationally defensible *summum bonum* (e.g., that **Monism** is true), and that some persons have accurately divined its nature. A second **Monistic** possibility is that the human Good is objective and monistic, yet all or most human beings are only seeing through a glass darkly. In this case, we might regard most or all adherents of conflicting faiths as giving (reasonable) expression to *partial* understandings of the Good.[29] Yet another possibility is that the 'valuational universe' really is heterogeneous (e.g., that **Pluralism** is true). In that case adherents of competing faiths might be regarded as equally reasonable even though their value-commitments and practices diverge. For according to value pluralists, each such adherent can be thought of as responding to one among several legitimate value-schemes, none of which is fully compatible with any of the others. **Charity** recommends that polities at least consider these possibilities before retreating to a **Nihilistic** or **Skeptical** stance with regard to their citizens' efforts to articulate an understanding of the good, flourishing human life. **Nihilism** and **Skepticism** each entail that all conceptions of life's meaning and value are erroneous, at least to the extent that they regard as legitimate the wagering of any confident pronouncements in

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[29] This is a variation of the position first countenanced in section **2.1**. As I stated there (see fn. 19), this possibility will receive fuller treatment in section **6.5** below, where I introduce and discuss something I call the 'Approximation Thesis'.

this domain whatsoever. **Charity**, meanwhile, entails that both these stances are unduly critical of most persons' abilities to formulate and carry out lives that genuinely respond to true values.

4.3 Charity *contra* Monism

Put simply, the conclusion of our last section was that, if we regard the fact of diversity to represent a *reasonable* outcome of the well-intentioned and fully-informed operation of the human intellect with regard to matters of ultimate concern, we are not apt to favor, as a suitable basis for political arrangements, a conception of politics that denigrates adherents of all conceptions of the Good Life as unreasonable. And seemingly, we would want to say the same thing about a conception of politics that denigrates adherents of all *but one* vision of the Good as unreasonable. Yet presumably, such denigration is precisely what is implicated by the combinatorial position we termed **Monism**. It seems our commitment to **Charity** stands in tension with the affirmation that one faith, and only one faith, is the True Faith. For when we make this affirmation, it seems we cannot avoid the appearance that we are dismissing adherents of rival understandings of human flourishing as being either unreasonable, or unintelligent, or ill-intentioned, or some combination thereof.

Or can we? Perhaps the appearance of such a dismissive attitude with respect to rival claimants to the Good is just that – mere appearance. The attentive reader may have noticed that precisely this reply is available to the **Monist**. I invoke the 'attentive' reader here to highlight the fact that this very reply is latent in what has already been said in Chapter One. Indeed, calling this reply 'latent' in the preceding

text may be putting it too mildly. This reply – which we might term the 'Monist's Rejoinder' – was spelled out quite explicitly in our discussion of the Disagreement Problem in section **1.1** above. There, we noted that one might reconcile a **Confident** epistemological attitude with the truth of **Diversity** by insisting that **Confidence** in one's epistemic abilities does not imply that every epistemic task is **Easy**. An analogy between epistemic feats and athletic feats illustrates the point: Michael Phelps may be confident in his ability to win a gold medal in the 200-meter freestyle, but no one – least of all Mr. Phelps himself, who has acquired this confidence only at the cost of a lifetime devoted to disciplined training – will judge this feat to be *easy*. Similarly, perhaps, one of Plato's Philosopher-Kings may be confident that he has acquired knowledge of The Good, but he will not think such knowledge easy to obtain: after all, it took him nearly fifty years of training in gymnastics, music, geometry and dialectic before he was able to leave the Cave. So we can understand the Monist's Rejoinder thusly: "So long as I deny the truth of **Easy**, there is nothing un-**Charitable** in my profession of **Monism** – just as there is nothing uncharitable in my judgment that few persons can swim the 200-meter freestyle in less than 1:43. Like the athletic feats of Michael Phelps, some epistemic feats are simply too difficult for most people to perform. Nevertheless, I maintain confidence in the abilities of some persons to perform these cognitive tasks, just as I am confident in Phelps's ability to shatter world records in swimming." Let us term 'The Anointed' those persons who regard their own cognitive powers, in matters of ultimate concern, as superior to those of the common lot. (The Monist's Rejoinder, then, may be offered by the Anointed, or it may be offered *on behalf* of the Anointed – perhaps by

someone who takes himself to be *un*-Anointed.) The Anointed may agree that yes, the quest for Truth *is* difficult, the path thereto fraught with error, and the historical record littered with the creeds of those who failed to properly identify Truth. But they may nevertheless insist that they are fortunate to possess the Vision of the Anointed, and to know the Truth even so. These fortunate few will maintain that, just as 'confident' does not entail 'easy', so also does 'difficult' not entail 'impossible'.

Nonetheless, I do not believe the Monist's Rejoinder adequate to rescue **Monism** from our charge of un-**Charitability**. Instead, I see this formulation of the Rejoinder as revealing a deeper difficulty confronting the **Monist**. We might cast this difficulty as a dilemma, and call it the 'Difficulty Dilemma.' We name it thus, not due to a penchant for ungrammaticality and a recognition of the peculiar difficulty of this dilemma. (Though I maintain it *is* particularly difficult.) Rather, we name it thus as a means of invoking the claim of **Difficulty**, first introduced in section **1.3** above. A more apt name, then, might be the '**Difficulty** Dilemma.'

The heart of this Dilemma consists in this insight: by appealing to a denial of **Easy** as a way to preserve a **Monistic** position compatibly with a **Charitable** stance with respect to citizens' diverse conceptions of the Good Life, those offering the Monist's Rejoinder are implicitly invoking the position we have termed **Difficulty**. For **Difficulty** is nothing more than the denial of **Easy**. But recall the original context in which **Difficulty** was introduced: it was offered as an elucidation of the **Humble** answer to the **Epistemic Question**. And recall further that a **Humble** epistemology grounds an **Abstinent** response to the **Political Question″**, rather than a **Monistic** one. The Dilemma such a Monist confronts, then, is this: On the one hand, she may

deny **Difficulty** – in which case, it seems she no longer takes a **Charitable** stance with respect to the adherents of most conceptions of the Good. (For if it is so **Easy** to identify which conception of life's meaning and value is the correct one, then how else to explain the fact that so many people fail to so identify it, besides positing unreasonableness, unintelligence, or bad faith on the part of all those who do 'fail'? But to posit such widespread unreasonableness, unintelligence, or bad faith, is seemingly to betray our **Charitable** regard for the majority of the world's citizens.) On the other hand, she may endorse **Difficulty**. This allows her to preserve her **Charitable** stance with respect to most (though not necessarily all) citizens, but has the further consequence that it (seemingly, at least) commits her to a **Humble** epistemology – and thus, to an **Abstinent** (rather than **Monist**) answer to the **Political Question**".

So can the **Monist** defend her position by positing the existence of an Anointed class – folks who succeed at the difficult task of tracking Truth in matters of ultimate concern? Can she simultaneously offer a charitable construal of the widespread failure to recognize Truth in this domain, on account of the fact that it's just so plum *hard* to know the Truth of these matters? That it is such a **Difficult** task, in fact, that we ought not expect the vast majority of folks to succeed in the endeavor? As I believe the Difficulty Dilemma demonstrates, the Monist cannot make such appeals: either she denies **Difficulty** – thus running afoul of **Charity** – or she embraces **Difficulty** – thus steering her away from the **Confident** epistemic attitude that grounds her monistic commitments. There is no way to maintain **Charity** compatibly with **Monism**.

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I have suggested that a fruitful place to begin, when attempting to answer the **Political Question″**, is by adopting a stance of **Charity** with respect to persons' efforts to articulate and defend their conceptions of the Good Life. This seems a natural and intuitive move. It carries certain consequences, though: namely, the elimination of several of the combinatorial possibilities set forth in Chapter Three – endorsement of which we have discovered to be un-**Charitable**. So if we elect to be **Charitable**, we find that our **Political Question″** has been reduced in scope. It is now a choice among the remaining (**Charitable**) possibilities: **Pluralism**, **Fallibilism**, and **Abstinence**. Let us turn to a consideration of these three contenders.

Chapter Five: *Diplomacy*

5.1 Diplomacy

Let us begin with **Pluralism**. On its face, this seems a fairly **Charitable** stance: according to the **Pluralist**, of the rival conceptions of the Good now holding currency, several (perhaps many) are valid. The **Pluralist**'s stance is, *prima facie*, a **Charitable** stance, inasmuch as it regards many (perhaps *most*) adherents of rival conceptions as accurately tracking truth about the Good. However, further investigation reveals the **Pluralist** to be not so **Charitable** after all. To appreciate this, consider how the **Pluralist** must adopt a somewhat 'reconstructionary' stance with respect to what we might term 'True Believers.' A True Believer is any person who regards his or her conception of the Good to represent the One True Faith – "Outside the Church, there is no salvation", for example. We take a reconstructionary stance towards a conception of the Good when we basically say to its adherents, "Look, I'm on your side here – I agree that your Faith has much to commend it. I just don't think *your understanding* of it – that it is the lone defensible account of the Good Life – is itself defensible. Some other faiths are just as legitimate as yours." Some (primarily, but not exclusively, the True Believers themselves) might regard such a stance as condescending or dismissive – even if it is put forth in a sympathetic spirit, by persons ultimately in agreement with the claim that the True Believers' faith represents – subject to suitable reinterpretation, of course – a valid mode of human flourishing. But **Pluralism** requires us to attribute a sort of 'bad faith' or 'false consciousness' to True Believers.

By way of contrast, consider the stance that **Abstinence** permits with respect to True Believers. An **Abstinent** outlook frees one to basically say to such folks, "Look, you may be correct in your claim that yours is the One True Faith. Alternatively, the **Pluralist** may be correct that your Faith, while valid, is only properly understood in the context of a second-order stance of detachment that sees it as *a* – but not *the* – valid Faith. But surely the matter is a difficult one to ascertain. So – while I do not necessarily share your confident assessment regarding your Faith's monopoly vis-à-vis the path to salvation – I do genuinely and fully respect *your* judgment in this regard."

Another way to put the point is to highlight one of the **Pluralist**'s restrictive metaphysical commitments: his anti-monism. The simple fact is that many (reasonable, well-intentioned) folks understand their visions of life's meaning and value in monistic terms; a great many people simply are, in our language, True Believers. Profession of **Pluralism** puts one at odds with the monistic tendencies of these Believers. The **Pluralist** must hold that any 'exclusionary' interpretation of an otherwise-valid conception of the Good – an interpretation of a conception that holds (incorrectly, according to the **Pluralist**) that it is the One True Faith – must be mistaken. Only 'inclusivist' understandings of the various religious and secular faiths – understandings that recognize each such faith to represent only one among several divergent yet equally-valid modes of human flourishing – are accurate. Exclusionary understandings are allowed to hold currency, but sophisticates will understand that only the 'reconstructed' versions of these faiths are truly accurate, given the heterogeneous nature of the 'valuational universe.' Notice, though, that the

combinatorial position represented by **Abstinence** is compatible with both the monism of the True Believer and the anti-monism of the **Pluralist**. In remaining neutral or agnostic as to the dispute between monists and anti-monists, the **Abstinent** position reveals itself to be more 'ecumenical' than either the **Pluralist** position, or that of the True Believer.

In taking a reconstructionary stance, we seem to commit ourselves to a needlessly dismissive (and hence un-**Charitable**) stance towards those who do endorse one of the faiths countenanced as legitimate by **Pluralism**, but who do not themselves subscribe to the pluralistic understanding of their own faiths. We might say that in doing so, we manifest a failure of a particular kind of **Charity**. For ease of exposition, let us give this special variety of **Charity** a name:

- **Diplomacy**: To the greatest extent possible, we should avoid engaging with citizens' efforts to articulate and defend conceptions of the Good in terms other than those which the citizens accept.

It seems natural and intuitive to say that we act **Charitably** in taking a **Diplomatic** attitude with respect to persons' efforts to articulate and defend conceptions of the Good Life. The **Pluralist** runs afoul of **Diplomacy** when he confronts the True Believer.

5.2 Coercion's Burden

With the elimination of **Pluralism** as a non-**Diplomatic** (and hence un-**Charitable**) stance with regard to a great number of persons who are, *ex hypothesi*, reasonable and well-intentioned, we seem to be left with only two viable answers to the **Political Question″**. The combinatorial topics still on the table are **Fallibilism** and **Abstinence**. At this point, we may appear to have reached an impasse: **Fallibilism** and **Abstinence** duel to a draw. For a humble, **Fallibilist** endorsement of any of the three metaphysical positions (**None**, **One**, and **Some**) would seem to meet the criteria of **Charitability** and **Diplomacy**, every bit as much as does the epistemically-chaste response represented by **Abstinence**. And were we still wearing our metaphysician's and epistemologist's hats, this appearance would be accurate. However, we do well to recall that we have since donned the hat of a political theorist, and to recall our stipulation in the closing sentences of Chapter Two. There, we remarked that – apropos the fact that we are addressing a question of political theory – we will examine each of our combinatorial positions from the perspective of those who would wield political authority and power. That is, we need to consider the viability of our remaining **Fallibilist** and **Abstinent** options, from the perspective of the *state*. And when we do so, we see that sustaining a **Fallibilist** stance is not a very apt decision. Why not?

To appreciate the impropriety of the state's endorsing **Fallibilism** rather than **Abstinence**, let us attend to certain features of the state that become particularly salient in this context. What feature (or features) of the state might warrant the claim that **Fallibilism** is an especially unsuitable stance for the state to take in response to

the **Political Question″** – even though it might be a suitable stance for us to take as philosophical theorists? I maintain that this stricture flows from the state's claim to exercise a monopoly on the legitimate use of *coercion*. More specifically, the stricture flows from the possibility of the state's coercively interfering in a citizen's efforts to live out his or her cherished conception of life's meaning and value. For this possibility[30] 'raises the stakes' – it imparts to the state a higher epistemic burden of proof that it must discharge before it can be justified in coercing an individual in the name of the One True Conception of the Good. Call this heightened burden of epistemic proof 'Coercion's Burden', or simply 'Burden' for short. We need not formulate this burden specifically with reference to visions of the Good Life, or specifically with reference to states. For ease of exposition, let us give it a general formulation thusly:

- **Burden**: Morally speaking, whenever one agent claims the right to exercise coercion over another agent, in the name of some belief held by the claimant, that claimant thereby assumes a higher burden of epistemic proof, for establishing the truth of said belief, than that claimant would need to meet otherwise.

An example will serve to illustrate. Consider Zane, a devout Catholic. Zane claims to have the right to coerce Yvette into living out a life broadly consonant with the principles of the Roman Catholic faith – at a minimum, say, of forcing Yvette to be

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[30] A possibility which, incidentally, persists regardless of whether or not the state intends to 'legislate conceptions of the Good'. For despite its best intentions *not* to do so, the state always runs the danger that it might thwart a citizen's pursuit of his or her vision of life's meaning and value.

baptized and confirmed in the Church. Crucially, this claim rests (in some sense) on

Zane's belief that the Catholic religion represents the One True Faith, and that outside

the Church there is no salvation. Whatever evidentiary considerations ordinarily

attend to this belief, **Burden** makes clear that – at least in the case of coercing

Yvette's baptism – Zane must discharge an extra-demanding burden of proof in order

to demonstrate that his is a true belief. The relevant baseline here is the burden he

must discharge in order for *his own* actions in this regard (say, being baptized into the

Church himself) to qualify as reasonable or justified. So Zane need not offer as

rigorous a defense of his own decision to live according to the terms set forth in the

Catechism of the Catholic Church, as he must offer in defense of his decision to

coerce Yvette to take part in the sacraments. There is one burden of proof appropriate

to Zane's Zane-directed efforts, and in terms of which Zane's efforts can be evaluated

as reasonable or justified; there is quite another, more demanding, justificatory

burden appropriate for Zane's *Yvette-directed* efforts, and in terms of which Zane's

claim to a right to coerce Yvette can be evaluated as reasonable or justified. So,

perhaps, Zane might only need to establish that Roman Catholicism *might* be true to

qualify as reasonable in his commitment to the Catholic faith. But he might need to

establish that Catholicism is *extremely likely* to be true in order for his efforts to

coerce Yvette into Catholicism to qualify as justified. These considerations apply to

an even greater degree when we're considering agents that claim a monopoly on the

use of coercive force. What is true of the (would-be coercive) relationship between

Zane and Yvette is doubly true of the relationship between the state and its citizens.

If something like **Burden** is true, and if it's further true that the burden 'scales up' to reflect the fact that the state claims a monopoly on all legitimate coercion, then we have strong reason to believe that the state is situated so as to render any state endorsement of **Fallibilism** as inapt. For built right into the very notion of a belief's being held in a **Fallibilist** fashion seems to be an admission that the burden of proof set forth in **Burden** has not been discharged. When the state claims for itself a monopoly on the use of legitimate coercive power, it raises the epistemic bar, apropos the justifications of its relevant beliefs, above the level countenanced by any **Fallibilist** stance. **Fallible** beliefs can be justified, but there is at least a strong worry as to whether a **Fallibly**-held belief can justify coercion. Unless – and until – this worry can be adequately dispelled, it seems we must conclude that the state cannot invoke a **Fallibilist** position. This is the case, at least insofar as the state aspires to have justification for bringing its coercive powers to bear on behalf of its own **Fallibly**-held beliefs.

None of this is to say that *you* are unjustified in affirming a **Fallibilist Monism**, or that *I* am unjustified in propounding a **Fallibilist Pluralism**, or that *she* is unjustified in subscribing to a **Fallibilist Nihilism**. So long as we do not seek to coerce others in the name of our fallibilist faiths, any one of us is perfectly justified in professing whatever flavor of **Fallibilism** we may choose. In our private activities, the **Burden** does not apply to us. Nothing in our commitment to regarding others with whom we disagree **Charitably**, and nothing in our commitment to engaging one another **Diplomatically**, precludes our personal endorsement of a fallibilist version of our preferred answer to the **Metaphysical Question′**. All this can be acknowledged.

I am not insisting that the balance of reasons ought to incline all of us towards total agnosticism with respect to the Good. (Indeed, given my preoccupation with epistemic modesty, it would be odd for me to claim to *know* that no one *else* knows the Good[31].) Our position surely ought not to be construed as recommending *everyone* (or *anyone*) abandon as futile the quest to discover life's true meaning (though it perhaps cautions that such a task should be undertaken only with fear and trembling). We seek to disabuse, neither the **Fallibilists** of their (qualified) assertions regarding the Good, nor the agnostics of their right to abstain from making any pronouncements about the Good whatsoever. Our position is instead that, while commitment to **Charity** and **Diplomacy** need not preclude us from expressing fallible Good-related judgments, there is *another* group of persons for whom these commitments carry much greater import, and bear very weighty implications. This is the case for persons who would claim to exercise political power and authority – for those, that is, who claim to exercise a monopoly on the legitimate use of coercion.

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[31] Even if I *can* claim venerable, Socratic precedent for such a stance.

Chapter Six: *Abstinence*

6.1 Modesty

So with the elimination (in the previous chapter) of **Pluralism** as an un-**Diplomatic** stance, and **Fallibilism** as a stance unable to bear its proper **Burden**, what remains? Only one of our combinatorial positions survives; it seems we have finally answered our **Political Question″**! How best should polities respond to the truth of **Diversity**, then?   To begin with, they should adopt an epistemological/metaphysical hybrid position like that of **Abstinence**. For ease of exposition, let us formulate and name a version of this **Abstinent** response apropos the perspective of those claiming the right to exercise political power and authority:

- **Modesty**: The state should take a humble attitude with respect to its own ability to make accurate judgments concerning the content of the true conception of the Good.

At this point, I should pause to address two ancillary concerns that have doubtless arisen in the minds of some readers.   The first we might term the 'Anarchist's Rejoinder': the worry that, with my formulation of **Modesty** – and with our discussion of **Burden** in the preceding chapter – the state has made its first appearance quite suddenly, perhaps even rudely. For some readers might protest that I have too hastily presupposed the legitimacy of monopolistic, redistributive dominant protective agencies, and that this too-hasty presupposition taints all subsequent analysis. As for the second ancillary concern: we must confront head-on

the peculiarity of attributing attitudes, epistemic abilities, beliefs, and so forth to the state. Are not these sorts of ascriptions proper only when performed with regard to individuals? Are not state-directed epistemic attributions straight-forwardly meaningless? *Individuals* have epistemic abilities, attitudes, and the like. Collective entities like *states* do not. What sense can we give to such notions as the state's adopting an *attitude* of humility, with regard to its *epistemic ability*, and so forth (notions I appear crucially to rely upon, with my formulation of **Modesty** just above)? Call this the challenge of properly interpreting 'agentive ascriptions' to the state, or the 'Ascription Problem' for short. We shall consider each of these challenges in turn.

6.2 The Anarchist's Rejoinder

In response to the Anarchist's Rejoinder, I can reply only that my account does presuppose the existence and legitimacy of a state; my task is simply to investigate how polities (once they have established their legitimate right to exist) ought to understand themselves once they adopt, as their fundamental orientation, the need to respond to **Diversity**. So while it is my sense that the sorts of considerations I adduce in this dissertation could be re-assembled, supplemented by some auxiliary theses (concerning, say, the ineliminable need for centralized coercive power in the adequate provision of public goods), and appropriated, by someone keen to do so, for the purpose of defending the legitimate existence and limited scope of state institutions (against, say, philosophical anarchists on the one hand, and defenders of

Leviathan on the other), it is not my purpose to undertake any such task here.[32] Instead, I will simply assume the legitimate existence of a state, (provisionally) understood as that entity which claims a monopoly on the exercise of legitimate force or coercion, and among whose central tasks is (perhaps exclusively) the provision of public goods. (Such a formulation, I believe, is not utterly dispositive of the question as to the scope of warranted state action, as the complement of public goods regarded as the legitimate objects of state action can be construed either quite broadly – so as to include a robust social safety net, aggressive protection of the natural environment, and so forth – or quite narrowly – so as to include only the most minimal safety nets and environmental protection. Reasonable persons can disagree as to which public goods should be included in the list. Any such list, though, is likely to feature the basic tasks of maintenance of public order, protection of citizens against threats both internal and external, enforcement of property rights and contracts, and the like. But any conception of the state, such as can be defended from these premises, is highly *un*likely to feature *Perfectionist* tasks – such as the promotion or maintenance of some particular theory of the Good.)

6.3 The Ascription Problem

As to the question of 'agentive' ascriptions to the state (the 'Ascription Problem'), I will simply hold that any such attributions are to be regarded as shorthand for more complex descriptions that avert exclusively to the epistemic abilities and attitudes of individual *persons* wielding state power. I buttress this

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[32] For engaging accounts along these lines, the interested reader is advised to consult Nozick [1974] and Schmidtz [1991]. *The Limits of Government: An Essay on the Public Goods Argument.*

position with the plea that, in this regard, I am no worse off than most other theorists, of either a Neutralist *or* a Perfectionist persuasion. We now consider each element of this response in turn.

Let us term the 'Reductive Thesis' the claim that state-directed agentive ascriptions can be 'reduced' to – re-interpreted as – agentive ascriptions directed at the persons whose offices and actions constitute the state's institutions and actions, respectively. In this sense, 'the state' and its actions can be thought to supervene on a certain set of persons (and their actions) whose roles in society are typically regarded as serving as agents of the government. The metaphysics of reduction and supervenience are subjects of large bodies of philosophical literature in their own right, and it would carry us too far afield to wade into them here. For present purposes, it will suffice to focus on one aspect of the supervenience relation as capable of supplying illumination sufficient to clarify present difficulties. This one aspect has to do with supervenience as an 'asymmetric dependency' relationship. That is, phenomena of type X are said to supervene on phenomena of type Y if it is possible that some change in Y effects no change in X, yet *impossible* that some change in X occurs in the absence of some corresponding change in Y. So phenomenon X is dependent on phenomenon Y in a manner that Y is *not* dependent on X – hence the *asymmetric* dependency. To take a familiar example (at least for philosophers), *mental* states are sometimes thought to supervene on *brain* states insofar as different types of brain states might 'realize' a given mental state,[33] while it

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[33] *Being in pain* is the classic – albeit problematic – example of such a mental state; just as problematically, *being in pain* was often said to correspond – in normal humans – with the brain state of *c-fiber firing*. *Pain* is thought to supervene on *c-fiber firing* (rather than being thought **identical** to c-fiber firing) just in case there

is at the same time metaphysically impossible for an individual to experience a change in mental states without thereby experiencing a corresponding change in brain states. This notion is often explicated by positing the possibility that mental states are 'multiply realizable': a single mental-state type (*pain*, say) might be 'realized' by either of two different brain-state types – c-fiber firings *or* b-fiber firings, for instance. Thus, an individual's experience of pain could be explained either because her c-fibers were firing or because her b-fibers were firing. Perhaps a more intuitive (especially for non-philosophers) illustration of multiple realizability can be drawn from the example of computer software. A single program – Microsoft Word, say – can be 'instantiated' on either a PC or a Mac. In each case, very different things are going on at the level of 'micro-description' in terms of the hardware inside the two different types of computers. But at the level of 'macro-description', the same program is being run.

It is beginning to appear that this excursion into the rarefied air of contemporary analytic metaphysics calls for some justification. And here it is: the 'asymmetric dependence' of 'state-type phenomena' on 'person-type phenomena' is to be understood on analogy with asymmetric dependency relationships that obtain between mind/brain and software/hardware. Specifically, the agentive components of state action always supervene on the actions of the individuals that in some sense *constitute* the state; state actions are always instantiated in the actions of persons, and these instantiations are furthermore multiply realizable. A concrete example will help to illustrate. Imagine that the state reverses itself on the question as to the legality of

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are other ways for the mental state <u>pain</u> to be realized – as it might be if pain-states in dogs corresponded to the firing of their d-fibers.

second-trimester abortions, and it does so on the basis of a particular conception of the Good Life – specifically, on a specific interpretation of a specific passage of Scripture. This is precisely the sort of state-directed agentive ascription to which we will repeatedly help ourselves throughout this study; it is our task here to offer up some picture of what this ascription could actually mean when we're not being elliptical – a picture of how the 'reduction' of state-directed ascriptions to person-directed ascriptions would work in practice. The first stage in this 'reduction' is the identification of the specific organ of state 'agency' responsible for said reversal – in this case, let us suppose it is the state's highest judicial body, its Supreme Court. "The state reversed course on the legality of second-trimester abortions" is, at this stage, interpreted as shorthand for "The *Supreme Court* reversed . . ." But this line of reduction can be carried forward further. For the Court is not an agentive entity in its own right, but is rather composed of (we might suppose) nine individuals (legitimately agentive entities all), any majority of whom can effectively determine the decision of 'the Court' when their judgments on a particular matter coincide. And in this case, let us imagine that a mere five of these nine members converged on an opinion as to the legality of second-trimester abortions. In such a scenario, we can further interpret "The Court reversed its earlier decision as to the legality of second-trimester abortions" as "a majority – in this case, five – of the justices that presently constitute the Supreme Court has converged on an opinion that reverses a decision agreed to by a majority of the members of a previous version of the Court", etc. We can further specify this rendering if we enumerate all the justices (A through E, say) whose current opinion jointly constitutes 'the Court's' current position and then

enumerate all the justices (1 through 7, say) of the previous version of the Court whose then-opinion jointly constituted the Court's position, and so forth. It is now easy to see how 'state actions' can be multiply realized, as well. For, just as in actuality it was the convergence of justices A, B, C, D and E on a judgment regarding the legality of second-term abortions that served as the truth-maker for the claim "The state reversed its position on the legality of second-trimester abortions" originally considered, so might it have been the case that the convergence of justices A, B, C, D and F brought about this same result.

With the conclusion of this thought experiment, we can (mercifully) regard the case for the 'Reduction Thesis' as closed. Henceforth, we shall unabashedly avail ourselves of agentive ascriptions to the state, confident that we could, if need be, painstakingly construct an account that cashes out our (shorthand) state-directed attributions of agency in terms of the complex of actions of persons whose activities constitute (at the level of 'micro-description') the state.

As to the second component of my defense of state-directed agentive ascriptions (the "but everybody else is doing it!" component): Perfectionists no less than Neutralists are seemingly in need of such ascriptions. If the Perfectionist wishes to question the cogency of our entire endeavor on the basis of the questionable status of the Reduction Thesis, she thereby acquires the burden of supplying her *own* account of how it is we can make such agentive ascriptions to the state. Either that, or (which is likely much more difficult) she must dispense with such attributions altogether, electing instead to proceed only in terms that invoke particular persons' motives and actions in her defense of 'the state's' properly 'promoting' the Good on

the basis of its 'judgment' as to the superiority of certain forms of life. Our effort to articulate and defend the strongest possible Neutralist answer to the **Political Question′** is not saddled with the 'Ascription Problem' to any greater degree than is the Perfectionist's parallel effort.

6.4 The Political Question′ Once More

Let us pause to take stock of where we are, and how we got here. Our investigation began with consideration of the **Political Question**: How should polities respond to the truth of **Diversity**? Citing the prevalence of two fundamentally opposed answers to this question in the contemporary literature, we immediately refined this question in terms of a choice between Perfectionist and Neutralist approaches to politics. Hence, the **Political Question′**: How best should polities respond to the truth of **Diversity** – by organizing themselves along Perfectionist lines, or along Neutralist lines? We noted that some preliminary philosophical theorizing would assist us in this endeavor, so – after a few chapters wherein we painstakingly identified all the relevant epistemological and metaphysical positions, and all their relevant combinations – we finally refined the **Political Question′** into a choice among six epistemological/metaphysical 'hybrid' positions. Hence, the **Political Question″**: How best should polities respond to the truth of **Diversity** – by affirming **Nihilism**, **Monism**, **Pluralism**, **Skepticism**, **Falliblism**, or **Abstinence**?

We suggested that a fruitful way to think about the **Political Question″** is by asking how we ought to regard the *adherents* of the conflicting faiths that jointly constitute the fact of **Diversity**. Our initial response – plausible, and (I hope)

uncontroversial – was that we should regard them **Charitably**. That is, in the absence of strong evidence to the contrary, we ought to regard the adherents of conflicting conceptions of the Good as being both reasonable and well-intentioned.   What follows from the seemingly innocent and natural decision so to regard these persons? Chapters Four through Six argued that quite a lot follows from this decision.   Our investigations there revealed that a polity's commitment to **Charity** – coupled with a recognition of the **Burden** imposed on any agent claiming a right to coerce others in the name of that agent's beliefs – render all but the **Abstinent** response as inapt for a polity confronting the fact of **Diversity**.   Thus, we arrived at an answer to the **Political Question″**: polities ought to respond to the truth of **Diversity** by affirming an **Abstinent** position. Formulated from the perspective of those who would claim to exercise political power and authority, this **Abstinent** position yielded the proposition we termed **Modesty**: The state should be humble in its assessment of its own ability to make accurate judgments concerning the content of the true understanding of life's meaning and value.

We are now in a position to return to our **Political Question′**: should states organize themselves according Perfectionist or Neutralist lines? In the remainder of this chapter, I will argue that our investigations heretofore strongly incline us towards a Neutralist answer.

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At the outset of this discussion, we should note a certain asymmetry that arises when we consider the possibility of establishing a Perfectionist answer to this question (and concomitantly refuting the Neutralist answer), versus the possibility of establishing a Neutralist answer to this question (and concomitantly refuting the Perfectionist answer). The asymmetry is this: it is much more difficult to decisively refute the Perfectionist answer, simply because there are so many possible Perfectionist views. And while there are correspondingly many different Neutralist views, it would appear (and here is where the asymmetry arises) that the successful defense of *any one* of the possible Perfectionist positions suffices to refute the Neutralist answer – whereas it seems *not* to be the case that successful defense of a Neutralist answer serves to refute any possible Perfectionism. For there always remains the possibility of the neglected alternative: perhaps there *is* a Perfectionist defense out there, of sufficient strength to override whatever considerations might be marshaled in support of our Neutralist story. Perhaps even this Perfectionist story still awaits identification, articulation and defense, by an abler mind.

Why suppose that there is such an asymmetry? It seems that refutations of Perfectionist politics, if they are to be truly decisive, must proceed on a case-by-case basis – attempting to refute *this* or *that* Perfectionist view head-on, rather than attempting to undermine any possible Perfectionism *toute courte*. Recall that our goal in this dissertation is to explore the strongest case to be made in favor of a Neutralist answer to the **Political Question′**, and to articulate the conception of politics most congruent with that case. If what I have just said is correct, however, then at the end of the day our aim cannot be to decisively refute every possible

Perfectionist conception of politics. Our goal, more modest, must be to simply

motivate something like a 'presumption of non-Perfectionism.' So while I will not

claim to have settled the manner in a conclusive fashion, I do begin my argument

with a survey of the considerations favoring a general Neutralist orientation to the

challenge posed by **Diversity**. From there, I go on to build on these considerations

(in Section Three) in order to illustrate the more specific features of the most

defensible version of Neutralism.

6.5 A Presumption of non-Perfectionism

With the combinatorial possibilities discussed in the third chapter now clearly

in view, we might begin motivating a presumption of non-Perfectionism by noting

that, of all the possibilities thus far considered, only one of them can serve to ground

Perfectionism – the **Monistic** one. Furthermore, the truth of **Monism** does not even

guarantee the truth of Perfectionism.   While the truth of **Monism** might be a

necessary condition for the justification of a Perfectionist approach to politics, it is

not sufficient. For endorsement of a Perfectionist conception of politics requires, not

just assent to the epistemological and metaphysical views that are the constituent

components of **Monism** (**Confident** and **One**, respectively), but also confidence in a

further axiological claim, to the effect that *this* or *that* particular understanding of the

Good happens to be the One True Faith. Thus, a full-blooded Perfectionism would

take something like the following form: "*Mormonism* is the True Faith.   [An

axiological claim] In fact, it is the *only* true faith. [A **One**-like metaphysical claim]

Furthermore the truth of Mormon Doctrine is easily accessible to all. [A **Confident**

epistemological claim.] Thus, our political institutions should be erected in congruence with the main tenets of Mormonism. [A claim of a Perfectionist political theory.]"

Yet some persons might reasonably affirm **Monism** without going the further step and venturing the confident axiological claim necessary to ground a Perfectionist politics. That is, they may be more confident in their **Monistic** epistemology and metaphysics than they are in their (say) Mormon axiology. As an illustration, consider the possibility that someone might endorse **Monism** concurrently with something like (what we might term) the 'Approximation Thesis'. According to the Approximation Thesis, human value is indeed objective and monistic, and it is well within the species' epistemic abilities to grasp truth about it. (Thus, the Approximation Thesis comports with the essential epistemic and metaphysical commitments of **Monism**.) However, this Thesis maintains that – at least at present – we are all only seeing through a glass darkly. (Thus, the Approximation Thesis abjures the axiological confidence which must be conjoined with **Monism** to license the inference to Perfectionism.) Accordingly, polities might regard most or all adherents of conflicting conceptions as giving (reasonable) expression to *partial* understandings of the Good. On this account, rival value-schemes track the Good with roughly equal accuracy, while their divergent components represent the predictable result of their each giving priority and focus to different features of the Good. Diligent application of human cognitive powers may eventually yield near-universal consensus as to the one *really true* account of human flourishing – an

account to which all current accounts represent mere approximations.[34]   This

consensus may not obtain for many generations hence.   When it does, we might

affirm our axiological speculations with a degree of confidence sufficient to warrant

profession of a Perfectionist politics.   But until then, the degree of confidence with

which we affirm our **Monistic** epistemological and metaphysical speculations is, in

itself, *in*sufficient to warrant such a Perfectionist profession.   Theoretical physicists

long for the day when a Grand Unified Theory of Everything allows us to dispense

with the partial verities yielded by current theories like quantum mechanics and

special relativity; these theories will in due course be appreciated as approximations,

whose incompatible elements represent the predictable result of their each giving

priority and focus to different features of the physical universe.   Likewise, those who

affirm the Approximation Thesis look forward to far-off advances in human

understanding.   They long for the day when sustained inquiry into the nature of the

human Good has permitted us to obtain a full and true understanding of life's

meaning and value – an understanding that reveals all current attempts to articulate

such an understanding to be partial approximations.   (It is worth noting here that I am

not merely describing a possible world, among whose inhabitants are such

Approximation-Thesis-subscribing persons.   I take myself to be describing the *actual*

world. My description of the Approximation Thesis-affirming **Monist** is not terribly

off-base as a characterization of (among others), Unitarian Universalists (and

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[34] We might, then, say that we now face a "current account" deficit (or deficiency).

theological universalists[35] and inclusivists more generally), adherents of the Baha'i faith,[36] and many others.)

So, if something like the Approximation Thesis (or any similar claim to the effect that the One True Faith, while discoverable by the human intellect, is as yet undiscovered[37]) is true, even one's profession of **Monism** would seem insufficient, on its own, to license one's avowal of a Perfectionist politics. Given that Perfectionism is grounded in only one 'sub-possibility' of the six epistemic/metaphysical combinatorial positions set forth in the third chapter, we seem to have some motivation for a presumption of non-Perfectionism. At very least, it seems the Perfectionist assumes a daunting burden of proof. Discharging this burden requires establishing the reasonability, in the face of all the other available options, of exclusively favoring the Perfectionist-grounding combinatorial – that is, **Confidence** supplemented with axiological confidence. Coupled with our observation, in section **4.3**, that **Monism** is an un-**Charitable** stance to take with respect to many persons, we seem to have a pretty solid motivation for a presumption of non-Perfectionism. In effect, we have arrived at an answer to our **Political Question′**, and that answer is Neutralism.

<p style="text-align:center">* * * * * * * * * * *</p>

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[35] See, for example, the writings of John Hick, especially his [1993].

[36] Although Baha'is believe that divine revelation is required to assist human beings in this on-going quest of sharper and clearer spiritual discernment – it cannot be achieved solely by "diligent application of human cognitive powers", or by "sustained inquiry into the nature of the human Good".

[37] Note that endorsement of **Monism** in conjunction with the Approximation Thesis does not represent the sort of conjunction of a **Confident** epistemology with an agnosticism regarding metaphysics, such as we've already seen fit to lampoon – see section **1.2**, fn. 11. That position involved an agnosticism with respect to the metaphysical possibilities **None**, **One**, and **All**. The position considered in the text just above involves an affirmation of **One**, conjoined with a humble assessment only of our (extant) *axiological* abilities to divine the full nature of the One True Faith.

At this point, even some of my most sympathetic readers may begin to grow agitated. They will ask themselves – quite reasonably! – something like the following question: "Golly: if the best we can reasonably hope for, as an answer to the **Political Question′**, is to motivate a presumption of Non-Perfectionism, and if (as it appears, from the preceding several paragraphs) all we need to do in order to motivate such a presumption is to undermine **Monism** . . . then why did we bother *also* going to all the trouble to undermine **Skepticism**, **Nihilism**, **Pluralism** and **Fallibilism** as well?!?" This is a fair question. Fortunately, it has an answer: We sought to draw out the full implications of **Charity** because, in doing so, we now have ample material with which to tell our Neutralist story, and a firmer basis on which to ground it. For convincing ourselves that we ought to incline towards Neutralism in preference to Perfectionism is one thing – and requires no more than undermining **Confident** – while telling a specific Neutralist story is quite another. And as we've seen, the same considerations of **Charity** that undermined **Monism** (and with it, our inclination towards Perfectionism), also eliminate all but the **Abstinent** position: **Modesty**. But what does a **Modest** polity look like? It is the task of Section Three to answer this question in detail.

Chapter Seven: *Neutrality*

What does a **Modest** polity look like? Its primary distinguishing feature is that it will chastely demur at the opportunity to endorse any particular understanding of the Good Life as authoritative for public purposes. But here I begin to wade into dangerous waters. For much has been written over the past several decades about the relative merits of various 'neutrality theses' – claims (like my **Modesty**) to the effect that states ought to strive for some sort of neutrality vis-à-vis citizens' competing conceptions of the Good. So in this chapter, let us turn our attention to the thorny issues surrounding this claim.

7.1 Neutrality: An Overview

Though a term of art whose use is endemic only to political theorists, 'state neutrality' (also commonly known as 'liberal neutrality'[38]) nevertheless does refer to an important idea – and an idea that is easy to grasp, inasmuch as it is closely related to a more familiar notion. That notion is the *separation of Church and State*. We might aptly characterize the separation of Church and State as a 'neutrality thesis': viz., that the state ought to remain neutral with regard to – at least, ought not officially endorse, nor establish any institutional affiliations with – religious sects.

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[38] I prefer to avoid invocation of the term 'liberal' if I can help it, simply because the word can mean so many different things to so many different people. In the hands of political theorists, though, the term is typically used to denote modes of governance that privilege individual liberties and rights, over and against state power. The relevant contrast would be with authoritarian or fascist or totalitarian regimes. The contrast, I take it, would not be with theocracy or dictatorship – for these can be authoritarian *or* they can be liberal. (Though we probably expect liberal regimes to be democratic and illiberal ones to be dictatorial or theocratic or somesuch. And some people may even insist that a democratic mode of governance is a constitutive requirement of any regime truly worthy of the adjective 'liberal' – though this may be open to debate.) Philosophers' debates on the matter are often cast in terms of '*liberal* neutrality', I suppose, because the thought is that only *liberal* states incur the obligation to strive for neutrality, if any do. But I prefer to leave it open whether or not illiberal states can be 'neutral' states, and to leave it open whether a state's liberal character in fact *requires* neutrality (as some argue is true of the relationship between liberalism and democracy).

(As understood by the original framers of the Constitution, this thesis probably ranged only over various denominations of the Christian religion; perhaps even more specifically, only over various Protestant denominations.) When we generalize the notion of the separation of Church and State, thus understood, such that its scope now includes, not just various specifically religious doctrines and various non-state institutions (like the various organized religions), but *any* conception of what gives life meaning and value, we get something like the 'state neutrality' thesis that is the focus of my investigation in this chapter, and which has figured prominently in discussions among political theorists for the past twenty-five years.

Though generally in agreement on the merits of disestablishmentarianism, theorists diverge in their judgments as to whether or not the state ought to strive for full-fledged neutrality, thus conceived. Some – the Perfectionists – argue that the state *need* not or *ought* not strive for neutrality; some further argue that the state *could* not attain neutrality even if it tried. Others – the Neutralists – argue that the state can and should be neutral. Among Neutralists, a variety of understandings of the neutrality thesis hold currency.[39] This variety can be categorized under two headings: what I shall term the 'mechanics' of neutrality and what I shall term the 'defense' of neutrality. Roughly, understandings of neutrality that differ with regard to mechanics vary in their answers to the question as to *how* the state ought to remain neutral, while understandings of neutrality that differ with regard to its defense vary in their answers to the question as to *why* the state ought to remain neutral. The two are obviously not unrelated: a particular defense of the neutrality thesis may carry with it certain

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[39] A state of affairs among political theorists exactly analogous to the state of affairs amongst modern polities' citizens, which state of affairs gives rise to the various neutrality theses in the first place.

implications vis-à-vis the mechanics of neutrality, while a certain picture of the mechanics of neutrality might commit us to a certain range of possible defenses, or may not permit us to make use of a certain range of others. Nevertheless, it remains possible to consider each heading in isolation.

Various understandings of the mechanics of state neutrality hold diverging positions on each of the following issues, among (potentially) others: (1) the <u>subject</u> of the neutrality principle; (2) the <u>interpretation</u> of 'neutrality'; (3) the <u>scope</u> of the neutrality principle; and (4) the <u>formulation</u> of the neutrality principle. I'll briefly describe each of these, before moving on to consider various understandings of the defense of the neutrality principle.[40]

The question as to the <u>subject</u> of the neutrality principle is in many ways the most important and the most difficult. We can get an appreciation for the issue at hand by returning to our original exposition of the neutrality thesis in terms of a generalization of the familiar notion of the separation of Church and State (henceforth the '(dis)establishment thesis'). Recall that the elements of a natural understanding of the Constitution's (Dis)Establishment Clause include (i) the state and (ii) the 'Church': (established, organized) religious sects. Recall also the natural extension of this disestablishmentarianism to *all* conceptions of what gives life its meaning and value – religious or otherwise, established and institutional or otherwise. But now notice that the elements of our new, wider-scoped neutrality thesis are no longer as clear as they were in the case of our original, First Amendment-derived doctrine of disestablishment. One element – that of the state – remains, and presents no

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[40] The following discussion of the various issues involved in articulating the mechanics of neutrality owes much to George Sher's discussion in chapter two of his [1997].

particular difficulty.[41]   But the other element – that of a religious sect – has disappeared, and has been replaced with a more nebulous notion: that of a conception of the Good. It remains to us to characterize this more nebulous notion in a manner that renders it serviceable. But for now it must suffice to note that while sects – religious denominations, theological traditions, faith-based institutions, and the like – are easy to identify, name, and count, conceptions of The Good are harder to individuate. (Do Trinitarian and Unitarian Christians share a common conception of The Good? Do atheists and agnostics? Act-utilitarians and rule-utilitarians?) Thus, fixing – in at least rough terms – the <u>subject</u> of the neutrality principle is of paramount importance. For to fix our characterization of conceptions of the Good too loosely is to confirm the Perfectionist's suspicion that no state possibly *could* conform to the doctrine of state neutrality (because, if we allow convictions about, say, *speed limits* to qualify as an element of a conception of The Good, then it seems few states could ever hope to meet the demands of neutrality). Meanwhile, to fix our characterization too stringently (as we would if we were, say, to restrict questions of The Good to affirmations or denials of God's existence) renders the neutrality principle too weak to be interesting.

Neutralists typically fall into either of two categories when it comes to the proper <u>interpretation</u> of 'neutrality': those who advocate neutrality of *effect* (or *outcome*), and those who advocate neutrality of *justification*. Comprising the vast majority of neutralists, those in the latter camp point out the difficulty inherent in securing outcomes that qualify as 'neutral' as among rival conceptions of The Good –

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[41] For now, at least – consideration below of the proper understanding of the <u>scope</u> of the neutrality thesis will reveal that this element is not without its interpretive difficulties.

whatever exactly 'neutrality' might turn out to mean under this interpretation. Thus, they maintain that the justifications offered *for* government policies, not the effects *of* them, are properly the sorts of things that should be neutral. Though decidedly in the minority, 'outcome-neutralists' nevertheless can defend their position as one to be taken seriously by adverting to the powerful consideration that *justifications* of state policies, no less than conceptions of The Good, can be disparate, conflicting, shifting, overlapping . . . in short, justifications can be as difficult to individuate as are conceptions of The Good. The 'justificatory neutralist', on this interpretation, faces just as difficult a task in her exposition of the <u>interpretation</u> of 'neutrality' as she does in her characterization of the <u>subject</u> of the neutrality thesis.

Internecine debates among neutralist regarding the proper <u>scope</u> of the neutrality principle revolve around the following sorts of questions: should the neutrality stricture apply only to (what John Rawls calls) the state's 'basic structure': to its constitutional essentials and matters of basic justice? Or should it apply more broadly: to legislation? to policy? For that matter, to whom does this stricture apply? Only to framers of the state's constitution? to all its legislators? (and if so, does this include their advisors?) to *anyone* who wields state power, from the chief executive down through the entry-level administrative bureaucrat? to anyone who advocates in the public sphere? (and if so, does *voting* count as advocating in the public sphere, such that even ordinary citizens are subject to the demands of neutralism?) Discussion of these questions has yielded less in the way of consensus than we have seen emerge from the debates on the interpretation of neutrality; nonetheless, details

concerning the proper scope of the neutrality stricture obviously play an important role in anyone's full conception of a neutrality thesis.

Questions surrounding the <u>formulation</u> of the neutrality principle ask: what sorts of promotion of The Good are (in)admissible? Must the state merely refrain from coercively imposing its preferred vision of the Good Life? May the state seek to promote (a specific conception of) virtue, so long as it does not do so coercively? If so, is the state's supplying positive incentives for those who live the Good Life acceptable, so long as it does not apply sanctions to those who *fail* to conform? Can the state seek to create conditions *favorable* to (its preferred conception of) a life of virtue, so long as it stops short of wielding coercion to discourage vicious living? And so forth.

Turning now to *defenses* of the neutrality principle, we find, following Steven Wall and George Klosko[42], that they cleave along two dimensions: call these dimensions the (non)neutrality dimension and the (non)deductivity dimension. The 'neutrality dimension' of defenses of the neutrality principle has to do with whether the proposed defense of the neutrality principle itself aspires to be somehow a 'neutral' one. The 'deductivity dimension', meanwhile, has to do with whether or not the proposed defense avails itself of some (usually quite minimal) set of moral considerations, or whether instead it seeks more 'shallow' foundations. Combining these two dimensions, we find four possible families of justification to result: neutral/deductive, non-neutral/deductive, neutral/non-deductive, and non-neutral/non-deductive, as follows:

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[42] But modifying their taxonomy slightly: see Wall and Klosko [2003, 1 – 13] for the details of their original account.

Table 3

	Non-deductive	Deductive
Neutral	(1)	(2)
Non-neutral	(4)	(3)

Let us examine examples of each one, in turn.

(1) 'Ecumenical' approaches to defending the neutrality principle are neutral and non-deductive; they are so-called because – while adducing a variety of possible justifications for the neutrality principle, from a variety of possible moral, philosophical and theological perspectives – they chastely abstain from endorsing any

particular justification or perspective. Bruce Ackerman[43] provides an example of such a strategy; on one interpretation[44], so does the later John Rawls.

(2) What we might term 'minimalist' approaches are neutral and deductive; they are so termed because they purport to justify neutrality from a *minimal*, putatively uncontroversial set of moral commitments said to be shared by all. They are considered neutral insofar as the moral premises they utilize are not thought to be peculiar to some specific, controversial understanding of the human good; they are rather thought to be universal in some sense. Nevertheless, these moral premises *are* thought to play a crucial role in providing the conceptual foundation for the neutrality claim; thus this approach is called 'deductive' rather than 'non-deductive.' Charles Larmore[45] and Gerald Gaus[46] adopt such a tactic in their defenses of neutrality; on another reading, the earlier Rawls might also be described[47] as offering such an account.

(3) Since we keep mentioning Rawls, we might borrow the terminology he sets forth in his later work[48], and dub as 'comprehensive' the approaches, of those like Ronald Dworkin[49], that are non-neutral and deductive. Such accounts happily help themselves to robust and controversial value claims in their defense of neutrality;

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[43] Ackerman [1980].
[44] One that regards his notion of an 'overlapping consensus' among a society's 'reasonable comprehensive doctrines' on a 'political conception of justice' as the long pole of his argument: see his [1996].
[45] Larmore [1987].
[46] Gaus [2003].
[47] By focusing on his account of the 'primary social goods' as the heart of his argument; see especially his [1999, 78 – 81], but see also his [1996, 187-90].
[48] See especially his [1996].
[49] Who, in his [2000, 250-4], bases his defense of neutrality on his famous 'challenge model of ethics', and who elsewhere (see his [1985a]) defends neutrality as issuing from each citizen's more basic and fundamental right to equal concern and respect.

their proponents are under no illusion that these value-claims are universally accepted, or thin, or minimal. Attempts to ground state neutrality in the value of, or respect for, *autonomy*[50] also get classified under this heading, just as do efforts to derive the neutrality principle from the truth of value pluralism.[51]

(4) Finally, we might describe as 'pragmatist' the accounts of those, like John Gray, who regard state neutrality as necessitated by the need for a modus vivendi – a workable compromise among adherents of competing conceptions of The Good, none of whom are in a position to impose their preferred way of life on others (at least not without intolerable cost). Such accounts are non-neutral and non-deductive: neutrality is counseled on prudential grounds, rather than being deduced from moral premises – hence the non-deductivity. Meanwhile, in offering such counsel, these accounts need make no pretensions of neutrality vis-à-vis the rival conceptions of the Good competing for control of the polity. Adherents of each such conception can accept the merits of the modus vivendi justification for neutrality simultaneously with their firm convictions as to the superiority of their own Faiths, and with their supreme confidence in their suitability to rule, if only such rule could be secured at tolerable cost. Hence the non-neutrality of the pragmatic account.

We are left, then, with the following picture:

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[50] See Macedo [1990].
[51] See Galston [2002] and [2004] for arguments that are in this vein, even if not explicitly conducted in terms of defending a neutrality thesis.

Table 4

	Non-deductive	Deductive
Neutral	**'Ecumenical'** Accounts: Ackerman, later Rawls	**'Minimalist'** Accounts: Larmore, early Rawls
Non-neutral	**'Pragmatist'/'Agonist'** Accounts: Gray	**'Comprehensive'** Accounts: Dworkin, value-pluralists, autonomy theorists, etc.

The preceding discussion of the various understandings of the principle of neutrality, I take it, is a fairly accurate summary of the 'state of the art'.

7.2 Neutrality: The *Defense*

So if, as I have claimed, acceptance of **Modesty** urges the state to embrace some version of a neutrality thesis, how exactly is this neutrality thesis to be

formulated, in light of all the considerations, distinctions, and arguments just put forth? Unsurprisingly, our formulation will set forth a characteristic vision of both the *defense* and the *mechanics* of neutrality. We shall begin with the former because, as the discerning reader has no doubt surmised, the defense of our neutrality thesis will center around **Modesty**. Such a defense does not graft cleanly onto the four-fold categorization of accounts portrayed in Figure 2 above. For the conceptual terrain on which defenses of the neutrality principle are usually located, as constituted by the two dimensions of (non)neutrality and (non)deductivity, obscures the existence of a rival – and, I believe, far more defensible – approach to defending a neutrality thesis. And that is a defense that rests on broadly epistemic grounds, like the one I am developing in this chapter. So I demur at the suggestion I locate my project on the landscape presupposed above.

But there is more to my defense of a neutrality thesis than simply citing how naturally it seems to flow from **Modesty**. For perhaps there are independent considerations that may be brought to bear in our defense of a neutrality thesis, and perhaps one of these considerations might resonate with our account as thus far set forth. At this point I wish to buttress the epistemically humble response to **Diversity** by noting the congruence of **Modesty** with just such a principle, one that is perhaps a bit more controversial:

- **Authenticity**: A life lived in accordance with the (or a) valid conception of human flourishing is, *ceteris paribus*, of more value to

the person living that life when that life is freely chosen. Such a life is of *less* value when it results from external imposition.

This claim is of the following relevance to the state: even *were* the state to feel confident about the true nature of the Best Life for Man, it would be better, all things considered, to refrain from explicitly endorsing or enforcing this way of life on its citizens. Taken in tandem, **Modesty** and **Authenticity** impute to the state an attitude that might be expressed as follows: "In light of the fact that the efforts of so many reasonable and well-intentioned individuals has failed to yield any consensus on the matter, we – the duly-appointed representatives of the people – are loathe to endorse any particular conception of the Good Life as the correct one. In any event, even if we did think we had it figured out, we *still* would refrain from explicitly endorsing it as the correct one. For then our coercive imposition of the Truth would rob it of much of its potential to confer meaning and value upon the lives of those forced to live it."[52] Taken in tandem, that is, **Modesty** and **Authenticity** offer a powerful defense of a neutrality principle. Granted, such a stance places our state at odds with those of its citizens who hold visions of the Good that in fact *endorse* precisely this sort of imposition of the Truth upon unwilling un-believers – visions that deny the truth of **Authenticity**, that is. (This consequence is more fully explored in the

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[52] Consider the following four scenarios: (a) A citizen comes to endorse the One True Faith of her own accord; (b) A citizen comes to endorse one False Faith of her own accord; (c) A citizen comes to endorse the One True Faith via (coercive) external imposition; and (d) A citizen comes to endorse one False Faith via (coercive) external imposition. In attributing the above attitude to the state, I am attributing a preference that ranks these four scenarios in the order {(a)>(b)>(c)>(d)}, rather than a preference for a {(a)>(c)>(b)>(d)} ranking. This is the import of **Authenticity** – one who accepts it reckons (b) preferable to (c), and is not indifferent between (a) and (c). Of course, it must be allowed that some folks will rank (c) as preferable to (b). However, such folks do not grant the full force of **Authenticity**, as I am understanding the claim, and my appeal to its 'buttressing' force is not addressed to them. I am indebted to William Galston and Judith Lichtenberg for pressing me to clarify the precise role the **Authenticity** is playing here.

Appendix.) Our reply can only be that we accept this result. For the first time in our exposition, we are forced to retreat a bit from the diplomatic stance (some no doubt felt it to be *excessively* diplomatic) that sought to avoid offending any persons by disputing elements of their favored visions of the Good. But giving such offense is no doubt inevitable at some point.[53]

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So far I have argued that **Charity** leads us eventually to **Modesty**, and that **Modesty** disposes would-be state actors towards a stance of *neutrality*. Furthermore, I have just suggested that **Authenticity** buttresses the considerations of epistemic humility that favor Neutralism. Our formulation of the *defense* of neutrality is complete, but what of our account of the *mechanics* of neutrality? Our discussion of this aspect of our neutrality thesis will occupy the remainder of this chapter.

7.3 Neutrality: The *Mechanics*

I begin the task of rendering the mechanics of our version of neutralism by positing a model of politics that, seemingly, any state aspiring to neutrality must emulate: call this the 'Arbitration Model.' The Arbitration Model finds its most natural expression within that conception of politics that sees as its central task the adjudication of disputes among the citizens of a polity. But the Arbitration Model is severely limited in its capacity to accommodate, not the sorts of pedestrian, low-level

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[53] At this point, one might be tempted to inquire as to the various fashions in which **Modesty** and **Authenticity** can be combined so as to constitute – either jointly, or individually – a defense of a Neutrality Thesis. I should know – I myself succumbed to just this temptation! The interested reader is invited to turn to the Appendix for a detailed presentation of my investigations – results which, while interesting, are too disruptive of the main flow of the argument to merit inclusion in the main text.

disputes that we earlier observed to constitute the ordinary 'stuff of politics' (such as the dispute as to whether surplus tax revenue should be appropriated for the task of building a swimming pool or a theatre), but rather the sorts of disputes countenanced by **Diversity**: disputes concerning what, in the final analysis, endows life with meaning and value. Why, then, do I choose to begin our sketch of the proper mechanics of neutrality with a model of politics I acknowledge at the outset to be of limited application to our present task? This decision is motivated by methodological considerations: it is only by coming to see the inadequacies of the Arbitration Model that we can come to a full appreciation of the desiderata for any account of the mechanics of neutrality that *is* to be fully adequate to the task. That is, we need to see how it is that disagreement about the best way to live is *not* amenable to adjudication according to the model of dispute resolution associated with the Arbitration Model, before we can see how it is that any such disagreement *might* be arbitrated. So, it is to an elucidation of this model of politics, and its associated model of dispute resolution, that we now turn.

7.31 The Arbitration Model

The Arbitration Model is an 'instrumentalist' conception of politics. Other visions of the political sphere, such as those articulated by Aristotle[54], 'civic humanists' like Hannah Arendt[55], or 'civic republicans' such as Phillip Petit[56], are not

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[54] See Aristotle's *Politics*, especially Bk. III Ch. 5, where he restricts the status of 'true citizen' to he "who has a share of office."

[55] See her [1958]. According to Maurizio Passerin d'Entreves [d'Entreves 2006], for Arendt, "political activity is not a means to an end, but an end in itself; one does not engage in political action to promote one's welfare, but to realize the principles intrinsic to political life, such as freedom, equality, justice and solidarity."

[56] See Petit [1997].

instrumentalist in our sense. This is because they regard political activity and participation as ends in themselves: as Frank Lovett puts it in his characterization of the classical Republican tradition, "The goods of active political participation, civic virtue, and so on, are to be understood as intrinsically valuable components of human flourishing."[57] Instrumentalists, by contrast, regard political activity as a means to the end of securing the social conditions indispensable to any person's ability to pursue his or her own ends – where *these (private) ends*, and not the (public) means thereto, are considered to be the primary bearers of intrinsic value.[58] As such, instrumentalists recognize political arrangements as necessary to arbitrate the conflicts that inevitably arise when diverse citizens all pursue diverse projects that each reckons as valuable. Outside a Kantian 'Kingdom of Ends', it is not to be expected that the disparate projects of distinct individuals will cohere in such a fashion that social harmony will result spontaneously. Political arrangements are required, then, to condition and coordinate each person's pursuit of private advantage, so as to 'arbitrate' conflicts amongst citizens both (a) 'preemptively', by antecedently prohibiting certain types of activity (theft, murder, and so forth) that are reasonably esteemed as disruptive of *any* person's pursuit of her ends, and (b) 'retroactively', by adjudicating the remaining conflicts that arise amongst citizens on an individual, piecemeal basis.

7.321 The Common Ground Model

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[57] Lovett [2006].
[58] Of course, this is not to exclude the possibility that on certain persons' conceptions of life's meaning and value, political participation will have intrinsic value for them.

Plausibly, this model of 'politics as arbitration' – especially in its 'retroactive arbitration' dimension – relies on a model of dispute resolution we might call the 'Common Ground Model.' According to the Common Ground Model, a proper response, when one is confronted with a seemingly intractable dispute concerning values, is to retreat to some 'common ground' of values that all the disputants share, and to draw upon these common values to delineate a neutral framework within which this dispute (and all others relevantly similar) can be adjudicated. So, to return to our example of neighborhood residents split on the issue as to whether to use surplus tax revenues to build a theatre or a pool: the residents may disagree as to the relative merits of cultural enrichment versus physical exercise, but they all agree (we may assume) as to the merits of majoritarian decision-making. Thus, all citizens, despite their divergent individual preferences vis-à-vis the proper use of the available funds, may nevertheless converge on a willingness to abide by the will of the majority. In this case, the common commitment to deference-to-majority-will (at least with regard to the appropriation of surplus funds) provides the common framework for neutral arbitration of the dispute in question, and all parties agree to conform to the outcome of a vote. To take a slightly more stylized example from state-craft and constitution-writing, we might think of the task of formulating the principles of a specifically *liberal* democratic polity as the task of identifying common ground as to the question of the proper scope of democratic decision-making. Here, the citizens of a liberal democracy are to be regarded as holding divergent opinions about a whole range of possible 'lower-level' democratically-enacted measures, but a collective commitment to the legitimacy of such

democratically-enacted measures (irrespective of whether such measures conform to their personal preferences), *and* a collective commitment to a conception of the proper limits of democratic, majoritarian decision-making. And not surprisingly, the most illustrative examples of the Common Ground Model in action are actual (albeit still slightly stylized) instances drawn from history. The paradigm case, of course, is one we already encountered in our survey of the literature on liberal neutrality: the U.S. Constitution's framers' decision *not* to adopt an official religion for the federal government. Plausibly, the strategy of maintaining neutrality vis-à-vis competing religious sects was available to the Founders only to the extent that they could advert to some shared beliefs and values that – even in the absence of an established Faith – could provide a serviceably determinate guide to the formulation of policy, legislation, and constitutional essentials. This complement of shared beliefs and values was simultaneously *neutral* (inasmuch it refrained from privileging any of the competing (mostly Protestant) conceptions of the Christian Faith holding currency in the former colonies) yet *serviceably determinate* (inasmuch as anyone – Reformed or Anglican, Congregationalist or Baptist, Methodist or Presbyterian, Lutheran or Catholic, even Theist or Deist – could agree on, e.g., the right to bear arms, the permissibility of capital punishment, the rights of free assembly and free press, and (unfortunately) the disenfranchisement of women and the less-than-fully-human status[59] of African-Americans who were owned as property).

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[59] Three-fifths human, it would seem.

7.322 Inadequacy of the Common Ground Model

But for all its merits in modeling dispute resolution in cases (actual and hypothetical) like those considered above, the Common Ground Model is inadequate to the task of effecting adjudication of the sorts of disputes we noted at the outset of our argument – disagreements vis-à-vis the best way to live. Why is this? It is because disagreements as to the merits of competing conceptions of the Good Life are in some sense 'fundamental' disagreements: the tenets of a person's vision of the Good Life are the 'bedrock' of that person's beliefs; if citizens' beliefs with regard to these tenets clash, there is no 'sub-bedrock' to which one may advert to forge common ground. (In making this point no particular work is done by my characterization of a 'conception of the Good.' Presumably the point is quite general – if a society is characterized by genuine diversity of thought and opinion, then by definition, at *some* point, with regard to at least *some* issue, we will inevitably uncover intractable dispute.) So in a society characterized only by what may be called 'surface disagreement', astute political agents may be able, in every case of (apparent) dispute, to uncover some common ground that makes resolution of the conflict possible. Similarly in a society characterized only by what we might call 'factual disagreement', which serves to obscure an underlying 'normative consensus': every putative moral disagreement might turn out, under careful scrutiny by able arbitrators, to be nothing more than a factual disagreement. (We may all agree to the normative proposition that, above a certain threshold, causing needless pain to innocent creatures is wrong, but simply disagree about factual claims as to which sorts of creatures feel pain, and to what extent.) Thus, in moral matters, common

ground is always available.[60] But (back in the real world) any society characterized by *genuine* (as opposed to merely 'surface' or 'factual') heterogeneity vis-à-vis understandings of the Good is bound to expose the limits of the Common Ground Model sooner or later. And this limit manifests itself whenever we are unable, due to a paucity of common ground, to erect 'neutral' means of resolving disputes.

We might furthermore note that a seeming consequence of the application of the Common Ground Model to a polity displaying the 'fact of reasonable diversity' is the inevitable ascendancy of a Perfectionist politics. For consider: plausibly, if state actors (whether drafting policy, law, or constitutional essentials) are to be able to advert to some backdrop of shared beliefs and values, such as would make possible a mutually-satisfactory framework for the arbitration of disputes, this backdrop would, in at least some respects, constitute (or be a constituent of) some conception of the Good. This would arise via something like the 'law of unintended consequences': lawmakers proceeding in a piecemeal fashion, invoking *this* bit of common ground *here* for one case, and *that* bit of common ground *there* for another case, will seemingly eventually find that they have – without ever intending to – articulated a vision of Life's Meaning and Value as authoritative for public purposes. The tenets of this doctrine, then, would come to be embodied in official state decree, via the formulation of the 'neutral' arbitration framework. Equally plausibly, that state would come to be seen as reposing on the foundation provided by that particular vision of the Good. Initially this may not appear to pose a problem: after all, if lawmakers do invoke common ground in just this (piecemeal) way, would we not

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[60] 'Moral nativists' who posit a universal, innate 'moral faculty', sometimes argue as though they're committed to such a position vis-à-vis *all* putative moral disagreement. See, e.g., the work of Susan Dwyer and John Mikhail.

expect the resulting 'officially favored' conception of the Good to be unproblematically uncontroversial? In fact, we might even be tempted to recommend this piecemeal, common-ground-seeking procedure as the most satisfactory means of accommodating the fact of reasonable diversity, or of identifying the uniquely suitable Vision of the Good for a diversely-peopled Perfectionist state to endorse. Yet the fact of persistent disagreement as to the true account of the Good Life for Man, even (and especially) among reasonable and well-intentioned persons, poses a challenge to any political regime that seeks to understand itself in terms of any one particular (and, *ex hypothesi*, reasonably contestable) conception of life's meaning and value – even when such a regime happens to alight upon a conception sufficiently uncontroversial to serve as authoritative for public purposes. For any such consensus is potentially only temporary; in fact it is *likely* to be so. Especially in polities that are open, democratic, and diverse (as are most in the developed world today), it is nearly inevitable that principled dissenters will eventually sprout up. Such dissenters, living under such a regime, will not share the state's notion of the Good Life, a notion that will inevitably motivate and suffuse much of that regime's policy and law. This presents, at a minimum, a practical difficulty: any viable political regime relies crucially on the freely-offered consent of (at least a very large portion of) its citizens, and any state that relies too heavily on a too-controversial understanding of life's meaning and value is bound to forfeit an unfortunate degree of its citizenry's loyalty. But the fact of reasonable pluralism presents a moral difficulty as well, for those sensitive to such considerations: even if a 'non-neutral' state can manage to avoid the threat of instability (can manage to avoid the practical problem, that is), it remains the

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case that such a state stands in an improper relation to those among its citizens who do not share its official conception of the Good Life. The impropriety here is not generated by the mere fact of disagreement between two agents or sets of agents; indeed, no impropriety is involved in the mere fact that people will disagree on issues of ultimate concern. The impropriety stems, of course, from the state's unique claim of authority over the individual – the state's claim that it is entitled to issue directives that its citizens are then obligated to obey. Specifically, the concern is that the state claims a monopoly on the use of legitimate force or coercion; for such an agent to then wield this monopoly on behalf of a particular conception of the Good Life is to manifest patent disrespect for those persons who do not share this conception of the Good, and whose forced compliance with its tenets they experience as odious, and as a violation of their most basic human liberties.

Much the same point can be made in historical terms: traditionally, political regimes emerged and evolved out of, and ranged over, conditions of relative cultural homogeneity. Nation-states, for example, evolved as convergences of, well, *nations* and *states*: nations – persons bound together by the ties of culture, language, history, tradition, religion, and geography – came to be bound together further by a shared polity: the state. Traditionally, a political regime understood itself in the terms of a particular vision of the Good Life – specifically, the same one (informed by religion, culture, tradition, etc.) that mediated the relations among the citizens of that regime's respective nation. Presently, though, polities find it increasingly difficult to orient themselves with reference to some particular (contentious) theory of the Good Life – the result of contemporary polities' ever-increasing diversification and cultural

heterogeneity. So whereas before, in the 'golden age' of the nation-state, political

agents could always rely on the possibility of retreating to common ground when

disputes got too difficult to adjudicate directly, it seems that is decreasingly the case.

All this, to say that the limitations of the Common Ground Model are being

revealed: despite the fact that it is a model of dispute resolution, it is (somewhat

ironically) only a viable model of political adjudication under conditions of relative

homogeneity – conditions that are vanishing under the pressures of immigration,

globalization (especially advances in travel and information technology), and the

increasing empowerment of previously marginalized groups. It is, we might say, only

a model for the adjudication of *surface*-level disagreement occurring in the context of

foundation-level hegemony.

Thus, due to its apparent reliance on this now-discredited model of dispute

resolution, the Arbitration Model – at least insofar as it aspires to be a full-blooded

account of politics – stands in significant tension with **Diversity**. Constructing a rival

conception adequate to the task of accommodating diversity, then, we might term the

'Challenge of Accommodating Diversity,' or simply the 'Challenge of Diversity.' I

propose that, if we stay within the broad confines of the Arbitration Model here[61], we

understand our available options to this challenge as falling into either of two general

categories. One the one hand, there is a 'Defeatist' strategy that infers from the

inadequacy of the Common Ground Model the conclusion that *no* model of dispute

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[61] Of course we need not do this. But the only alternatives I can see that depart from a broadly
Arbitration-ist understanding of politics all also involve a departure from an *instrumentalist* understanding of
politics: with its affirmation of the intrinsic value of political participation, *Civic Humanism* (for example)
takes us afield of the Arbitration Model. But it, like any other account that sees in the essence of politics
anything other than the expedient production of the conditions of peaceable co-habitation, constitutes a
Perfectionist understanding of politics, and thus falls beyond the purview of our argument.

resolution could be adequate to the Challenge of Diversity, and counsels instead a more 'restrictive' model of dispute resolution that recognizes any possible adjudication among conflicting conceptions as being arbitrary. The Defeatist strategy accepts this result, however, and endorses the privileging of one or another particular conception – seemingly arbitrary though the state's selection among the options may be – as a necessary means of maintaining public order. (We might term this the *Hobbesian* strategy.) On the other hand, there is the 'Optimistic' strategy that endeavors to replace the Common Ground Model with a more expansive model of dispute resolution that may perhaps be adequate to the Challenge of Diversity. Unsurprisingly, I urge us to explore the latter alternative.

7.33 Methodological Radical Diversity

But if the Common Ground Model is no longer adequate to the task of modern politics, what will take its place? This section endeavors to find out. We begin by exploring the prospects for conflict-adjudication, not under conditions that permit retreating to common ground (as happens according to the Common Ground Model), but rather under conditions as prohibitive of this as possible. Thus, we arrive at a methodological principle of 'radical diversity': that is, we consider the structure of dispute resolution suited to conditions in which *no* overlap, *no* common ground, and *no* basic framework can be presupposed. Successful discovery there of practical, deliberative principles will, it appears, provide as robust a theoretical basis as possible for the important task of guiding political theorizing in this age of ever-increasing

cultural heterogeneity. So let us investigate this circumstance of radical diversity, and see what we can discover.

The first thing to note is the picture of the collectivity endemic to the Common Ground Model, and to note further that this picture disappears when we consider circumstances of radical diversity. This is a vision of the collectivity on the analogy of the individual agent, wherein 'we' – the collective, the citizenry of the polity – have purposes and aims. What we are said to have, then – since really the collective is nothing over and above the aggregation of the individuals who constitute it – are *shared* aims or purposes: individual aims or purposes, universally held. On this picture, the quest for 'common ground' (as it manifests itself in, say, dispute resolution) is the quest to find suitably broad and general purposes and aims, of which it can be said (truthfully) that we all share them. But let us think of the circumstance of radical diversity as one wherein, for any putative shared, universal, 'public' purpose, there is at least some (we might suppose reasonable) citizen in that polity who does not share that purpose. What are we to do under such circumstances? We must move from a 'shared purposes' understanding of the collectivity (which requires finding suitably general purposes – a task whose difficulty increases as a function of the diversity of a polity[62]) to a 'live and let live' model, wherein we presuppose *no* shared purposes. The main drive animating the organizing of the public sphere in this case, then, is that of creating as ample a space possible for all individuals to live out their *individual* purposes (*as well* of course as purposes they share with those with whom they choose to associate). If we want to make this space as ample as possible,

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[62] And the relationship is probably closer to exponential than linear.

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we will want to make *maximum feasible accommodation* of citizens' efforts to live out their individual (and freely shared) purposes.

So fortunately, it seems our investigation of the conditions of 'radical diversity' does provide us with an alternative interpretation of the Arbitration Model, to replace the discredited Common Ground Model. For ease of exposition, we can formulate this model of dispute resolution and give it a title:

- **MFA**: Fully cognizant of the force of **Modesty** and **Authenticity**, the state should adopt an attitude of 'Maximum Feasible Accommodation' with regard to its citizens' efforts to live lives in accordance with their diverging conceptions of life's meaning and value.

The term "maximum feasible accommodation", first popularized (to my knowledge) by William Galston in his 2002 book *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, provides the practical political content for the theoretical notion of epistemic modesty: it provides, that is, the account of the *mechanics* of a neutrality thesis whose *defense* relies on considerations such as **Modesty** and **Authenticity**. We are thus finally in a position to execute the central aim of this chapter: *viz.*, the formulation of an adequate principle of neutrality:

- **Neutrality**: The state's most appropriate response to **Diversity** is to strive for *neutrality* with regard to the conflicting conceptions of the

Good holding currency amongst its citizens. This neutrality is to be defended by appeal to **Modesty** and **Authenticity**, and is to be conducted according to the principle of **MFA**.

In the next chapter, we turn our attention to the elucidation of the principle of maximum feasible accommodation, arguing that the state's *attitude* of maximum feasible accommodation should issue in a *policy* of limited government.

Chapter Eight: *Coercion*

8.1 MFA: Particular and General

As its name suggests, **Neutrality** holds that a state acts neutrally to the extent that it strives for maximum accommodation of the conflicting conceptions of the Good Life holding currency among its citizens (as well as accommodation of other possible conceptions that just happen *not* to hold currency among its citizens at the time). But as thus far formulated, **MFA** (our principle of maximum accommodation) admits of multiple readings; there are, we might say, multiple 'levels' at which **MFA** might apply. Let us distinguish at least two: the 'particular' and the 'general.' At the level of the particular, we might say that **MFA** is a legal (or jurisprudential) notion: its formulation is designed to guide lawyers and judges in cases where they must consider the claims of individuals or groups seeking exemption from laws or regulations, the scope of which are otherwise presumed to be universal. So, for example, a judicial system motivated by a desire for maximum feasible accommodation would seek to exempt Sikhs from mandatory motorcycle helmet laws, if that is what they were to request, out of deference to their religiously-based custom that requires men to don appropriate headwear. Such a desire would take something like the following form: were the Sikhs to oppose the statute, the judiciary would willingly assume the burden of proof for establishing (if they can establish it) that the state's interference with the Sikhs' liberty (to wear ceremonial headwear in a manner required by their rules of religious observance) is licensed by a compelling state interest. That is, an **MFA**-guided judiciary would *not* place the burden of proof on the Sikhs to establish why *they* should get to be exempt from the law. Again: the

law is presumed to have universal applicability, but if an individual (or group) can demonstrate that that law legitimately impedes her (or their) ability to live life according to her (or their) vision of life's meaning and value[63], then the burden suddenly shifts to the state to try to demonstrate why such an infringement of liberty is permissible.

We should pause at this point to give expression to a certain picture lurking in the background here, and to define a certain term of art that will help us give this expression. The term of art is 'expressive liberty', which we can understand as a person's liberty to live, free from undue interference, a life that *expresses* his or her conception of what ultimately endows life with meaning and value. I'll reserve the term 'expressive liberty' for this freedom itself, and speak often of a *right* to expressive liberty, a right that I shall defend as central to our Neutralist vision of the state. The picture lurking in the background is one in which most laws – while certainly involving a restriction of liberty on *some* level – do not involve an undue restriction of <u>expressive</u> liberty. So we have here something like a tripartite division of behaviors – those that are forbidden by one's conception of the Good, those that are permitted by one's conception, and those that are required by one's conception. If a statute proscribes an individual's or group's Good-*required* action, or prescribes a Good-*forbidden* action, then that individual or group is entitled to petition the state for an exemption from said statute. But on this picture we must imagine that in the vast majority of cases for most people, a statute's requisite restriction on liberty

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[63] And we should note that individuals and groups cannot discharge this responsibility merely by *asserting* that a given law or policy unduly burdens them; they must rather have a genuine case to make on behalf of their claim.

applies only to otherwise-permitted actions, the prohibition of which does not thereby constitute an undue restriction of *expressive* liberty.

Thus characterized, the 'particularist' interpretation of **MFA** might also be termed an '*ad hoc* method' of **MFA**: it allows the legislature to pass any statute it wants, unconstrained by considerations of **MFA**, and then says to deal with the putatively impermissible restrictions on citizens' expressive liberty on a piecemeal basis, by considering all the petitions made by those who feel that a given statute unduly restricts theirs. (Of course, just because an individual or group seeks exemption does not necessarily mean she or they will get it. The judiciary may judge that the law serves a compelling state interest – compelling enough to warrant overriding the normally-decisive demonstration that a citizen's right to expressive liberty is being violated.)

But in this way, particular-level **MFA** leaves the actual enactment of law and policy – whether at the policy level, the legislative level, or even the level of constitutional essentials – as a sort of 'black box': *anything* can be the output of the policy/legislative/constitutional process; if it happens to interfere with expressive liberty, well, that's an issue for the Courts to adjudicate. But of course, we can also bring **MFA** to bear on the 'general' level – at the level of law and policy and constitutional essentials. There seem no good grounds not to do so, and in fact, good prudential grounds *to* do so: the more neutrally-crafted our legislation and policy is to start with, the less work the Courts will have to do later, in adjudicating the claims of alienated citizens.

As wielded by Galston, **MFA** seems mostly to be a jurisprudential notion. While most of his discussion of the notion is fairly abstract, his most concrete, practically-oriented discussion of the topic[64] reveals that he has, predominantly, this particular-level conception in mind. Thinking through the implications of *general-level* maximum feasible accommodation, though, yields some pretty drastic limits on the proper scope of state authority, as I shall argue later.

But first, let us turn our attention to the question as to the relation between these two levels of **MFA**. Put simply, those guided by the spirit of maximum feasible accommodation at the general level should see it as their goal to minimize the need for instances of particular-level **MFA**-style adjudications. In the ideal scenario, a properly- (that is, neutrally-) formulated constitutional framework, together with properly-enacted legislation and properly-crafted policy, would eliminate any need for citizens (whether individually or collectively) to seek exemption from any of the state's directives on grounds that their right to expressive liberty is being violated. We might hold it to be constitutive of ideally-crafted neutral constitutions, laws, and policies that they never give rise to a citizen's legitimate complaint that her expressive liberty is being unduly interfered with; this might simply be our analysis of 'neutrality' as it applies to politics. Note: this is not the same as saying that sufficiently neutral policies will never result in a citizen's expressive liberty being *duly* interfered with: there may be compelling state interests that trump even some citizens' expressive liberty; more to the point, many actions that express a citizen's identity may require an impermissible interference with *another* citizen's expressive

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[64] See his [2004, chp. 11].

liberty, and the state is legitimately permitted (nay, required) in these circumstances to impede the former's liberty for the sake of protecting the latter's.

8.2 Legitimate Coercion

So when *might* the state have a compelling interest, strong enough to override a citizen's claim to live her life in accordance with her cherished understanding of the Good? That is, when might the state legitimately proscribe certain actions, even when such actions are *prescribed* by a citizen's understanding of life's meaning and value? Answering this important question will occupy us the remainder of this chapter. But if the reader wants a preview of coming attractions, I can tell her that I've already given the answer, just above: the seeds of our account are already evident in the observation that sometimes, an action expressing one citizen's identity requires the maltreatment of a fellow citizen. For I shall argue that a state may interfere with a citizen's expressive liberty, *only* to the extent that doing so is required to prevent that citizen from performing actions that "require an impermissible interference with *another* citizen's expressive liberty," as I put it in the preceding paragraph.

To make this thought more precise, let us posit that to truly qualify as a rights-*violation* (and not merely as a disruption or a frustration of a person's ends – as you may disrupt my end of having the most popular barbershop in town by opening one that out-performs mine), an interference with a person's expressive liberty must involve *coercion*, or the threat of force, on the part of the violator. Any time one citizen tries to coerce another citizen, the former is violating the latter's right to expressive liberty. To prevent this, the state intervenes, violating the liberty of the

would-be liberty-violator if need be. In this way, the state claims for itself a monopoly on the use and authorization of legitimate coercion: pursuant to his or her right to expressive liberty, each citizen is entitled to live a life in accordance with his or her conception of life's meaning and value, free from the coercive interference of others (be they fellow citizens or agents of the state).

The state can enact its stance of maximum feasible accommodation with regard to its citizens' coercion-free efforts to live valuable lives, then, in either of two ways. First, it refrains from coercively intervening in its citizens' efforts to live lives informed by their conceptions of life's meaning and value. Second, the state intervenes in circumstances in which one citizen's actions (call him Citizen 2) violate another citizen's (call her Citizen 1) right to expressive liberty. It can intervene to prevent the coercive actions undertaken by Citizen 2 in either of two ways: *preemptively*, in the issuance of general proscriptions of said behavior-types, or '*reactively*', by responding to specific violations on an individual basis. These interventions are permissible *even when* such intervention constitutes a violation of the expressive liberty of Citizen 2.

Consider just such a case, where the state's denial of (an aspect of) Citizen 2's expressive liberty is warranted by the imperative to protect Citizen 1's expressive liberty. Following Rawls here, we might say that insofar as Citizen 2's account of the Good requires said action-types, such that elements of his pursuit of the Good warrant legitimate state interference, Citizen 2's understanding of the Good is not a *reasonable* one. (This is a fine way of putting it – but we should note the way in which our account is not question-begging in the manner Rawls's is. For for Rawls,

the doctrine of political liberalism requires an "overlapping consensus", of a society's *reasonable* "comprehensive moral doctrines," on a conception of justice for the regulation of social life – where the notion of "reasonable" appears incapable of any more determinate characterization than "amenable to an overlap on the conception of justice preferred by political liberalism.") But while we may be content to say that – insofar as it requires the coercive interference with another citizen's life, Citizen 2's conception of the Good is unreasonable – we should *resist* the temptation to say that the state's interference with Citizen 2's efforts to live in full compliance with the tenets of his conception of the Good does *not* constitute an interference with his expressive liberty. We should maintain, rather, that the state *is* interfering with his expressive liberty here, but that such interference is a *warranted* interference; that it serves a 'compelling state interest', in the formulation we gave it several paragraphs above.

The state should seek, so far as to possible, to relegate all such instances of expressive-liberty-interference to the 'pre-emptive', rather than 'reactionary', category: more on this below. In the limit, this implies that the state should craft law, legislation and policy so as to pre-empt, on the part of its citizens, all and only behavior-types that constitute these sorts of interferences with expressive liberty.

Thus, for ease of exposition, we can formulate and name the state's practical policy of neutrality as follows:

- **Coercion**: As a means of implementing its attitude of maximal feasible accommodation with regard to its citizens' efforts to live, free

from coercive interference, lives that accord with their preferred visions of life's meaning and value, the state claims for *itself* a monopoly on the authorization of the legitimate use of coercion.[65]

Coercion, then, relies on an auxiliary hypothesis:

- **Legitimate**: The use of coercion is legitimate only when necessary to prevent a person's coercively impeding another person's efforts to live according to his or her conception of life's meaning and value – only, that is, to prevent one person's violating another person's right to expressive liberty.

Thus formulated, the conjunction of **Coercion** and **Legitimate** bears affinities with Mill's famous 'Harm Principle', the dictum stating that "the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is . . . to prevent harm to others."[66] But noting the affinities with Mill's Harm Principle doubtless raises a host of questions, as much has been written on the interpretive difficulties besetting this principle. In particular, two questions may arise as to the claim that **Coercion** (formulated with reference to **Legitimate**) constitutes the best interpretation of **MFA**. The first of these pertains to

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[65] The state authorizes legitimate coercion when, for instance, it allows potential victims to use force to ward off their would-be attackers, or when it allows persons to use coercive measures to protect their property rights, and so forth. But the state claims sole authority (a 'monopoly') to authorize persons to use coercion in these fashions. I am indebted to Christopher Morris for pressing me to recognize the difference between the state's claiming a monopoly on the *use* of legitimate coercion, and the state's claiming a monopoly on the *authorization* of legitimate coercion.
[66] Mill [1978, 9].

the formulation of **Coercion**; the second to the formulation of **Legitimate**. These questions are, respectively:

(1) Why the formulation in terms of *coercion* instead of harm?

and

(2) Why single out only *Good-directed* behaviors for special protection in our formulation of **Legitimate**? That is, why specify that coercion is legitimate only when necessary to prevent coercive interference with a person's efforts "to live according to his or her conception of life's meaning and value"? Why not simply state that coercion is legitimate only when necessary to prevent another person's coercing another, full stop?

So let us examine these two questions in turn – beginning, in section **8.3**, with the former question, before proceeding to address the latter in section **8.4**. Section **8.5** will briefly consider the implications of our argument for the extent of legitimate state power, setting the table for the discussion in the reminder of the dissertation.

8.3 'Coercion', Rather than 'Harm'?

What advantage is conferred by formulating our interpretation of **MFA** in terms of *coercion*? Is this anything other than an arbitrary choice? The best reply here is that the use of 'coercion' instead of 'harm' renders the resulting formulation

serviceably determinate, in contrast to the famous vagaries inherent in Mill's original principle. For consider the standard example, countenanced above in my discussion of our rival barbershops, of economic competition: when you open up a store and drive mine out of business, in some sense certainly you have harmed me – but seemingly not in a way we find intuitively objectionable. But what in Mill's formulation of his principle precludes our concluding that *this* sort of harm "warrants our collectively . . . interfering with [your] liberty of action . . . to prevent harm to [me]"? The proper response to this question is subject to much debate, the depths of which we might want to plumb. But for now we need simply note that on our formulation, we do one better than Mill by avoiding any such conclusion. We avoid the counter-intuitive result because – though you have perhaps *harmed* me by out-performing me economically – you have certainly not *coercively interfered* with my ability to live a life in accordance with my preferred vision of life's meaning and value. And this is all **Coercion** proscribes.

8.4 The scope of expressive liberty

Legitimate is formulated specifically with reference to *expressive liberty* – under a scheme of **MFA**, citizens are said to be protected against undue interference with their expressive liberty. But which liberties fall under the heading '*expressive liberty*'? And does it even matter? Question (2) above poses the challenge that perhaps it does *not* matter – perhaps the most natural expression of **Legitimate** proceeds in terms of generic coercion, and not in terms of coercive interference of citizens' efforts to pursue their visions of life's meaning and value.

The quick answer to this question is that, for all intents and purposes, this *is* what our formulation of **Legitimate** amounts to. The logic of the argument thus far developed favors an expression in terms of conceptions of the Good: our project, after all, is the investigation of the proper formulation of a Neutralist approach to politics – an account that takes as its fundamental orientation the need to respond to the fact of intra-polity diversity vis-à-vis citizens' understandings of the Good Life. But how can we ever hope to identify all and only instances of coercive interference *of a person's efforts to live a life according to a conception of the Good*, as opposed to instances of coercive interference *simpliciter*? It should seem that such a task is obviously hopeless – *any* behavior might plausibly be required (or proscribed) by some doctrine of the Good. *Any* liberty might be properly regarded as qualifying as an instance of expressive liberty. But that is exactly the point! It appears that, in practical terms, the formulation of **Legitimate**:

- **Legitimate**: The use of coercion is legitimate only when required to prevent a person's coercively impeding another person's efforts to live according to his or her conception of life's meaning and value

collapses into the formulation of **Legitimate′**:

- **Legitimate′**: The use of coercion is legitimate only when required to prevent a person's coercive interference with another person's behavior, *period*.[67]

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[67] As thus formulated, **Legitimate′** cries out for further elaboration. The question that arises, of course, is this: under what circumstances does Citizen 2's action constitute 'coercive interference' with Citizen 1's behavior? Particularly difficult is the challenge posed by *property*: presumably, I act coercively towards you if I threaten force – not only against your person – but also against your property. Specifying the precise

Thus, in restricting the use of its own coercive power to those types of behavior licensed by **Legitimate′**, the state adopts a very demanding standard for permissible state action. This, I take it, is a point of great theoretical significance: a politics oriented to the task of accommodating disagreement about matters of ultimate concern, and thereby committed to a stance of neutrality regarding its citizens' competing understandings of the Good Life – and *not* disposed to promulgate any *a priori* strictures as to the contents of 'acceptable' or 'reasonable' accounts of the Good[68] – finds that the scope of its legitimate action is severely restrained. This is so on grounds that there is no *a priori* basis on which the state can determine whether or not one of its contemplated laws or policies might (whether now, or in the future) effect undue interference with some of its citizens' expressive liberty. Its best course of action, then, is to 'play it safe' by endeavoring to do as little as possible. So it appears that one quite natural elaboration of the Neutralist response to the **Political Question′** – perhaps the *most* defensible one – leads to a conception of politics that is 'classically liberal' in spirit, even if it perhaps arrives there via a slightly different route than the ones typically urged by people working in this tradition.

(As an aside, we should note here that by recognizing the equivalence of **Legitimate** and **Legitimate′**, we have given effect to our earlier suggestion – in our discussion of the Individuation Problem in section **0.2** – that our positing entities called "accounts of the Good" acts in a manner akin to an assumption in an indirect proof. By identifying **Legitimate** and **Legitimate′** as equivalent ways of elucidating

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conditions under which Citizen 2's behavior qualifies as a violation of Citizen 1's property rights can be quite difficult, of course. I mention the issue only to recognize its importance; full discussion of the topic falls outside the scope of this dissertation. We can take solace in the fact that this difficulty is not unique to our present inquiry.

[68] As is, e.g., the view of the later Rawls.

MFA, we have effectively "discharged" this assumption. It turns out that nothing hangs on whether and to what extent we can identify the beliefs and commitments that serve to constitute an individual's conception of the Good, and distinguish these from her beliefs and commitments *simpliciter*. Inasmuch as **Legitimate′** proscribes coercive interference with an individual's liberty,[69] full stop, our inability to so discriminate is inconsequential. Nevertheless, the heuristic value of positing such entities – it affords us a pithy means of expressing our central contentions – justifies our availing ourselves of such talk.)

As to the prudence of the state's 'play it safe' attitude towards enacting (potentially expressive-liberty-thwarting) statutes: a contemporary example might help to illustrate my point. Early last century, when state governments in the United States began to enshrine traditional notions of the institution of marriage into official law and decree, thereby conferring benefits and advantages upon some (heterosexual couples) that were not open to others (homosexual couples), these governments were – though they did not realize it at the time – privileging certain understandings of the Good over others. (Specifically, the argument goes, the states were acting so as to disadvantage persons whose understandings of a flourishing human life countenance permanent, loving, monogamous same-sex partnerships – though obviously more must be said to establish that, insofar as it simply fails to confer certain advantages and privileges upon same-sex couples as it does on heterosexual couples, the state actually unduly interferes with the homosexual couples' *expressive liberty* per se.) They were, that is, acting *non*-neutrally: not with regard to any account of the Good

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[69] Save for instances in which such coercive interference is warranted to prevent an individual's coercing another individual, of course.

that held currency in the culture at the time (at least, none that held much currency in the public forum, even if many citizens might have harbored such notions privately), but – as is quite clear today – with regard to a conception of the Good that, at some future date, came to ascendancy.

8.5 Beyond Minarchism?

In arguing for such robust limits on state action, I will have to answer a version of what we might term (following George Sher) the 'paralysis' argument: the argument that, in our effort to protect citizens from the Perfectionist intrusions of a 'non-neutral' state, we will inevitably endorse a right to expressive liberty *so* robust as to effectively 'paralyze' the state. The strictures on permissible state action, if we are to adopt the Neutralist's aspirations for the state, are so strong as to prohibit the state's doing virtually *anything*. Having just noted the seeming affinities between our version of Neutralism and classical liberalism, we will of course allow that many theorists will be all too happy to accept this result: particularly those who hold an antecedent sympathy for the principles of extreme libertarianism or philosophical anarchism. But I don't wish to pre-judge the issue either way: though in the paragraph above I noted our position's seeming affinity with classical liberalism, at this point in our argument this is little more than an *affinity*. I want at least to allow for the possibility that a state organized according to the principle of maximum feasible accommodation – even if it is inevitable that such a state will be of fairly limited scope (certainly, we would probably say that we are now committed to a *liberal* conception of politics) – need not, of necessity, be an 'ultra-minimal' state;

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that such a state, at very least, does not suffer from the sort of *paralysis* that Sher envisions.[70] And as I noted above (in section **6.2**), while the state's power may be limited in scope – to, e.g., the provision of public goods – there remains latitude for a wide range of views as to the precise 'content' of this scope. We might, for instance, all agree that the state must restrict itself to the provision of public goods, and might even agree as to precisely which public goods should be provided – but disagree as to the *scale* to which these goods ought to be provided. We may, for instance, disagree a great deal about how robust a 'social safety net' is proper.

But a challenge lurks here. Given the conclusions reached thus far, how *could* anything more extensive than an ultra-minimal state be justified? Does not the very exercise of centralized coercive power, inherent in the task of providing public goods, run afoul of the strictures on permissible state action countenanced by, e.g., **Legitimate**? When the state taxes some citizens in order to benefit others (as it must do, presumably, if it is to erect and maintain a 'social safety net', regardless of scope), does it not violate the principle we've named **Coercion**? Is not our professed desire to "allow for the possibility that a state organized according to the principle of maximum feasible accommodation … need not, of necessity, be an 'ultra-minimal' state" simply disingenuous? Given our premises, how could we arrive at anything *but* minarchist conclusions?

The response to this worry lies in the recognition that there are certain minimal social preconditions that must be met before persons can be considered free to pursue their conceptions of the Good in any meaningful sense, and that the state's facilitation of these preconditions is consistent with its attitude of maximum feasible

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[70] Sher [1997, 114-7].

accommodation. In one sense, obviously, *utter* and *total* compliance with the strictures set forth in **Legitimate** and **Coercion** would bar the state from conducting any but the 'reactive' functions articulated at the outset of section **8.2** above. Such a state would be severely constrained in its efforts to collect the tax revenues required for the maintenance of, e.g., institutions productive of the rule of law – institutions that are required if the state is to take the 'pre-emptive' action of enforcing proscriptions on the behavior-types (violence, theft, fraud, etc.) that typically constitute coercive interference with expressive liberty. So it appears that the strictures set forth in **Legitimate** and **Coercion** only become operative once a certain 'threshold' has been met with respect to securing the minimal social preconditions for the enjoyment of expressive liberty. In their efforts to secure these preconditions, states can exercise coercive power in certain ways – ways that would be condemned by **Coercion** and **Legitimate**, were this threshold not met. Thus, we are not to interpret the strictures set forth in **Coercion** and **Legitimate** *so* strictly as to render *any* state action impermissible.

So we require certain social preconditions if any person's pursuit of the Good Life is to be accommodated at all. For one thing, we must be free from the threat of aggression, whether 'external' (from foreign armies) or 'internal' (from our neighbors). We require the rule of law, that is. Public institutions are often required to secure these preconditions, and provision of such public institutions often bears the hallmarks of collective action problems. That is to say, such public institutions are often 'public goods', in the economists' technical sense of the term – they plausibly require the use of concentrated coercive power to overcome the natural obstacles that

preclude their spontaneous provision in the marketplace. Even the staunchest of minarchists makes this allowance; nor does such an allowance seem to significantly undermine the minarchist project. Thus, for example, Robert Nozick can devote one-third of his minarchist treatise to an explanation of how we can "back into a state without really trying"[71], consistently with his libertarian principles.

But besides the basic requirements of rule of law, what exactly *are* the social preconditions that must obtain prior to any person's being meaningfully positioned to pursue her conception of the Good – the facilitation of such preconditions being the legitimate ends, even of states organized according to the principle of maximum feasible accommodation? Besides rule of law, do we also require a certain level of environmental protection? Do we require a sufficiently-immunized populace? Do we require a sufficiently well-educated populace? Do we require the assurance that all persons will enjoy a minimally adequate level of material well-being, and the insurance of knowing that we will never fall into an *utterly* destitute state, no matter what misfortune befalls us? Do we require public institutions for the provision of some or all of these public goods?

On these questions, I am supposing, persons attracted to our Neutralist story can still disagree. For consider: that there is scope for such legitimate, reasonable disagreement, even among those inclined towards classical liberalism, seems to be allowed by most classical liberals themselves. Consideration of Nozick's libertarianism is once again instructive in this regard. For consider the formulation of his preferred vision of the minimal, 'night-watchman' state: he speaks of a state, "limited to the narrow functions of protection against force, theft, and fraud,

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[71] The subtitle of the first section of his [1974].

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enforcement of contracts, *and so on*."[72] With the qualification "and so on", Nozick

seems to allow room for disagreement, even among devotees of the minimal state, as

to precisely *which* functions the minimal state will perform. Judith Lichtenberg has

alleged[73] that any state organized according to the principle of **MFA** – elucidated

with reference to **Coercion** and **Legitimate** – will be such as to leave many of its

citizens "without satisfaction of basic needs, without access to the goods necessary to

human flourishing on almost any conception of the good." But this allegation simply

begs the question against our conception of Neutralism, by presuming that there is a

clear, *a priori* constraint on the scope of **Legitimate** state action, such that public

institutions which aim to secure the satisfaction of everyone's basic needs are

precluded from the very start. This is not the case.

Nonetheless, while our sympathizers might reasonably and legitimately

disagree among themselves as to the proper suite of public goods that will be offered

in a Neutralist state, all will agree that, once the basic social preconditions for

anyone's having a meaningful opportunity to pursue the Good have been met, further

state action is rendered presumptively illegitimate. There is a threshold of social

order that the state may secure (*must* secure, perhaps), compatibly with the spirit of

MFA. But beyond this threshold, further state action is likely to effect undue

interference with some citizens' pursuit of their own Good.

Attempting to identify where this threshold lies with anything approaching

precision might require a dissertation in its own right. But we can make one brief

suggestion that serves to illustrate the distinctive content of our Neutralist story. This

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[72] Nozick [1974, ix], emphasis added.
[73] In personal correspondence

suggestion is that there is something special in the character of *public* goods, such that their provision via coercive state power is justifiable despite the fact that such provision requires state actions that constitute a *prima facie* violation of the constraints set forth in **Coercion** and **Legitimate**. While the claim is not undisputed (some theorists, many of whom would call themselves "anarcho-capitalists", will reject it[74]), it is commonly thought that coercive state power is required if we are to solve collective action problems – most notably, those collective action problems which beset the efforts to erect social institutions productive of rule of law. But no such special property attends to the provision of non-public goods. Where such provision can be effected privately, a state committed to a principle of **MFA** will abstain from providing them. For its decision to do so constitutes a violation of the strictures set forth in **Coercion** and **Legitimate**, and the *prima facie* constraint on violating these strictures is *not* overridden, as it is overridden in cases of public good provision.

The reason for this is as follows: the public provision of non-public goods is fraught with the danger that some citizens will (reasonably) experience such provision as an undue interference with their expressive liberty. (Of course, the provision of some public goods will be similarly fraught, but insofar as the state's provision of such goods constitutes an ineliminable means to the end of securing expressive liberty's vital preconditions, this danger is one we simply must bear.[75]) This interference can be experienced in at least two distinct ways. First, some citizens may judge that certain public enterprises place them at a disadvantage in their

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[74] See, for example, Taylor [1987]

[75] I assume, though, that with respect to most of our vitally essential public goods – rule of law, e.g., - this is not a tremendous danger.

efforts to forge lives fully expressive of their cherished notions of life's meaning and value. To take one prominent example: when states promulgate policies of compulsory school attendance for children under a certain age, certain persons – e.g., members of religious organizations such as the Old Order Amish – may perceive such policies to be disruptive of their commitment to live in relative seclusion from modern, secular society.[76] (This conflict becomes even more acute when the state itself assumes direct responsibility for the curricular content of the mandated education.) The provision of (public) education in a Neutralist state will receive fuller attention in section **10.32** below; for now I merely hope to gesture at one way in which a state's 'over-reaching' – via the provision of non-public goods – can pose problems for a Neutralist state: such overreach creates tension with its commitment to maximum feasible accommodation of citizens' efforts to pursue their own Good. Past the point of public good provision, state action is apt to become counter-productive: it affords *less than maximum* feasible accommodation. (It becomes, if you will, a policy of 'SOFA': 'Sub-optimal feasible accommodation.')

A second way in which some citizens might (reasonably) experience state provision of non-public goods as an undue interference with their expressive liberty has to do with the extent to which some citizens will be brought to subsidize activities which they find to be objectionable, and which they do not wish to subsidize. Such (forcible) subsidization results from the fact that public enterprises are publicly funded. The extent to which government funding of a given activity might constitute a case of impermissibly forcing unwilling citizens to become (abashed) patrons of

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[76] The famed *Yoder* case in the U.S. (*Wisconsin v. Yoder*, 406 U.S. 205 (1972)), and the case of Gypsy responses to the United Kingdom's Education Act, both speak to this exact conflict. For a discussion of these cases, see Kukathas [1992] Galston [1995].

that activity – and the circumstances in which government funding will *not* represent such an impermissible forcing – will receive further elaboration in our discussion of 'soft paternalism' in section **9.4** below. For now, though, I simply want to illustrate this worry by gesturing at some suggestive examples.

The United States' 'Culture Wars' of the 1990's revealed the fact that many citizens take firm exception to the use of public monies to fund certain artistic projects which they find to be morally and religiously objectionable. When the National Endowment for the Arts funded the work of Robert Mapplethorpe, Andres Serrano, and others, it was using *those citizens'* contributions to the public coffers, and was subsidizing those artists in *those citizens'* names. Plausibly, then, such citizens can claim that this instance of public provision of a non-public good represents an undue interference with their expressive liberty. Though as a quantitative matter, each such citizen's subsidy of the NEA is very small[77], the fact that the government funding of the arts is, in a very real sense, done in each citizen's name[78], may be sufficient to establish the state's non-Neutrality in this regard.

This case is familiar to many readers, but we must note that similar reasoning extends also to other cases of public funding of non-public goods. Consider funding for medical research, for example. Inasmuch as some persons – Christian Scientists, for example – might object to certain forms of medical research on moral and religious grounds, they too might have grounds for complaint. When we see that their tax dollars are used to subsidize, in their names, research programs to which they

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[77] For FY08, the NEA's budget was $128.4 million, whereas all federal outlays totaled $2.902 *trillion*. That means that .000044% of the federal budget was allocated to the National Endowment for the Arts. In other words, .0044% of each *penny* of each tax dollar went to fund the NEA. Tabulated from data available at http://www.gpoaccess.gov/usbudget/fy08/browse.html. (Accessed December 1, 2008).
[78] In a democracy, at least, this claim is plausible.

have deep objections, we once again recognize why Neutralist states ought to regard such public projects as fraught with peril. (It bears mentioning that – apropos this second kind of interference with expressive liberty forming the subject of this paragraph – this peril only arises insofar as a putatively objectionable activity is subsidized out of (coercively) extracted tax revenue. Again: the extent to which states may dedicate *voluntarily*-contributed revenues to such projects is another matter, to be taken up in chapter nine.) Very many other forms of seemingly-benign public action might fall to this same logic. Dedicated environmentalists may find cause to decry public subsidies to the automobile industry, which subsidies they contend work at cross-purposes with environmentalists' efforts to curb greenhouse gas emissions. (Many such subsidies are 'hidden'. An example might the massive public spending on infrastructure projects like roads, to the detriment of other forms of public transportation – which serves to artificially inflate consumer demand for cars relative to demand for alternative, cleaner forms of transportation, such as bicycles or various forms of mass transit.) Dedicated vegetarians or vegans may find cause to decry massive public subsidies to the agricultural sector, which they regard as cruelly contributing to the extant practice of wholesale ritual slaughter of innocent beings, causing pain and suffering on a massive scale. Indeed, it is not too difficult to imagine that, several generations hence, it will be the unanimous opinion of reasonable persons that meat *is*, in fact, murder. Those future generations will look back with horror on our present generation, with its public endorsement and governmental support of such mass murder, much as today we look back in shame upon our previous public support for the institution of slavery. In this vein, it is not

difficult to imagine a future generation of polyamorist activists who – having succeeded in effecting a normalization of their multi-partner unions, both with respect to public policy and with respect to the wider society's acceptance – look back upon today's same-sex marriage activists with a mixture of respect and dismay. (Respect for such activists' trailblazing efforts to normalize *some* non-traditional romantic relationships; dismay at their failure to recognize polyamorous relations as deserving like recognition.) Such mixed feelings would be akin to the ambivalence some today are apt to feel with regard to our nation's Founding Fathers – who, while exquisitely sensitive to the equal moral standing of all white males, were disappointingly *insensitive* to considerations of the same rights and liberties with respect to females and non-whites. (The reader skeptical of this forecast is invited to imagine the response that likely would have greeted a similarly foreword-thinking early twentieth century prognosticator. "The current movement to enlist public policy in the service of recognizing exclusively heterosexual marriages only invites trouble," she may have warned. "Someday these policies will come to be regarded as objectionable, inasmuch as they discriminate against same-sex couples.")

The point is that very few – if any – state activities are immune from these sorts of worries. For any given public policy, if it is difficult to imagine a present-day constituency that regards this policy as effecting an undue burden on its expressive liberty in one of the two manners detailed above, it is not too difficult to imagine some future constituency that might make the same complaint. And even if it is possible to identify which state activities are presently immune from this worry, it is impossible to predict which policies will *remain* so immune (as the example of same-

sex marriage vividly illustrates). The lesson to be drawn from these observations is that a Neutralist state will want to err on the side of caution. Beyond its provision of that suite of public goods minimally required to secure the social preconditions for expressive liberty,[79] the Neutralist state will endeavor to do as little as possible – the better to secure maximum feasible accommodation of a diverse citizenry's[80] conceptions of the Good.

Again, as I said above, a full discussion of these issues is beyond the scope of this dissertation. My comments in this section are meant to be merely suggestive. I hope, however, to have convinced the reader that, while the Neutralist story developed so far does not generate a commitment to philosophical anarchism, or even necessarily to minarchism, it is not devoid of content. It *does* entail substantive conclusions with respect to the scope of legitimate state action. At present, the best we can say is that our premises do generate a presumption against any state action, beyond that public-good-provision which is necessary to secure the minimum social preconditions of any person's exercising his or her expressive liberty – even if we must, for now, allow scope for disagreement as to precisely when this threshold has been crossed. The remaining chapters in this dissertation will hopefully shed more light on the precise picture of legitimate state action that emerges from our Neutralist account.

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[79] And recall that, concerning the scope of such provision, we allow that there can be reasonable disagreement.
[80] *Inter*-generationally diverse, as well as intra-generationally diverse.

Chapter Nine: *Accommodationism*

We are thus finally in a position to give terse expression to the conception of politics we have been exploring. For ease of exposition, let us term this conception of politics **Accommodationism**, and formulate it thusly:

- **Accommodationism**: By restricting its actions to those licensed by **Coercion**, the state embraces a stance of **Maximum Feasible Accommodation** with regard to its citizens' efforts to live according to their competing conceptions of life's meaning and value – the result of its **Modest** assessment of its own ability successfully to ameliorate the fact of **Diversity** by any other means.

Accommodationism is a neutrality thesis. As such, as per our overview of neutrality theses in chapter four, we are entitled to expect of it an account of the following four things, aspects of the *mechanics* of neutrality theses all: (1) the subject of the neutrality principle; (2) the interpretation of 'neutrality'; (3) the scope of the neutrality principle; and (4) the formulation of the neutrality principle. A distinctive account of each of these four elements of the mechanics of neutrality flows naturally from the Accommodationist thesis as we have thus far defended it. Let us examine each of these four elements in turn – at long last making good on our promise to fully articulate a vision of the *mechanics* of a neutrality thesis whose *defense* rests on **Modesty** and **Authenticity**.

9.1 The Subject of Accommodationism

When characterizing the challenge of rendering the subject of a neutrality thesis in chapter seven, we expressed the challenge as one that results from the attempt to generalize the United States Constitution's (dis)Establishment Clause. Recall that the elements of a natural understanding of the Disestablishment Clause include (i) the state and (ii) the 'Church': (established, organized) religious sects. Recall also the natural extension of this disestablishmentarianism to *all* conceptions of what gives life its meaning and value – religious or otherwise, established and institutional or otherwise. We then observed that the elements of a neutrality thesis arrived at in this way are no longer as clear as they were in the case of the original, First Amendment-derived doctrine of disestablishment. One element – that of the state – remains. But the other element – that of a religious sect – has disappeared, and has been replaced with a more nebulous notion: that of a conception of the Good. The Neutralist, we had said, bears the burden of characterizing this more nebulous notion in a manner that renders it serviceable.

But now recall our observation in the last chapter to the effect that practically "*any* behavior might plausibly be required (or proscribed) by some conception of the Good," and that by "restricting the use of its own coercive power to those types of behavior licensed by **Legitimate**, the state adopts a very demanding standard for permissible state action." It seems the Accommodationist in fact no longer needs to offer any such specification, any such means of individuating conceptions of the Good. For the very recognition of the vagaries inherent in this notion supplied a major motivation for the Accommodationist's endorsement of severe limits on the

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scope of permissible state action in the first place. The realization that, in nearly all it does, the state runs the risk of coercively interfering with a citizen's expressive liberty is what led us to **MFA**, **Coercion** and **Legitimate**, and **Accommodationism**. Let the notion of a conception of the Good be as nebulous or expansive as you like; allow the range of beliefs and behaviors thought to be proscribed or prescribed by visions of the Good Life to be as broad as you wish: by limiting permissible state action to the (preemptive or reactive) effort to prevent coercion, we arrive at an understanding of the subject of Accommodationism that is determinate and serviceable enough. By thus restricting the scope of legitimate state action, even a notion as vague and nebulous as our 'conception of the Good' is rendered serviceable enough, for by almost anyone's lights, actions proscribed or prescribed by their cherished conceptions will enjoy protection against state encroachment.

9.2 The Interpretation of Accommodationism

Recall that Neutralists were said to generally fall into one of two camps when it comes to the interpretation of the neutrality thesis: those who advocate neutrality of *effect* (or *outcome*), and those who advocate neutrality of *justification*. Those in the former camp hold that government policy should never have the effect of advantaging or disadvantaging adherents of a particular conception of the Good relative to the adherents of rival conceptions. Policies that do have this effect are to be avoided, or – if they are unavoidable – the state is licensed (perhaps required) to intervene in the resulting state of affairs, either to redress the (dis)advantage unduly accorded some of its citizens, or else to offer compensation to those adversely affected by the state's

non-neutral policies. Those in the latter camp point out the prohibitive difficulty inherent in securing outcomes that qualify as 'neutral' as among rival conceptions of the Good; thus, they maintain that the justifications offered *for* government policies, not the effects *of* them, are properly the sorts of things that should be neutral. How do Accommodationists come down on this issue?

We can begin with the simple part of this answer: Accommodationists do not advocate neutrality of effect or outcome. Neutrality of effect is a 'patterned' notion. Accommodationists accord prime importance to liberty – expressive liberty, in particular – and thus follow Robert Nozick in the conclusion that "liberty upsets patterns."[81] Maintenance of a certain pattern of social outcomes (in this case, an outcome where all of a polity's competing faiths find that public policy ever and always advances or retards their fortunes in perfectly equal measure) is secured by government interventions, except in rare cases where it might persist by sheer coincidence. By and large, such interventions tend to be inconsistent with Accommodationists' insistence that each citizen enjoy the maximal degree of expressive liberty consistent with a like degree of liberty for all.

The natural conclusion to draw is that Accommodationists therefore favor the 'neutrality of justification' interpretation of neutralism. But it is here that we begin to find the view more interesting. For by antecedently positing strict limits on the scope of permissible state action, the Accommodationist avoids the need to invoke the problematically ethereal notion of a 'neutral justification' in her characterization of the mechanics of her view. For if the range of state activities is sufficiently restricted

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[81] See Nozick's famous "Wilt Chamberlain" example in his [1974, 161-3].

to start with, political actors do not need to 'trim'[82] their deliberations and public advocacy for the sake of conforming to the requirements of neutrality. Rather, citizens and politicians alike are free to offer up the strongest reasons for their favored policies, as *they themselves* understand these reasons, irrespective of the putative 'non-neutrality' of their content. Citizens and politicians need *not* feel any pressure to offer, in bad faith, reconstructed (and inevitably distorted) versions of their favored policies expressed in a 'neutral' language or framework. It makes little difference if the motives of those whose political proposals win the day are sectarian; so long as the policies they advocate conform to the strictures set forth in **Coercion** and **Legitimate**, there is no worry that they will be 'non-neutral' in any objectionable sense. The non-neutrality of a policy's advocates does not necessarily confer non-neutrality on the policy itself. As Kent Greenawalt has put it, "Fairness consists not in exclusion [of religious and other such ideas in public discourse], even self-exclusion, but in everyone's relying on what each thinks is most convincing"; neutrality is exemplified "by allowing people to rely on whatever reasons they find most persuasive."[83] Thus, for instance, evangelical Christians on the right of the political spectrum, and Marxists on the left, may both support public measures to protect the natural environment from further degradation. Let us suppose that neither contingency's reasons for supporting the measure are 'neutral' in any respect: the evangelicals favor green policies out of a scripturally-based sense of divinely-ordained environmental stewardship, while the Marxists favor environmental regulation as a way of constraining, to at least some degree, the otherwise profligate

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[82] On the project of 'trimming' 'thick' conceptions of the Good so that they're suitable for public consumption, see Bellamy [1999, chp. 2]

[83] Greenawalt [2003, 269, 275].

beast of advanced global capitalism. It matters not that either rationale runs afoul of the justificatory neutralist's canons of proper 'public reason.' If the proposal is allowable on the Accommodationist's conception of permissible state action[84], it is 'neutral' in the only sense relevant here. The Accommodationist can thus endorse the outcome-neutralist's main criticism of 'justificatory neutralism' – to the effect that *justifications* of state policies, no less than conceptions of The Good, can be disparate, conflicting, shifting, and overlapping – without also taking on board the outcome-neutralist's troublesome commitment to patterns. The insight here is that Accommodationism embodies a commitment to neutrality by espousing a robust restriction on the scope of legitimate state action, a restriction that antecedently minimizes the state's prospects of coercively interfering with citizens' efforts to live out their cherished notions of life's meaning and value.

9.3 The Scope of Accommodationism

This same insight guides the Accommodationist in her account of the proper scope of official state neutrality. An antecedent restriction on the scope of state activity, aimed at eliminating (or at least minimizing) the possibility that government policies will run afoul of citizens' expressive liberty, obviates the need to demarcate a realm of state activity uniquely subject to the neutrality constraint – just as it obviated the need to explicate a notion of 'neutral justification' in the *interpretation* of Accommodationism. We need not argue about whether to regard all state activity, or

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[84] As plausibly it would be – environmental protection representing a paradigm case of a 'public good' in the sense that its spontaneous provision in the marketplace is precluded by a collective action problem, and public good provision representing a fairly 'easy case' as a candidate for legitimate state action on our Accommodationist account.

to regard only legislation, or to regard only constitutional essentials, as being subject to the neutrality requirement. Likewise we need not bother to answer the question as to *whom* the neutrality constraint applies. (Only legislators? *All* citizens?) Just as was the case for the Accommodationist's account of the proper interpretation of neutrality, 'all bets are off' here. Any aspect of the neutral state may be based on any considerations lawmakers and citizens see fit, so long as the state restricts its activities as required by its adherence to **Coercion** and **Legitimate**. In so doing, the state ensures that it will be 'neutral' in the relevant sense, at whatever level we decide to apply our analysis. Similarly with persons: not only the ordinary citizen, but any government official, is free to advocate and deliberate about public policy as he or she sees fit, in accordance with the dictates of conscience. A state organized along Accommodationist lines is arranged so as to allow such free and unfettered deliberation and debate; citizens are protected from 'non-neutral' policies, not because their fellow citizens' and their elected leaders' public conversations and deliberations are hamstrung by dictates of 'public reason' intended to stifle any non-neutrality at the starting gate, but rather by the principled limits on the scope of state action.

Kent Greenawalt's analysis again applies here. In asking "whether, when they resolve political issues within liberal democracies, citizens and officials properly rely on religious conceptions that inform moral judgments, which in turn bear on political resolutions,"[85] Greenawalt cites with approval the contemporary accepted practice. He finds that the current convention, whereby there is no accepted understanding that legislators "should avoid giving any weight to their own religious convictions and to

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[85] Greenawalt [2003, 267-8].

those of constituents in the formulations of their positions," even while they "typically do not make religious arguments on the floor of Congress or before their constituents," represents a "sound accommodation of the needs of a religiously diverse citizenry with the inclination of legislators to bring all they believe to bear on political problems."[86] (Citing the fact that – while it might be easy to restrict one's public *advocacy* to discourse that might qualify as neutral – it is difficult (if not impossible) to constrain one's internal *deliberations* to putatively 'publicly acceptable' principles, Greenawalt does allow that "if any self-exclusion [in reason-giving] is justified, it is self-exclusion for officials in their public statements."[87])

9.4 The Formulation of Accommodationism

The proper *formulation* of Accommodationism is the one that best answers questions like the following: What sorts of promotion of the Good are (in)admissible? Must the state merely refrain from coercively imposing its preferred vision of the Good Life? May the state seek to promote (a specific conception of) virtue, so long as it does not do so coercively? If so, is the state's supplying positive incentives for those who live the Good life acceptable, so long as it does not apply sanctions to those who fail to conform? Can the state seek to create conditions favorable to (its preferred conception of) a life of virtue, so long as it stops short of wielding coercion to discourage vicious living? And so forth.

The Accommodationist locates the crux of her argument in the moral constraints that regulate the proper exercise of coercive power – especially

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[86] *Ibid.* 273.
[87] *Ibid.*

monopolized coercive power. Accordingly, the 'neutrality constraint' that flows from the Accommodationist position only bears on efforts to coercively impose a vision of the Good. It would thus appear that non-coercive state efforts to promote the Good – supplying incentives for those who embrace the favored conception, creating conditions favorable to the flowering of a range of favored conceptions, and so forth – are legitimate in the Accommodationist state (subject, as always, to the constraint that such efforts comport with the requirements of **Coercion**). However, a complication arises from the fact that even such putatively non-coercive measures *do* involve coercion at a certain point: namely, they are only possible in the first place to the extent that the state claims for itself the right to collect taxes – a right it can enforce with the threat of sanctions. Any non-coercive efforts to promote a particular conception of life's meaning and value will be financed by tax revenues. Citizens' contributions to public coffers are not a matter for their own discretion; thus, those citizens whose favored conceptions are ones the state intentionally discourages (or at least are not the ones that it intentionally *encourages*) find that their property is being redistributed in a manner they might legitimately regard as 'non-neutral.' Their income is being transferred to support the efforts of those adhering to rival conceptions of the Good; perhaps this represents a coercive interference with these citizens' Good-guided behavior after all. For such citizens' efforts to live out lives that accord with their visions of the Good are impeded in at least two ways: (1) resources these citizens might devote towards the expression of their deepest identities and commitments are diverted elsewhere (this represents a sort of opportunity cost for such citizens); and (2) such citizens find the relative position of

their Faith, vis-à-vis rival Faiths, is artificially disadvantaged, pursuant to the state's subsidization of its favored account(s) of the Good. And coercion is implicated in each of these impediments – can such citizens legitimately claim that the state is violating their rights to expressive liberty?

Let us begin our investigation of this issue by dispensing with one *un*satisfactory response. It might be proposed that non-coercive state measures to promote the Good are acceptable to the extent they are financed by non-tax- (and thus non-coercively-) generated revenue. The state reserves for itself the sole right to exercise coercive power, but this does not mean that all state action must ultimately repose on its ability to use force. Just like other actors, the state can engage in activities *not* dependent on its right to wield coercion. The state might engage in its own fundraising efforts (as it does when it offers taxpayers the opportunity to contribute to environmental protection or campaign finance when filing their tax returns), and the proceeds from these efforts might be legitimately applied towards non-coercive Perfectionist measures. Or, rather than rely on donations, the state might even enter the marketplace, providing a service to customers and raising revenues that way (as the U.S. government currently does with its administration of the now-profitable U.S. Postal Service).

The problem with this approach to grounding 'soft paternalism' lies in the observation that money is fungible. Funds supporting a state's efforts to non-coercively promote the Good free up revenues for use elsewhere; more damningly, tax revenues collected under threat of compulsion make the 'freely raised' funds available for use in soft paternalism. It is thus impossible to disentangle the state's

coercively-gained revenue from its non-coercively-gained revenue, when endeavoring to justify its funding of softly paternalistic measures. But is not this problem side-stepped by insisting that tax-generated and voluntarily-generated revenue be literally divided into separate accounts? The answer is: only partially. It *is* true that diverting voluntarily-raised monies (accruing, say, from the extra, voluntary donations made by taxpayers when filing their returns, or from USPS profits) to separate funds, and then limiting the state's financing of its pet Perfectionist projects to only that which is permitted by the size of these funds, solves the problem of fungibility. But even here, two complications remain: (i) there are still (tax-revenue-financed) administrative costs to creating and preserving said accounts, and to promoting the cause and collecting donations to it[88]; and (ii) there is the opportunity cost involved: time and effort and funds devoted towards the promotion of such non-neutral causes are time and effort and funds the state might devote towards neutral causes – ones that do not unduly disadvantage members of faiths disfavored by the state's softly paternalistic aspirations. That the state even sees fit to act in ways that promote a certain Faith-related agenda – even when the state takes great pains to so act without availing itself of its monopolistic coercive power – might be regarded as objectionably non-neutral by citizens who do not find their interests promoted by the state's Perfectionist endeavors.

Despite the inadequacy of this attempt to justify non-coercive perfectionism by appeal to the state's capacity for non-coercion-implicating behavior, I *do* think that such soft paternalism is consistent with a broadly Accommodationist approach (even if it might be inconsistent with certain, perhaps more extreme, formulations of

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[88] Though of course these costs could be recouped out of the fund as well.

Accommodationism). The reason for dispensing just now with this particular flawed defense of non-coercive Perfectionism (besides the value of considering it for its own sake) is that the *proper* understanding of such a Perfectionism displays this same notion of fungibility. For, while money may be fungible, *coercion* is not. Simply noting that coercion is implicated at some point 'upstream' of a given state policy or action, does not suffice to establish that the taint of that coercion flows 'downstream' to render that action or policy 'coercive.' So long as the action or policy in question is not in itself coercive, it can embody a form of soft paternalism free of the charge that it constitutes the 'coercive imposition' of a given way of life – even if the policy's or action's ability to promote certain ends is made possible in the first place only by the coercive imposition of tax policy. In some cases, of course, coercion *does* 'flow downstream' this way. I believe any activities financed out of public coffers that are even partially filled with coercively-generated tax revenue – in light of the fact that money is fungible – *do* thereby incur the 'taint of coercion.' There is a genuine sense in which money's fungibility entails that, in a softly paternalistic state, any given citizen's tax contributions go to support its non-coercive Perfectionist measures. Accordingly, citizens who do not identify with the conceptions of the Good favored by such a state find that they are coercively being made to subsidize ways of life they find foreign or alien, perhaps even odious. Furthermore, that citizen will experience a coercively-imposed opportunity cost to the extent that she has that much less of her own resources to devote towards efforts that might give expression to her cherished notion of the Good Life. This is a genuine concern. However, the same concern does not apply to state activities financed out of non-coercively-

generated funds. The mere fact that *some* small degree of coercion was implicated *somewhere* in the process of collecting these funds (for we might concede the point that the state would have been unable in the first place to make the initial investments required to erect the means of soliciting these donations, or of reaping these profits, were it not for its right to collect tax revenues[89]) does not suffice to render the whole endeavor a 'coercive' one. The well is not *that* easily poisoned.

The foregoing discussion may strike some readers as out of keeping with the general tone of the defense of Accommodationism thus far. I believe these readers are accurate in this judgment. Nevertheless, it remains a (perhaps surprising) result of our account's reliance on the moral constraints regulating the use of coercive power that the view has little to say about the state's use of *non*-coercive power – even when such usage is intuitively at odds with the generally epistemically-modest spirit of this vision of an Accommodationist politics. But this need not be of much concern for us, as our anti-Perfectionist instincts only range over coercive state actions. The Accommodationist need not have (and in most cases will not have) any commitments to the effect that it is good that *society* more broadly construed should preserve conditions that appear 'neutral' as among citizens' competing understandings of the Good Life. Indeed, our commitment to liberty might be thought to entail that, in the free and consensual exchange of arguments – the 'marketplace of ideas' – visions of life's meaning and value be permitted to flounder or flourish according to their merits, with no *post hoc* intervention by anyone (or at least not the state) seeking to

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[89] Of course, it may be pointed out that the government need not gain the necessary 'start-up' revenues from taxation. It may do what the private sector does – enter the capital market and borrow assets. True enough: but this just pushes the issue back one more step: some coercive measures were presumably necessary before such an entity, capable of issuing bonds and borrowing on capital markets, could get up an running in the first place.

preserve beliefs and practices that would not otherwise survive on their own. This is in fact one key difference between our Accommodationist account – otherwise quite 'Milli-ian' in spirit – and the liberalism of John Stuart Mill himself. The latter sought to protect the "liberty of thought and expression" from the efforts of "*Society*" to restrict this liberty, where by "Society" he was often not careful to distinguish the state from civil society. In fact, he thought interference with individual autonomy from the latter source to be in many ways *more* insidious than official state interference – censure from the 'court of public opinion' is more difficult to detect and harder to resist, etc.[90] Our 'Mill-*ian*' liberal, by contrast, is likely indifferent to the effects that civil society and the marketplace of ideas might have on the fortunes of various conceptions. When Visions of the Good fare well or fare poorly in this sphere, they do so on a (hopefully) 'level playing field', and of their own merits – their fates are not artificially impacted by an actor's use of (monopolized) coercive power to influence the outcome of the free interplay of ideas. Our Millian may concede that the waning of some forms of life in these circumstances can be regrettable, but it is at least not *unjust*.

The key insight here is to recognize that, for the Accommodationist, it is the use of *coercive power*, and particularly its potential to effect undue violations of citizens' expressive liberty, that calls for careful regulation by moral principles. There is no concomitant pressure to correspondingly enshrine protection of citizens' expressive liberty from the forces of influence, persuasion, demonstration, argument and example. There is likewise no concomitant pressure to protect citizens from the influence of the state *per se*. Accommodationists are animated by the drive to protect

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[90] On these points, see Mill [1978, chp. IV]

expressive liberty from undue *coercive* interference, and the state (on this as on most pictures of state authority) claims a monopoly on the use of legitimate coercion. So the Accommodationist is naturally assumed to draw her sword against all, and only, governmental efforts to promote the Good. But this formulation is sloppy: the Accommodationist opposes all and only *coercive* interferences with citizens' expressive liberty (except when such interferences are required to prevent one citizen's coercively interfering with another). Some such coercive interferences may be attempted by non-state actors (in which cases the state is legitimated in intervening to prevent such interference), and some state actions may not be coercive – a possibility we countenanced several paragraphs above. So it does turn out to be true that, when the state can engage in soft paternalism in ways that entirely avoid coercion,[91] the Accommodationist has no principled beef. Any feelings regarding the seeming counter-intuitiveness of this result should be dispelled by the recognition that – when acting in a non-coercive manner with the support of monies financed in a non-coercive manner (i.e. not from taxes) – the state is really just another part of civil society. Its actions and influences in these arenas (say, promoting environmentalism by channeling funds voluntarily contributed by taxpayers who checked 'yes' on the 'Would you like to contribute $3.00 to the Save the Chesapeake Bay Foundation?' box) are to be regarded as exactly on par with those of voluntary associations, corporations, the media, or the academy.

One final point bears mentioning: throughout this description of the mechanics of Accommodationism, we have observed the effect of its chief advantage

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[91] Though it should still be stressed that this is no easy task, as the considerations regarding fungibility above demonstrate.

over other forms of Neutralism. For in other discussions of the topic, it is common to find the Neutralist saddled with certain argumentative burdens, putatively essential to any successful defense of Neutralism. These burdens are placed on the Neutralist, not only by opponents of the view, but sometimes also by its proponents. For example, George Klosko regards it as incumbent upon the neutralist to formulate a distinction between "conceptions of the good" and "other, nonsectarian value claims", such that neutral state policies may permissibly draw upon the latter but not the former.[92] Likewise, Kent Greenawalt presupposes the efficacy of a distinction between "religious" and "ordinary, secular" reasons,[93] but does not spell out how this distinction is to be drawn. The inability so to demarcate is an important motivation, not only for those (like some Perfectionists) who argue the ideal of neutrality to be incoherent or unobtainable, but also those (like myself) who argue that we need to dispense with *neutrality* as the fundamental ordering principle in this debate. A worthy feature of our account is that it circumvents the need to wade into the murky waters of these debates.

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At this point, the discerning reader may have noticed an affinity between the Accommodationist account we have been developing, and a view variously termed 'Pluralist Liberalism'[94] or 'Liberal Pluralism'.[95] 'Pluralist Liberalism' (as I shall henceforth refer to it) is the position of those who seek to ground and defend liberal

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[92] Klosko [2003, 167].
[93] Greenawalt [2003, 266].
[94] By George Crowder
[95] By William Galston

political institutions on the basis of the *value pluralist* thesis, first encountered in section **2.3** above. Pluralist Liberalism has recruited a number of very able defenders over the past decade. And the charge that our Accommodationist account is indiscernible from Pluralist Liberalism is an important one, as our vision of politics *does* on the surface bear many resemblances to the pluralist's view. Either of these two reasons is sufficient to give the matter our due attention; given that both reasons obtain, we shall accord the subject its own chapter. In the closing pages of this dissertation, then, we shall see how Accommodationism is immune to certain foundational challenges that plague the Pluralist Liberal view, and that – even were the Pluralist Liberal able to overcome these foundational difficulties – he would be led to an understanding of liberal institutions which is, in practice, indistinguishable from the Accommodationist's story about the practice of liberalism. In the course of our exposition, the Accommodationist version of Neutralism will be given greater content, inasmuch as its practical implications are revealed.

Chapter Ten: *Accommodationism in Action*

Recently, several authors have turned to the theory of value pluralism in hopes that it might provide a fruitful basis upon which to defend a conception of liberal politics. Representative of this trend are three books that I'll draw upon for purposes of this chapter: George Crowder's *Liberalism and Value Pluralism* (2002), William Galston's *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (2002), and Galston's *The Practice of Liberal Pluralism* (2004). Galston uses the phrase 'liberal pluralism' to refer to the conception of liberalism drawn from value pluralism, while Crowder prefers 'pluralist liberalism'; I shall use the latter formulation to refer to this view.

The pluralist liberal argues *from* a particular metaphysical thesis – value pluralism – *to* a particular vision of politics – liberalism. Accordingly, his account will feature two separable, but interrelated, components: a distinctive *justification* of liberalism, and a conception of politics with distinctive *content*. I shall argue that the pluralist liberal's case is hampered by four difficulties – difficulties our Accommodationist story does not share. Two of these difficulties challenge the justification of liberalism in terms of value pluralism, and two of them plague the particular understanding of liberalism to which the pluralist is led. I will term the former difficulties 'Justification Challenges', and the latter difficulties 'Formulation Challenges'.

This chapter proceeds in three sections. In the first two, I articulate the two Justification Challenges and the two Formulation Challenges (respectively) that hamper the pluralist liberal's efforts to defend liberalism with reference to value

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pluralism. In the third section, I'll make the further case that – not only is Accommodationism *not* hampered by the two Formulation Challenges – but that our version of Neutralism is in fact nicely equipped to handle such difficulties. Far from befuddling the Accommodationist, as I argue they befuddle the pluralist liberal, these criticisms actually provide an opportunity for us to showcase the powerful and innovative resources of our theory. I thereby conclude that, even if value pluralism can be used to defend liberalism – even if the two Justification Challenges can be met, in other words – the most defensible and workable way to construe a pluralist liberal politics is along lines provided by the Accommodationist model.

10.1 Justification Challenges

The two Justification Challenges are as follows:

(1) One might wonder how the pluralist liberal can privilege preeminent liberal values – individual rights and liberties, autonomy, and expressive liberty – as foundational elements of his political morality, consistently with his commitment to value pluralism. For a true commitment to value pluralism seemingly requires recognizing as legitimate at least some political orders organized according to fundamentally illiberal values. Call this the 'Incoherence Challenge'.

(2) Second, there is a certain practical difficulty attending efforts to erect value pluralism as the founding principle of a political morality. For in any diverse polity, many citizens' conceptions of life's meaning and value are **Monistic** – their orientations are such as to be inimical to value pluralism's central claim

that genuine human goods are heterogeneous, and thus that there is no single, rationally-defensible *summum bonum* – no one best way for human beings to live. Thus pluralist liberalism has only limited appeal as a public philosophy. Call this the '**Diplomacy** Challenge.'

Let us examine each of these difficulties in turn.

10.11 The Incoherence Challenge

This we might nickname the 'John Gray' worry, after its most noted proponent. In essence, the worry is this: how can one privilege preeminent liberal values – individual rights and liberties, autonomy, and (particularly) expressive liberty – as foundational elements of one's political morality, consistently with one's commitment to value pluralism? A true commitment to pluralism, it seems, requires recognizing as legitimate at least some political orders organized according to fundamentally illiberal values. But, pursuant to the central tenets of value pluralism, these illiberal values might be every bit as valid as the preeminent liberal values. If human values are truly diverse and heterogeneous, then surely also diverse and heterogeneous forms of governance can embody equally valid and incommensurable modes of human flourishing. It seems the value pluralist can at most only allow that liberalism is one member of a set of equally-valid political moralities.

10.12 The Diplomacy Challenge

We have already encountered this Justification Challenge in Section **5.1**, where we first discovered **Pluralism** to be unduly **Diplomatic** with respect to the

many citizens (and presumably, there *are* very many such citizens) who understand their cherished conceptions of life's meaning and value in **Monistic** terms. We may now distinguish two versions of this criticism: the 'narrow version', or the 'philosopher's qualm', and the 'broad version', or the 'layman's qualm.' The narrow version is this: value pluralism may itself suffer from some internal theoretical difficulties. It may be incoherent, for example. Plenty of detractors have found plenty of reasons to criticize it.[96] Value pluralism is unlikely, at any rate, to command the widespread assent of philosophers and reflective laypersons as the founding principle of a political morality.

But forget philosophers for a moment. The 'broad version' of this challenge says this: many 'True Believers' are also unlikely to accept the truth of value pluralism. Many persons subscribe to belief systems that are incompatible with the truth of value pluralism. For many conceptions of life's meaning and value are **Monistic** – their orientations are such as to be inimical to value pluralism's central claim that genuine human goods are heterogeneous, and thus that there is no single, rationally-defensible *summum bonum* – no one best way for human beings to live. Thus, pluralist liberalism has only limited appeal as a public philosophy: limited capacity to command the allegiance and loyalty and hearts and minds of large swaths of the population.

But this latter objection requires fuller discussion on my part, as this charge has not gone un-considered by liberal pluralists like Galston. Galston's reply, for one, is that a critical elision is occurring here, in the form of a failure to distinguish *politics* and *political theorizing*. In chapter eleven of *The Practice of Liberal*

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[96] For an instructive survey of much of this literature, see Galston [2004, chp. 2]

Pluralism, and also in chapter five of *Liberal Pluralism*, Galston distinguishes the 'civic' from the 'political' roles of political philosophy. He marshalls this distinction in support of the claim that a political regime's philosophical justification need not be mirrored by its 'public justification', or by the principles admissible in the 'public reasoning' conducted within that regime. So, in our context, we might speculate that political philosophers eventually all come to be convinced as to the superiority of liberalism, and they do so on grounds of their having been convinced of the truth of value pluralism, and of the cogency of the argument linking the two. Even so, Galston suggests, these political philosophers might recognize the limited appeal of value pluralism as a public philosophy – that is, they may recognize the cogency of what I'm here presenting as the 'broad concern'. But, since the 'political' role of political philosophy need not be constrained by the same considerations that are operative in its 'civic' functioning, political philosophers committed to pluralist liberalism need not require liberalism to be promulgated in terms that explicitly link its validity to the truth of value pluralism. Nor must political philosophers *themselves* publicly advocate for the necessary link between value pluralism and liberalism.

But how far can Galston's distinction actually be maintained? I am not sure that, ultimately, it is tenable. This worry is perhaps best expressed negatively by (what is typically inadmissible) shifting the burden back to the liberal pluralist. The real challenge for liberal pluralists who avail themselves of this argumentative strategy, I think, is to show how the distinction between a regime's true, philosophical justification and its publicly promulgated justification can be maintained without resorting to something like Plato's 'Noble Lie.' For that *is* the vision Galston offers

us here, is it not? We – the enlightened philosophers – come to recognize both the truth of value pluralism, and the fact that value pluralism (properly understood) entails liberalism. But we also recognize that many among the *hoi poloi* are irreversibly committed to value-schemes incompatible with pluralism – monistic value schemes, that is. Thus, these members of the public cannot be persuaded to support a political regime whose true justification ultimately requires assenting to the truth of a doctrine which is, by their lights, heretical. Requiring these citizens to assent to liberalism on the basis of the truth of value pluralism actually requires them to deny crucial features of their most fundamental views – or, at least, requires them to re-conceive their cherished notions of life's meaning and value, in ways they might reasonably reject. So we, the enlightened philosophers, endorse public justifications of liberalism that surreptitiously avoid a controversial reliance on value pluralism. In our public roles, as actors in the political sphere, we enlightened political philosophers are required to formulate inauthentic arguments, offered up in bad faith, in support of a 'Noble Lie' to sustain liberalism.

10.2 Formulation Challenges

The two Formulation Challenges, meanwhile, are as follows:

(3) According to Galston, pluralist liberalism is (to borrow terminology from John Rawls) a 'comprehensive' account, rather than a 'free-standing' one. Crowder likewise explicitly characterizes his view as representing a Perfectionist version of liberalism, as opposed to a Neutralist one. These observations in themselves might not seem to constitute a criticism of pluralist

liberalism – after all, plenty of theorists are quite happy to defend comprehensive and Perfectionist strands of liberalism – until we note the manner in which these features of the pluralist liberals' views stand in tension with their seeming commitment to a stance of *maximum feasible accommodation* (**MFA**) with respect to the conditions of **Diversity**. For a comprehensive, perfectionist understanding of liberalism is more apt to endorse coercive interventions into the internal lives of voluntary associations not organized along liberal lines (thereby running afoul of this commitment to **MFA**), than is a free-standing, neutralist liberalism. Call this the 'Non-Interference Challenge.'

(4) Pluralist liberal public policy is problematically indeterminate in cases where equally-legitimate but incompatible values come into conflict. Call this the 'Practical Impotence' Challenge.

Let us consider each Challenge in turn.

10.21 The Non-Interference Challenge

There are two ways we might choose to express this worry: in terms of the distinction between 'comprehensive' versus 'freestanding' views (following Galston's own formulation), or in terms of the distinction between Perfectionist and Neutralist accounts (following Crowder's own formulation). Take the former mode of expression first: the distinction between 'freestanding' and 'comprehensive' liberalisms comes from John Rawls's *Political Liberalism.* Comprehensive doctrines are those that apply to "a wide range of subjects, and in the limit to all subjects

universally," including "conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole."[97] Whereas a freestanding conception "can be presented without saying, or knowing, or hazarding a conjecture about, what such doctrines it may belong to, or be supported by."[98] Now take the latter mode of expression, already very familiar to us: Perfectionist understandings of liberalism are those that identify some particular value or clusters of values, or some conception of the Good (or cluster of conceptions) as authoritative for public purposes. Neutralist regimes, by contrast, aspire to some sense of neutrality with regard to competing understandings of value, or the human Good. In this sense, Perfectionist polities are more disposed to recommend paternalistic policies than are Neutralist ones – more likely, that is, to mandate some activity, or to prohibit some other activity, because doing so is good for its citizens, or promotes the values that it regards as publicly authoritative, and so on.

Among the reasons to favor a freestanding or Neutralist conception of politics over a comprehensive or Perfectionist conception, the following is especially salient: comprehensive/Perfectionist regimes run the risk of interfering with the internal affairs and ordering principles of voluntary associations not organized along liberal lines: the Catholic Church, for example. Mark Henrie expresses this worry very well in his article "Understanding Traditionalist Conservatism." In this passage, he's

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[97] Rawls [1996, 13].
[98] *Ibid.*, p. 12.

distinguishing traditionalist conservativism from what he calls 'compleat liberalism': this latter view holds that

> some form of the principle of consent and the natural rights of individuals *is* justice, simply. What is more, justice so understood has primacy over all other dimensions of the human good. Any deviation from this principle is ipso facto illegitimate. Where hitherto held in abeyance, it must be pressed forward to completion. Anything – any human institution or rule of life – that we have hitherto valued that cannot stand under the conditions of liberal justice has no 'right' to exist; the failure of any human institution when exposed to liberal principles is prima facie evidence of the prior existence of injustice in that institution.[99]

A comprehensive/perfectionist understanding of liberalism is more apt to endorse coercive interventions into the internal lives of voluntary organizations. A liberal polity understood in more free-standing or Neutralist terms, on the other hand, refrains from endorsing any 'thick conception of the good' as authoritative for public purposes, and thus is less likely to feel itself justified in interfering with the fundamental ordering of voluntary associations, when their ordering principles are illiberal.

Note that this is not in itself a criticism – plenty of other political theorists happily characterize their own views as being comprehensive or Perfectionist.

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[99] Henrie [2004, 15].

Furthermore, plenty of theorists are happy with this result – happy, that is, to endorse state intervention in circumstances when private organizations run afoul of liberal norms that are operative in *public* life. So why should pluralist liberals like Galston and Crowder be any different? The answer is that their doing so seems to stand in tension with their commitment to a stance of maximal accommodation. A liberal polity whose fundamental organizing principle is a commitment to effecting 'maximum feasible accommodation' of divergent conceptions of the Good Life should be hesitant to license too many Perfectionist intrusions into the lives of its citizens – even when these intrusions are (purportedly) justified in the name of promoting liberalism.

10.22 The Practical Impotence Challenge

Proponents of pluralist liberalism like Galston and Crowder make many passing references – and others not so passing – to concrete policy measures they believe would be justified in a regime organized along the lines of pluralist liberalism. Conspicuous by its absence in their writing, however, is anything resembling a 'demarcation criterion' distinguishing between, e.g., legitimate and illegitimate uses of state coercion to suppress citizens' efforts to live lives which conform to their cherished notions of life's meaning and value; legitimate and illegitimate models of human flourishing or 'experiments in living'; legitimate and illegitimate public purposes; and so forth. These authors seem to assume that the content of the value pluralist view will itself settle all such matters.

There are two possible ways in which they seem to believe this might happen. One is through what we might call value pluralism's 'positive dimension.' Pluralists like Crowder and Galston often allude to a set of universal or basic values that *every* legitimate conception of human flourishing must recognize and embody. Galston says they are "basic" in the sense they "form a part of *any* choiceworthy conception of a human life."[100] We might think of this as something like an 'overlapping consensus': despite their varying valuational structures, *all* legitimate modes of human life overlap on a set of fundamental values. (However, these authors often seem hesitant to enumerate these shared values.) If we *did* have a definitive list of these universal or basic values, or even if we had a few that we were confident would be included on this list, we could use these values to guide public policy. Perhaps we would favor policies that promoted or prescribed pursuit of these values; additionally, we might proscribe activities or forms of life that are inimical to these values.

The second way in which pluralist liberals seem to think that the content of value pluralism will itself offer sufficiently determinate guidance to public policy is through value pluralism's 'negative dimension.' Galston and Crowder often speak of pluralist liberal states as accommodating "legitimate variation in ways of life", "legitimate" diversity in conceptions of the good, and of allowing a range of activity "compatible with the broad limits of acceptable variation countenanced by value pluralism." At the same time, though, these authors speak of some ways of life as being simply "beyond the pale." Again, conspicuous by its absence is any enumeration of such ways of life. But still: assuming we *were* to produce such an enumeration, we might find that this list also provides a serviceably determinate

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[100] Galston [2002, 6]

guide to public policy in a pluralist liberal state. For we might then legislatively proscribe the forms of life that are beyond the pale, or proscribe certain activities that can only be seen as instantiating 'illegitimate values', and so on.

However, in the absence of such explicitly articulated demarcation criteria, we seem to be left with the worry that pluralist liberalism will be problematically indeterminate. To illustrate this point, we can draw upon two contemporary examples: same-sex marriage and public school curricular controversies. First, let us look at same-sex marriage. Assume for the moment that both the proponents and the opponents of same-sex marriage are reasonable and well-intentioned. Suppose further that each side is articulating a perspective that is firmly grounded in a legitimate set of values, or a genuinely valid conception of life's meaning and value. Each perspective is to be firmly endorsed as reasonable and legitimate, from the perspective of value pluralism. (I do not believe we must be overly-charitable towards either set of disputants, in order to make these assumptions.) How should a pluralist liberal regime respond to this stand-off? It seems that either way – whether it restricts civil marriage to heterosexual couples, or extends the institution to same-sex couples as well – such a state is going to run afoul of the cherished values of *some* of its citizens. In cases like this one, it seems that the liberal pluralist state is condemned to take a position opposed to one (reasonably) held by a large swath of its citizenry – to embody values contrary to those (legitimately) affirmed by many. Furthermore, no practical guidance seems to be forthcoming.

A second example pertains to education policy, as it relates to the issues raised by the recent controversy surrounding the teaching of 'Intelligent Design' (ID) theory

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in schools. This controversy does not necessarily revolve around a conflict between opposed values – though similar curricular disputes *could*. (For instance, we can easily imagine similarly-structured curricular controversies where the object of dispute is which one of two value schemes – each with a seemingly legitimate claim to validity, but each in many ways opposed to the other – is to guide a school system's curriculum in 'values inquiry.') But the conflict surround ID *does* illustrate another kind of clash in values: the tension between parents' legitimate interest in fashioning the content of their children's education, and the state's legitimate interest in the same. Here again, assume that each party to the dispute is articulating a standpoint which, judged from the perspective of value pluralism, is reasonable and legitimate. Here again, it seems the pluralist liberal state faces a deliberative stand-off. What is it to do? It seems that offending some significant portion of its citizenry is unavoidable. Pluralist liberalism is problematically indeterminate and unhelpful here. All the pluralist can say is that here, as in many circumstances, difficult and painful choices are required – choices wherein there is no way to avoid genuine loss.

Indeed, it seems we have hit upon a *general* feature here: it would seem there is a theoretical roadblock to the very notion of public education in the liberal polity. Again, Mark C. Henrie has articulated this challenge forcefully:

> … liberalism's boast is that it chastely denies to itself any thick
> theory of the good. Thus, it uniquely does not need to indoctrinate its
> citizens with controversial orthodoxies. But when the liberal state
> appropriated to itself the business of education with the advent of the

'common school,' it seized the responsibility of soulcraft – without really admitting to that fact. Education is, in its nature, value-laden. Liberalism's principled refusal to speak in teleological terms of a summum bonum, therefore, renders it a much-abashed patron of the schools. For, as every parent knows, children ask *Why?* And continue to ask *Why?* Until they come to the end of the matter. A consistently liberal schooling must always stop short of that end, satisfying no one. For most of American history, the common school surreptitiously reflected shared local values while the central organs of government looked the other way, a reasonable strategy for muddling through a theoretical inconsistency. Lately, however, courts have insisted on enforcing liberal norms on the schools …[101]

10.3 Should pluralist liberals be Accommodationists?

My third criticism of pluralist liberalism relies heavily on the observation that this view sees as the state's *raison d'etre* the need to create a secure public space within which a multitude of individuals and communities can flourish. My fourth criticism trades heavily on the worry that – though it predicts that fundamental value conflicts are the inevitable result of the free unfettered exercise of human reason – pluralist liberalism offers little in the way of guidance as to how to effect political resolutions of these conflicts when they arise. In this section, I will argue that by restricting its activities to those licensed by **Coercion**, the Accommodationist state better comports with the understanding of politics to which the pluralist liberal should

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[101] Henrie [2004, 23].

be led. A state limited to the fundamental tasks of protecting citizens against violence, theft, and fraud, enforcing contracts, providing a limited range of 'public goods', and so forth, is a state that truly affords maximum feasible accommodation of citizens' efforts to live out their diverse conceptions of the Good. To support this claim, let us now examine how Accommodationism is immune from the two Formulation Challenges, and how instead it offers novel solutions to these difficulties.

10.31 Accommodationism: A Free-standing, Neutralist View

Recall that the first Formulation Challenge comprised a worry about the danger of governmental overreach vis-à-vis the internal workings of private associations organized along illiberal lines. This concern is less likely to arise in states restricting their activities to those countenanced by **Coercion**. The reason for this is simple: the less a state does, the fewer are its opportunities to impede impermissibly its citizens' expressive liberty. A state that does not undertake to promote values that it deems central to the pursuit of human excellence, or does not endeavor to stamp out practices that, though harmless to others, it deems wicked or depraved, is a state that is not very likely to interfere with practices embodying genuine values. From the value pluralist's perspective, this is a desirable result. Unless we know with utter confidence which are the universal values, and which ways of life are simply 'beyond the pale' (and recall the pluralists' seeming reluctance to put forth any conjectures as to what these lists might look like), it seems that the value pluralist will want to honor a strong presumption in favor of individuals

leading their lives as they see fit, and banding together in voluntary organizations as they see fit. This presumption is threatened by states organized along Perfectionist lines, and those that embody 'comprehensive conceptions' of liberalism, but is honored and protected in the limited state envisioned by Accommodationism.

10.32 Accommodationism: Serviceably Determinate Policy Prescriptions

Recall that on the issue of same-sex marriage, there was seemingly 'no way out' for the pluralist liberal: either policy seems bound to offend the deeply-held and - cherished beliefs of significant segments of the populace. But, it might be objected, this challenge is not unique to pluralist liberalism: *any* liberal polity, organized along *any* lines, will face this dilemma. But this objection is without merit. For consider the Accommodationist's response here: she will maintain that the intractability of the dispute itself bears witness to the wisdom of the limited state. For what is the proper stance for the state to take with regard to the proper scope of the institution of marriage? The proper stance is *no* stance at all, claims the Accommodationist: the state need not – and, as current controversies exhibit, *ought* not – be in the business of ratifying marriages in the first place. On this view of things, the ever-expanding role of the state, which can be metaphorically depicted as an evolution from the night-watchman state of classical liberalism to the welfare state of modern liberalism, merely represents an ever-expanding arena in which the state's coercive power can (and must) be thrown behind this or that disputed value. Again, from the pluralist liberal's perspective, this should be viewed with regret. The more ubiquitous and expansive is the reach of government action and regulation, the more frequent are the

painful occasions where the state must interfere – often *coercively* interfere – with some of its citizens' legitimate efforts to lead lives responsive to genuine values.

Let us turn our attention now to the issue of curricular controversies. Recall the particular charge that pluralist liberalism is incapable of offering principled resolution to controversies such as those surrounding the proper content of public school science curricula. Recall also Mark Henrie's more general allegation that, insofar as it involves the task of "soulcraft", the project of public education poses a challenge to the *any* liberal regime, pluralist or otherwise. I will now argue that Accommodationism is better-suited than is pluralist liberalism to meet the challenge posed by curricular controversies such as the one surrounding ID, and that the mechanism by which it meets this challenge serves as an adequate response to the general challenge issued by Henrie.

An Accommodationist liberalism is going to seek, insofar as is practical and possible, to refrain from privileging any particular conception of the Good. However, *privileging one or another conception of the Good* is bound to be the inevitable result of assuming direct responsibility for public education. So is the solution here similar in form to the solution offered above, as a response to the seeming dilemma posed by the controversy surrounding same-sex marriage? Must a state organized according to the principles of Accommodationism refrain from providing public education? Certainly not – a well-educated populace is a public good (a good whose spontaneous provision in the marketplace is precluded by a market failure), and thus a legitimate arena for state action. How to resolve the dilemma, then? How can the state perform the legitimate service of supplying a public good while avoiding the sin of trespassing

on citizens' expressive liberty? Well, the answer lies in the observation that there's more than one way to skin a cat. In this case, there's more than one way to make provision for a public good: in the arena of public education, perhaps (and in other similar areas besides), a liberalism of accommodation should seek *indirect* ways of providing public goods. For example, it may create the market conditions required for an adequate system of public education spontaneously to arise by granting vouchers to all families with school-aged children. Schools would then be free to teach Intelligent Design or evolution (or both) as they chose, but a certain landmine would be avoided inasmuch as the state is not throwing its coercive power behind one or another controversial value. (This seems unavoidable in situations wherein local school boards – instruments of the state – must choose between the equally unattractive options of offending the scientifically-minded or offending the religiously-minded with their choice of curricula).

We should conclude, then, that pluralist liberals are better-served offering a vision of politics more in line with the limited state countenanced by Accommodationism. For the resources of Accommodationist thought provide for a more natural expression of a political morality dedicated to effecting wide accommodation of divergent conceptions of human flourishing. So, even if pluralist liberals are right that value pluralism can and should be used to ground liberal theory – that is, even if their distinctive vision of the *justification* of liberalism holds up against my first two criticisms – their distinctive vision of the *content* of liberal theory ought to be revised, more in the direction of our own view: Accommodationism.

Appendix: *Modesty, Authenticity, and Difficulty*

More can be said about how exactly I envision **Modesty** and **Authenticity** to work together to ground Neutralism. Here is how I see the terrain. Anyone who accepts **Modesty** will be disposed to accept some formulation of the neutrality thesis. Likewise for anyone who accepts **Authenticity**. The purpose of including both claims as constituents of our defense of Neutralism, then, is to capture the allegiance of persons – reasonable, we may suppose – who reject one of the two claims while still accepting the other. This suggests at least four classifications of persons, categorized according to their various (dis)avowals of **Modesty** and **Authenticity**:

(a) Those who accept both **Modesty** and **Authenticity**;

(b) Those who accept **Authenticity** but reject **Modesty**;

(c) Those who accept **Modesty** but reject **Authenticity**; and finally

(d) Those who reject both **Modesty** and **Authenticity**.

Persons in categories (a), (b) and (c) are all disposed towards Neutralism; only those in category (d) reject it. Those in category (a) stand in no particular need of elucidation (indeed, by now it is assumed as understood that the author inclines this way, and hoped that – by essay's end – the reader will as well), so we will pass over them in what follows.

Henceforth it will be assumed that all who accept **Modesty** do so on grounds of **Difficulty**. This encompasses those in categories (a) (whom we have already elected to ignore for time being) and (c). But the converse does not hold: rejection of

Modesty can follow, either *because of* a rejection of **Difficulty**, or *in spite of* an acceptance of **Difficulty**. This invites a further sub-categorization of groups (b) and (d) into:

(b-i)/(d-i) Those who reject **Modesty** in spite of their acceptance of **Difficulty**;

and

(b-ii)/(d-ii) Those who reject **Modesty** on grounds of their rejection of **Difficulty**.

Our full rendering of the relevant possibilities then, is as follows:

(a) Those who accept both **Modesty** and **Authenticity**;

(b-i) Those who (in spite of their acceptance of **Difficulty**) reject **Modesty**, but embrace **Authenticity**.

(b-ii) Those who (on grounds of their rejection of **Difficulty**) reject **Modesty**, but embrace **Authenticity**.
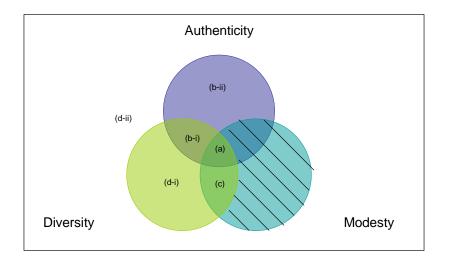
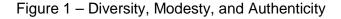(c) Those who endorse **Modesty** but reject **Authenticity**;

(d-i) Those who (in spite of their acceptance of **Difficulty**) reject **Modesty**, and who furthermore reject **Authenticity**; and finally

(d-ii) Those who (on grounds of their rejection of **Difficulty**) reject **Modesty**, and who furthermore reject **Authenticity**.

We can represent these possibilities in graphical form, with the help of a Venn Diagram, as in Figure 1:

Figure 1 – Diversity, Modesty, and Authenticity

The shaded area (Modesty/non-Difficulty) represents our provisional assumption, from just above, that no one accepts **Modesty** except on grounds of **Difficulty**.

To make these abstract categorizations more concrete, let us consider illustrations of the relevant possibilities, beginning with (b-i)[102] and proceeding in alpha-numeric order.[103]

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[102] Recalling our stipulation above that category (a) calls for no particular elucidation.

<u>(b-i): D, ~M & A</u>

We first countenanced the possibility of this category of persons when we made the acquaintance of 'the Anointed' in section **4.3**. We can think of the Anointed as those who accept the truth of **Difficulty** but demure at the inference from **Difficulty** to **Humble**. On the categorization and graphical representation set forth above, the Anointed occupy categories/regions (b-i) and (d-i). Our immediate concern is with those in category (b-i) – those who also accept **Authenticity**. We might further moniker these folks the <u>Anointed Existentialists</u>, in recognition of their hard-won (yet confident) insight that certain twentieth-century continental European thinkers got it right: as Sartre, Camus, and their ilk argued, a condition of anyone's living a valuable and worthwhile life *is* that that person endorses as *authentically one's own* his or her projects, values and commitments. Accordingly, the Anointed Existentialist favors a state policy of neutrality (as a means of securing the conditions under which persons are free to genuinely endorse (or reject), as genuinely their own, their various commitments) on grounds of their acceptance of **Authenticity**, even while they reject **Humility** and, therefore, **Modesty**. (Recall the Anointed Existentialist's confidence in the verities propounded by Sartre and Camus, even while they recognize that subjective recognition of these Truths is hard to come by – perhaps one needs to major in English truly to appreciate them.)

<u>(b-ii): ~D, ~M & A</u>

Some reasonable persons might reject **Modesty** on grounds of their denial of **Difficulty** – 'Confident Believers' of many stripes are apt to reason this way, no

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[103] Note that this ordering can be represented graphically as well: we start with the center-most region (category (a), the one that requires no further characterization) and spiral outwards in clockwise fashion.

doubt. These are people confident that their preferred understanding of life's meaning and value is the correct one, and who see no particular reason why *everyone* shouldn't come to share their convictions: finding, as they do, that the reasons supporting their Theory of the Good are obvious and open to all. But many (though of course not all) of these folks will agree that conformity to the tenets of their faith – while better to be had than to be lacked – is actually best when gained freely. A life lived in conformity with the Gospel is better (and, some would say, only possible in the first place) when it results from, say, a genuine, un-coerced appreciation of the reasons favoring it, or from a direct and genuine experience of God's redeeming grace. Or we might say that devotion to the Principles of the Enlightenment can *ipso facto* (because they place such a premium on autonomy, say) redeem one's soul only to the extent that they are embraced voluntarily. In either event, we might feel that affirmation of the One True Faith is of less value when it results from Official State Decree. A person's salvation, many feel, is a matter to be worked out in fear and trembling between she and her God; the state may not trespass against the inviolable citadel that is the conscience, even if its intent is to enforce conformity with True Doctrine. Here then we see examples of persons inclined towards a neutrality thesis on grounds of **Authenticity** but not **Modesty**. We might choose to term those who subscribe to a neutrality thesis in this way our 'Theologically Liberal Protestants' (if you are not averse to religious terminology), or we might opt for 'Humane Enlightenment Apostles' (for those more comfortable with more secular terminology). Perhaps, in the spirit of neutrality, we shall term them simply our <u>Enlightened True Believers</u>.

<u>(c): D, M, & ~A</u>

Similarly, we can construct examples wherein reasonable persons may reject **Authenticity**, yet retain an affinity for Neutralism on account of their epistemic humility – and thus, their endorsement of **Modesty**. Consider the case of those we might term the 'Platonic Republic-ans', including the hyphen here to emphasize this term's genesis as an adjectivization of the title and subject matter of Plato's greatest work, rather than in any relation to the contemporary American political party of the same name. Having worked their way to an appreciation of their faith (call it 'Middle Platonism') only after years of laborious study, these Republic-ans are keenly aware of the elusiveness of Truth in this realm. The tenets of Middle Platonism demand that they go forth, back into the Cave, and make converts of all, bringing each person (whether they come willingly or not) to live a life of Justice (that is, a life in conformity with the relative admixture of bronze, silver or gold found in their souls). Nevertheless, these would-be philosopher-kings actually demur at the suggestion that they carry out this demand of their faith by enforcing their vision of the Good Life. They demur at this possibility because they lack the level of confidence in the truth of Middle Platonism sufficient to warrant their coercively imposing it upon resistant dissenters. (Aware that their souls have not yet taken leave of their bodily prisons, these Republic-ans – in contrast to their teacher – elect instead to conform to the principles of their spiritual and intellectual grandfather, who (perhaps not without some degree of irony) counseled epistemic humility by famously claiming to know only one thing: that he knew nothing.) They're True Believers, yes, just like the ones considered above – but they are *epistemically humble* True Believers. When it comes

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to visions of the Good Life, they do believe that they have got things right, and that what is right requires forcing others to toe the party line – it is simply that their belief is not confident *enough* to spur them to go the extra step and enforce it upon others. They suffer from a failure of nerve when it comes to effecting the *enforcement* of Middle Plationism – an enforcement which the tenets of Middle Plationism requires. After all, it took them fifteen long years of studying Dialectic (and that after many more years of Music and Gymnastics) to get to the point where they were finally able to contemplate the forms of Beauty, Truth, and Justice – to the point where they grasp "true reality . . . intangible, visible only to Reason."[104] Mightn't it be possible that they erred somewhere along the way? Granted, there is a whiff of paradox here[105], in that we are simultaneously attributing to these Republic-ans (i) a degree of confidence in Middle Platonism sufficient to warrant their rejection of **Authenticity** (insofar as they accept as a consequence of their faith the directive to subjugate the unruly inhabitants of the Cave); and (ii) a certain *lack* of confidence in Middle Platonism, where such lack is sufficient to warrant their endorsement of **Modesty**, or at least of a general attitude of epistemic humility. But if such a scenario is not in fact paradoxical, if such a position is indeed possible and reasonable (and I am prepared to argue that it is), then we have just countenanced the possibility of someone who rejects **Authenticity** while remaining inclined towards neutrality, presumably on grounds of something like **Modesty** (via **Difficulty**). We might term these Republic-ans <u>Frost-y True Believers</u>, not out of recognition of their less-than-torrid

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[104] See Plato's *Phaedrus* 247c.
[105] Not to mention a whiff of the surreal, in that we are even attributing epistemic humility to people we're calling 'Republic-ans' in the first place.

commitment to the central claims of their faith[106], but rather in honor of Robert Frost's pithy characterization of a liberal as a man "too broadminded to take his own side in an argument."

<u>(d-i): D, ~M, & ~A</u>

If we are to take our own side in *our* argument so far, it seems we must conclude that the only class of (putatively reasonable) persons *not* inclined towards a principle of neutrality at this point are those folks who reject both **Authenticity** and **Modesty** (or some suitably-modified general position of epistemic humility). So what sorts of persons are we parting company with, at this stage in the argument? And should we care? The people I have in mind here are those who (sensibly enough, we might imagine) reject **Authenticity** and who (*how* sensibly we may debate) are disinclined towards **Modesty**, either because they reject the inference from **Difficulty** to **Humble** and/or **Modesty**, or because they decry the possibility of their own fallibility outright – because they deny **Difficulty**, that is.

We can get a sense for the former response by considering a modified version of our Platonic Republic-an example. This time, instead of the humble philosopher-kings I just described, we might imagine *public-spirited* philosopher-kings. Their position can basically be expressed as follows: "Wow, it sure is a good thing that at least *some of us* undertake to perform this rigorous fifteen-year course of study, so that All might benefit from the Truth grasped by we Some. It is thus our privilege – nay, our *obligation* – to return to the Cave and spread that Noble Lie, so that *all* might

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[106] Though being luke-warm with regard to the essentials of your Faith is not a position you want to be in . . . as the Church at Laodicea will learn, and as these Republic-ans would have known, had they lived several centuries later and had the benefit of the Apostle John's vision of God's letter to the Laodiceans: see the '*other* John 3:16': the *Revelation* to John (not the <u>Gospel According to</u> John), 3:16.

conform to the Principles of Justice that only *we* (thanks to years of rigorous training – not to mention the fortunate endowment of a gold-intensive soul) may know. Now, of course, I do not expect most of these cave-dwellers to understand the Truth even once they're told it. So I might have to twist their arms a bit to get them to live the Good Life. Furthermore, I may even occasionally have my *own* doubts as to the verities of Middle Platonism. Yet I must press forward in the task of implementing Justice: I would be derelict in my duty as a Philosopher, were I to do otherwise." Here we have precisely the case of someone who affirms **Difficulty** but nevertheless rejects **Modesty**, and who (owing to her rejection of **Authenticity**) arrives at a Perfectionist, rather than a Neutralist, conception of politics. We might term such Republic-ans Courageous True Believers[107], in honor of their steely determination to press on with their imposition of Middle Platonism, even in the face of their own doubts as to its accuracy (arising out of a genuine appreciation for the difficulties attendant to the quest to acquire such a creed). Again, there may appear to be a whiff of paradox here in my characterization of these Republic-ans' cognitive profile , but the claim that such a mindset is genuinely incoherent or impossible can be sustained only at the cost of gross insensitivity to the richly complicated phenomena of actual human belief and epistemic commitment.

(d-ii): ~D, ~M, & ~A

Lastly, it remains to us to consider even the case of someone who rejects **Modesty/Humble** as a result of his rejection of **Difficulty**. To get a picture of what

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[107] In the parlance we adopted above, these Republic-ans are members of the 'Anointed', inasmuch as they accept the truth of **Difficulty**, but without therefore endorsing **Humble**. Note that there are many different ways of belonging to the class of the Anointed – the example of the Courageous True Believers represents one way of doing so, as does the example of the Anointed Existentialists. Again, what they all have in common is the acceptance of **Difficulty** simultaneously with avowal that, the difficulty of the task notwithstanding, they have the Truth.
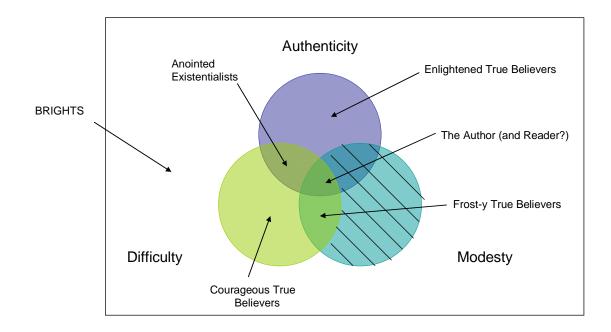
such a person may look like, let us imagine that, many years hence, widespread consensus *is* attained as to the fundamental tenets of the Good Life for Man, after all. We might imagine, that is, that the empirical truth of **Diversity** is an empirical truth no more. It may turn out that proponents of the Enlightenment from Voltaire through Sam Harris are proved correct, and that – once unbound from the shackles of intellectual distortion perpetrated by religious traditions – the human race comes, in short order, to embrace the articles of faith of a fairly determinate conception of secular humanism. How would we, were we the sorts of individual now under consideration, propose to treat those few benighted souls who will inevitably persist in clinging to the superstitions of the past, and no doubt in offering up tribute to 'the gods'? We might well decide that, for their own good, they need to undergo a program of re-education into the ways and whys of newthink. We would, that is, share a collective confidence in the truth of our conception of the Good, and in the relative ease with which such truth can be attained by all – a confidence sufficient to warrant our coercive imposition of a life in conformity with the tenets of (say) 'Astrofuturism'[108] (for those who prefer the church of Carl Sagan to the cult of Richard Dawkins) upon those who stubbornly resist recognition of its truth. We may (admittedly less-than-charitably) term proponents of this viewpoint <u>Bigoted, Ragingly-Intellectualist God-Hating Triumphalists</u>: 'BRIGHT's, for short.

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[108] A choice that some may regard as appropriate here, since it accentuates the science fiction-y feel of this thought-experiment. See De Witt Douglas Kilgore's book *Astrofuturism: Science, Race, and Visions of Utopia in Space* (University of Pennsylvania Press, 2003) for a survey of the development of 'astrofuturism' - one example of such a triumphalist, utopian, enlightenment vision – from the 1930's to the present.

To recap our discussion of **Difficulty, Modesty**, and **Authenticity**, and the relevant possible permutations of commitments thereto, let us revisit our categorization and graphical representation from above – substituting in now the names of the figures we used to illustrate these various possibilities:

(a)   The Author;

(b-i) The 'Anointed Existentialists';

(b-ii) The 'Enlightened True Believers';

(c)   The 'Frost-y True Believers';

(d-i) The 'Courageous True Believers; and finally

(d-ii) The 'BRIGHTS'

Figure 2 – Difficulty, Modesty, and Authenticity

Authenticity

Anointed
Existentialists

Enlightened True Believers

BRIGHTS

The Author (and Reader?)

Frost-y True Believers

Difficulty

Modesty

Courageous True
Believers

So again, we find ourselves seemingly unable to avoid a modest retreat from a fully-diplomatic embrace of all possible understandings of the Good. Recall that we had considered the possibility that, when it comes to defending a neutrality thesis, we might have to agree to disagree with adherents of **Authenticity**-denying conceptions of the Good Life (if even such interlocutors could be persuaded to disagree about such important matters, especially inasmuch as they would thus be agreeing to heresy). Upon closer investigation, we now see that we need part ways only with those **Authenticity**-denying conceptions that also refuse to be epistemically humble:

we shall part company only with the BRIGHTs, the Courageous True Believers, and their ilk – we need not even bid adieu to our Frost-y Republic-an friends. Whether such a result is tolerable or not I shall leave ultimately to each reader to decide for herself; for my part, I shall take leave of our separated brethren without second thought. In doing so, I return to our articulation (in chapters seven through nine) of the neutrality principle best-grounded in the principles of **Difficulty**, **Charity**, **Modesty**, and **Authenticity**.

- **Abstinence**: The conjunction of a **Humble** epistemology with the decision to chastely demur at the prospect of making confident positive claims about what (if anything) endows life with meaning and value.

- **Accommodationism**: By restricting its actions to those licensed by **Coercion**, the state embraces a stance of **Maximum Feasible Accommodation** with regard to its citizens' efforts to live according to their competing conceptions of life's meaning and value – the result of its **Modest** assessment of its own ability successfully to ameliorate the fact of **Diversity** by any other means.

- **Authenticity**: A life lived in accordance with the (or a) valid conception of human flourishing is, *ceteris paribus*, of more value to the person living that life when that life is freely chosen. Such a life is of *less* value when it results from external imposition.

- **Burden**: Morally speaking, whenever one agent claims the right to exercise coercion over another agent, in the name of some belief held by the claimant, that claimant thereby assumes a higher burden of epistemic proof, for establishing the truth of said belief, than that claimant would need to meet otherwise.

- **Coercion**: As a means of implementing its attitude of maximal feasible accommodation with regard to its citizens' efforts to live, free from coercive interference, lives that accord with their preferred visions of life's meaning

and value, the state claims for *itself* a monopoly on the authorization of the legitimate use of coercion.

- **Charity**: *Ceteris paribus*, we ought to assume that adherents of the conflicting faiths that constitute the circumstance of diversity are all *reasonable* and *well-intentioned*.

- **Confident**: Given the proper exercise of their mental faculties, it is fully within humans' cognitive abilities to obtain knowledge about the best path(s) to human flourishing.

- **Difficulty:** Determining which account(s) of life's meaning and value are true (if any are) is a difficult task.

- **Diplomacy**: To the greatest extent possible, we should avoid engaging with citizens' efforts to articulate and defend conceptions of the Good in terms other than those which the citizens accept.

- **Diversity:** Human beings disagree about the best way to live.

- **Easy:** Ascertaining the truth about matters of ultimate concern is easily within the grasp of all normally cognitively-functioning human adults.

- **Falliblism:** The conjunction of a **Humble** epistemology with any of the metaphysical possibilities considered in Chapter Two. Those with a strong affinity for splitting (as opposed to lumping) are invited to make the obvious further sub-division of **Fallibilism** into its three sub-components: **Fallibilist Nihilism**, **Fallibilist Monism**, and **Fallibilist Pluralism**.

- **Humble**: This final stance involves making a modest – yet not necessarily skeptical – assessment of humans' epistemic abilities with regard to questions of Ultimate Concern.

- **Epistemological Question**: What attitude ought we to take with regard to our epistemic abilities vis-à-vis knowing the Good?

- **Epistemological Question′**: What attitude ought we to take with regard to our epistemic abilities vis-à-vis knowing the Good – a **Confident**, **Pessimistic**, or **Humble** one?

- **Legitimate**: The use of coercion is legitimate only when necessary to prevent a person's coercively impeding another person's efforts to live according to his or her conception of life's meaning and value – only, that is, to prevent one person's violating another person's right to expressive liberty.

- **Legitimate′**: The use of coercion is legitimate only when required to prevent a person's coercive interference with another person's behavior, *period*.

- **Metaphysical Question**: How many (if any) of the accounts of the Good, now holding currency, are true or valid?

- **Metaphysical Question′**: How many (if any) of the conceptions of the Good, now holding currency, are true or valid – **None**, **One**, or **Some**?

- **MFA**: Fully cognizant of the force of **Modesty** and **Authenticity**, the state should adopt an attitude of 'Maximum Feasible Accommodation' with regard to its citizens' efforts to live lives in accordance with their diverging conceptions of life's meaning and value.

- **Modesty**: The state should take a humble attitude with respect to its own ability to make accurate judgments concerning the content of the true conception of the Good.

- **Monism:** The conjunction of a **Confident** epistemology with the metaphysical claim that only **One** conception of the Good is true or valid. This stance holds that the persistence of disagreement represents nothing more than the persistence of error on some persons' parts, and that reasonable and well-intentioned individuals (and institutions) *can*, with a sufficiently high degree of confidence, come to know the Truth about life's ultimate meaning and purpose.

- **Neutrality**: The state's most appropriate response to **Diversity** is to strive for *neutrality* with regard to the conflicting conceptions of the Good holding currency amongst its citizens. This neutrality is to be defended by appeal to **Modesty** and **Authenticity**, and is to be conducted according to the principle of **MFA**.

- **Nihilism:** The conjunction of a **Confident** epistemology with the metaphysical claim that **None** of the conceptions of the Good on offer – and no possible future conception – are verisimilitudinous. Nihilism is the confident conjecture that there is simply no truth of the matter concerning the human Good – no possible truth-makers for any sort of claim to the effect that human flourishing consists in *X*, or that life's true meaning and value consists in *Y*.

- **None**: Nary a single person who regards him- or herself as accurately tracking the Good with his or her value judgments is correct in this self-assessment.

- **One**: There is only 'One True Faith': one true account of life's meaning and value; one true characterization of human flourishing.

- **Pessimistic**: The opposite response from **Confident**, **Pessimistic** constitutes (ironically) a confident despair at humans' abilities to come to know the Truth about life's ultimate meaning and purpose.

- **Pluralism:** The conjunction of a **Confident** epistemology with the metaphysical claim that **Some** (in our (more colloquial) sense of 'several' – not in the logicians' sense of 'at least one') of the conceptions of the Good Life currently on offer are true or valid. This stance regards the observed doxastic diversity as the expected outcome of the unfettered exercise of human reason, given that the nature of the 'valuational universe' is itself heterogeneous. On this account, genuinely valid modes of human flourishing embody incommensurable values, and thus are bound to conflict.

- **Political Question**: How should polities respond to the truth of **Diversity**?

- **Political Question′**: How best should polities respond to the truth of **Diversity** – by organizing themselves along Perfectionist lines, or along Neutralist lines?

- **Political Question″**: How best should polities respond to the truth of **Diversity** – by affirming **Nihilism**, **Monism**, **Pluralism**, **Skepticism**, **Falliblism**, or **Abstinence**?

- **Some**: Despite deep differences in their patterns of living, in their beliefs and practices, adherents of rival and competing visions of the Good Life are still living lives of genuine truth and value. (Not necessarily *all* such folks are, however – perhaps some are just plum mistaken in *their* beliefs about the Good.)

- **Skepticism:** The conjunction of a **Pessimistic** epistemology with its concomitant agnosticism with respect to the question of which (if any) conceptions of the Good are true or valid.

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