

The Politics of Incommensurability: A Value Pluralist Approach to Liberalism and
Democracy

by

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor of Philosophy in the Department of
Political Science in the Graduate School
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ABSTRACT

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Abstract

In this dissertation, I advance a new interpretation of the meaning and political implications of Isaiah Berlin's theory of value pluralism. My argument focuses on two puzzles within the literature on value pluralism: first, value pluralist political theorists advance a variety of differing political views on an ostensibly value pluralist basis; second, and more deeply, their writings betray significant ambiguity on what value pluralism means in the first place. I identify two central sources of these problems. First, two distinct sets of ideas in Berlin's work, which I label the "moral-practical" and "societal groupings" versions of value pluralism, are persistently conflated by both Berlin and more recent value pluralist theorists. Second, attempts to justify a political view on the basis of value pluralism run aground on a "priority problem" stemming from the central value pluralist concept of incommensurability. In my approach, I maintain the distinction between the moral-practical and societal groupings theories, focusing on the moral-practical version as a more original and less well-understood contribution of Berlin's thought. I also develop a strategy, which I call "giving incommensurability its due," that avoids the priority problem by focusing on metaethical (or second-order), epistemic, and procedural considerations. This strategy supports two major sets of political implications: a liberal-constitutional framework of basic rights and liberties, and a robust, vibrant form of participatory and deliberative democratic politics. This turn to democracy constitutes an important shift vis-à-vis the current literature, which has, up to now, been preoccupied with value pluralism's relationship to liberalism.

Dedication

To Veena, with love and gratitude.

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As I said, the ideas in this dissertation have been gestating quite a while, and their first inspirations can be traced to my years as an undergraduate at Indiana University. Jeff Isaac both sparked and kindled my interest in pursuing political theory, and he has been an important mentor to me since I was a freshman. Aurelian Craiutu was also a very important teacher and mentor, who devoted significant time to extracurricular reading

groups in political theory, philosophy, and literature that I was fortunate to participate in. It was in Aurelian's graduate seminar in contemporary political theory in 2003 that I first encountered Isaiah Berlin. I also learned much from two of my teachers and mentors in the philosophy department, Michael L. Morgan and Paul Vincent Spade. Richard B. Miller helped inspire an interest in ethics in me, and taught me a great deal about the subject. He also did me the great favor of hiring me as a research assistant at the Poynter Center for the Study of Ethics and American Institutions in 2004-2005, where I was frequently exposed to the ideas and arguments of ethicists. And as I explain in the introduction, my three years on the "Ethics Bowl" debate team constituted an enormously important source for my thinking about value pluralism. I would like to thank my teammates, our coaches, Mark Wilson and Melissa Seymour, and our faculty advisors, Richard B. Miller and David H. Smith.

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1: Introduction

This dissertation is about value pluralism, a theory first proposed by Isaiah Berlin. In the course of the argument, I propose new interpretations of what value pluralism means and what its political implications are. The meaning of the theory is clouded in the current literature because of a number of confusions and ambiguities that continually crop up. And whereas other theorists have focused on the relationship of value pluralism to liberalism, I argue that, properly understood, its implications are *democratic*.

In order to frame the concerns of the project and explain the path of the argument, I'd like to recount how I first became interested in the idea, and how my engagement with it developed into a dissertation project. As an undergraduate, I participated for three years in "Ethics Bowl," a debate competition where teams argue for positions on a number of cases in practical ethics. The idea of an ethics competition may seem incongruous and even a bit silly, but the value of the experience was not the debates themselves. In preparation, our team spent months going over the cases and hammering out our considered positions. It was in these conversations that I learned how to do moral reasoning; we collaboratively puzzled out what considerations were at stake in a given case, and worked out arguments about how to adjudicate them. In the three "seasons" I spent doing this, I had the privilege of learning ethical reasoning with a tremendously smart and dedicated group of people. This provided me with a rich well of experience and practical "know-how" that shaped my intuitive understanding of what practical reasoning is like.

It is because of these experiences that I have found myself drawn to the theory of value pluralism. I first encountered Berlin's writings in 2003, during a seminar in contemporary political theory taught by Aurelian Craiutu. As I read his accounts of value pluralism, particularly the important essay "The Pursuit of the Ideal" (1990, 1-19), I had the sensation of seeing my own thoughts in someone else's words. When he discussed pluralism, Berlin stirred me, above and beyond the already powerful effect of his masterful prose. His description of the plural and conflicting nature of the human good seemed to me to capture how I understood the considerations that pulled on us in discussing cases for Ethics Bowl. Our investigations never uncovered merely a single kind of value, and we never simply applied a single moral theory to the cases and worked out the implications. Rather, we encountered many sorts of considerations—deontic, consequentialist, virtue-based, prudential, and so on—which balanced against each other in complex, often conflicting ways. Berlin seemed to me to be providing apt language for characterizing what our reasoning was all about.

At a very basic level, then, this project represents my attempt to tease out more precisely and systematically just what Berlin was saying that I found so powerfully insightful. And, since my philosophical interests tend to have a way of making their way back to politics, I have also examined what political implications we might draw from value pluralism. After spending a good deal of time working on the theory since my initial encounter with Berlin, I remain convinced that value pluralism provides a philosophically compelling account of what our experience of practical choice and

judgment is like. Moreover, taking value pluralism seriously can inform a robustly deliberative form of democratic politics.

As I began to read more of Berlin's work and that of value pluralist theorists who have followed him, I hit upon a pair of basic puzzles about the theory and its political meaning. These puzzles led me to pursue the idea of turning my longstanding fascination with Berlin into a dissertation project. First, it struck me that the various adherents of value pluralism were advancing many different political views, while all claiming a value pluralist inspiration or justification for them. Berlin himself argued for liberalism, and the value pluralist theorists George Crowder and William Galston also promote a liberal view. However, each of them outlines very different forms of liberalism, and this seemed to me hard to square with their allegedly common source. Even more oddly, John Gray argued that value pluralism doesn't support liberalism but undermines it, and instead should lead to a realist politics of *modus vivendi*. This puzzle, however, quickly pointed to another one. Not only were value pluralists offering different political views, they *also* seemed to be working with different background understandings of what value pluralism means in the first place. In a number of key places, ambiguities and confusions about central value pluralist concepts cropped up, with the result that I ended up with a vaguer idea of the meaning of value pluralism than I had started with.

A central motivation of my project, then, has been to analyze the sources of these two puzzling features of the literature, and ultimately to resolve them with my constructive arguments. I focus on the meaning of value pluralism in Chapters Two and Three, first mapping the patterns and sources of ambiguity within the literature, and then

offering a more precise specification of what the theory says, as I understand it (or, if you like, properly understood). To some degree, the clarifications on the meaning of value pluralism help to make sense of the variation in political views offered by value pluralists. In Chapter Four, however, I examine their arguments more closely and point out some of the major flaws in them. In Chapter Five, I develop my own constructive account of the politics of value pluralism. In the remainder of this introduction, I will provide a more detailed summary of the chapters.

Chapter Two addresses the meaning of value pluralism. I begin with an analysis of Berlin's writings that aims to establish what the main claims of the theory are. I arrive at a list of four claims: 1) that goods are qualitatively plural, 2) that they may conflict, 3) that they are sometimes incommensurable to one another, and 4) that they are in some sense objective. Some variation on each of these claims can be found in every major value pluralist writer. I then try to put my finger on the sources of ambiguity and confusion within the literature about what value pluralism means. One problem stands out as fundamental: Berlin's writings contained not one but two distinct sets of ideas under the label of "pluralism." These ideas, which I label the "moral-practical" version of value pluralism and the "societal groupings" version, are persistently conflated both in Berlin's work and in that of his followers. In addition to this fundamental problem, I also identify two other loci of ambiguity in the literature, concerning the scope of value pluralism, and concerning the meaning of the key concept of incommensurability and its implications for practical reasoning. These sections of the chapter function like a literature review, but with more of a philosophical point than these tend to have—the

effort has been to map the sources of ambiguity and confusion within discussions of value pluralism, which by itself is already a meaningful contribution to scholarship. In the last section of the chapter, I articulate my own understanding of value pluralism, clarifying each of the main claims and taking a position on the loci of ambiguity. However, the concept of incommensurability, and the ambiguities associated with it, is especially thorny and difficult to pin down, so I set it aside for more thorough analysis in Chapter Three.

Chapter Three lays out my understanding of incommensurability, and sketches some ways that it is compatible with practical reasoning. To hone in on my definition, I first discount two competing interpretations of incommensurability: the Kuhnian idea of paradigm incommensurability (or non-intertranslatability), and the concept of incomparability. Both of these interpretations disable practical reasoning, a result that I do not think incommensurability requires. After setting forth my own definition, I discuss some of the evidence for incommensurability. There is no deductive proof that requires us to believe in incommensurability, but, on my view, the weight of the evidence makes it more plausible than the claim that goods are always commensurable. In the second section of the chapter, I explore some ways that we can reason about incommensurable alternatives. I start from the intuition that a mark of the presence of practical reasoning is our ability to give an account of why we made a choice or judgment the way that we did. I argue that we are no less capable of giving accounts of our decisions when they involve incommensurables than we are when only commensurable alternatives are in play. I flesh out this intuition by exploring the notion of a consideration, my term for the basic units of

practical reasoning and the carriers of incommensurability. An important conclusion is that, when faced with incommensurables, we can make use of particularist modes of practical reasoning, which draw context-specific reasons from the features of the situation of choice or judgment. It is important to underscore the disclaimer that my reflections in Chapter Three do not amount to a full-blown conception or theory of practical reasoning—a philosophical achievement that has eluded many thinkers greater than I. Rather, I aim to illustrate some ways that incommensurability is compatible with practical reasoning, by pursuing some intuitions about reasoning and sketching examples. I conclude Chapter Three with some reflections about why “commensurabilism” has had such a powerful grip on our philosophical imagination, despite the greater plausibility and intuitive appeal of theories of incommensurability.

In Chapter Four, I turn to the politics of value pluralism. This chapter constitutes the critical component of my political argument, and I show how other value pluralist writers have failed to provide compelling justifications for their political projects. The chapter begins by identifying a fundamental obstacle to value pluralist political theorizing, which I call the “priority problem.”¹ Because of the nature of incommensurability, value pluralism cannot generate the sorts of general, abstract normative priorities that would seem to be necessary for justifying a political view. Incommensurability is compatible with particularist practical reasoning, but context-specific reasons do not necessarily congeal into general normative priorities. This creates

¹ When recently reviewing Rawls’s *Theory of Justice*, I discovered that he too uses the term “priority problem” to characterize the shortcomings of intuitionism (which, in his usage, is somewhat similar to value pluralism) as an approach to arriving at a conception of justice (Rawls 1999c, 36–40). My usage of the term was developed independently, and does not rely on or recreate Rawls’s concerns.

a basic stumbling block for efforts to justify a political view from value pluralist premises; we cannot give a priority-specifying argument and maintain the premise of incommensurability. After spelling out this problem, I examine the arguments of major value pluralist theorists in detail. I show that their arguments tend to suffer from both the conflation of the moral-practical and societal groupings theories, and failure to account for or overcome the priority problem. I also expose places where these theorists have just advanced bad arguments, plain and simple.

In Chapter Five, I turn to the constructive task of specifying my own understanding of the politics of incommensurability. The basic challenge for arriving at a political view on the basis of value pluralism is to find some way of overcoming or sidestepping the priority problem. To begin the chapter, I briefly discuss two candidate approaches to the politics of value pluralism that may potentially accomplish this: agonism and what I call “ad hoc politics.” Neither view is satisfactory, however, and I show why they run into problems both on their own grounds and in light of my interpretation of value pluralism. I then describe my own strategy for justifying a political order on the basis of value pluralism: “giving incommensurability its due.” By focusing on metaethical (or second-order), epistemic, and procedural considerations, giving incommensurability its due does not advance the sorts of substantive normative priorities ruled out by the priority problem. Pursuing this strategy gives rise to both “macro-level” and “micro-level” implications. Macro-level implications include broad systemic and institutional features that define the structure of a value pluralist polity. There are two main sets of macro-level political implications. First, giving incommensurability its due

supports a liberal-constitutional framework of basic rights and liberties (understood procedurally). But more deeply (and in contrast to the focus on liberalism in the previous literature), giving incommensurability its due supports a robust, vibrant form of participatory and deliberative democratic politics. I lay out the case for each of these components of a value pluralist politics, and in the discussion of deliberation I also give significant attention to the differences between my approach to deliberation and that of the “mainstream” understanding of deliberative democracy. In a way, it is surprising that deliberation and democracy have not yet been emphasized in value pluralist theory; as I understand the theory, it is basically about what our experience of reasoning about choices and judgments is like. Deliberative democracy, as a practice of collectively reasoning about the choices and judgments we make together, seems like a natural fit. In the final section of Chapter Five, I address the micro-level implications of value pluralism, which have to do with the features of value pluralist reasoning. The question here is what deliberation conducted in a value pluralist way looks like, from an “up close” perspective rather than the broad institutional one taken up in §§5.3-5.4. My method for specifying this is casuistic, and I attempt to illustrate value pluralist deliberation by considering the case of the debates over healthcare in the United States. These micro-level considerations help both to put flesh on my abstract argument for deliberation and to illustrate the contrasts between my view and the mainstream account of deliberation.

Finally, two appendices address important issues that are relevant to my discussions, but did not have a natural place within the main argument. Appendix A

discusses the relationship between goods and conceptions of the good. The way I define the distinction between the moral-practical theory and the societal pluralism theory forces a sharp division between these two ideas, but in Appendix A I explore how they might be related. Appendix B addresses the traditional distinction between the right and the good as understood by the theory, and explains why I did not employ this distinction in a justification of liberalism.

2: The Meaning of Value Pluralism: Getting Straight on What Makes Humanity Such Crooked Timber

The cluster of ideas grouped under the term “value pluralism” is increasingly coming to be seen as the most important and original of Isaiah Berlin’s contributions to political, moral, and historiographical thinking. During Berlin’s lifetime, he was most celebrated for his distinction between negative and positive liberty, and for his views on the special nature of philosophical and historical, as opposed to scientific, forms of knowledge. But as volumes of previously uncollected essays and lectures began to be brought together and published towards the end of Berlin’s life (a process that has continued into this decade), scholars began to perceive the centrality of what Berlin called “pluralism” to his thought. The closing section of “Two Concepts of Liberty” ceased to be regarded as a somewhat idiosyncratic, if impassioned, coda to an important lecture on freedom, and was instead seen as one of the earliest formulations of a theme that developed (in somewhat hedgehog-ish fashion) into the core of Berlin’s outlook.

As Berlin’s ideas became better known, a number of theorists¹ saw in the thesis of value pluralism not simply a helpful key to interpreting Berlin, but also an insightful and

¹ The growing group of thinkers who have contributed to these discussions includes Joseph Raz (1986; 1994; 1999; 2003), John Gray (1995a; 1996; 1998; 2000b), William Galston (1995; 1999a; 1999b; 2002; 2005; 2009; 2010), Bernard Williams (1981; 1985; 1993; 1995; 1999; 2005; 2006), Thomas Nagel (1979), Charles Taylor (1985; 1997), George Crowder (1994; 1996; 1998; 1999; 2002; 2004; 2007a; 2009a; 2009b), John Kekes (1993; 1997; 2000), Elizabeth Anderson (1993), Cass Sunstein (1994), Charles Larmore (1987; 1996; 2008), Steven Lukes (1991; 1994; 1997), Stuart Hampshire (1983), Michael Stocker (1990; 1997), Ruth Chang (1997a; 2002), Martha Nussbaum (1986; 1990a; 2000), Jonathan Riley (2001), Henry Richardson (1994; 2000; 2002), Elijah Millgram (1997; 2002), and David Wiggins (1979; 1997; 1998). Other authors have been more critical of value pluralism and the related idea of incommensurability, but have nonetheless been relevant voices in the discussion. See, for instance, Ronald Dworkin (2000; 2001; 2011), James Griffin (1986; 1997), Ruth Chang (1997a; 2002), Donald Regan (1988; 1997), and John Broome (1991; 1997).

accurate account of moral and practical experience, which potentially carries significant political implications. Within these discussions, there has been significant debate over the precise political implications of value pluralism; some contend that it is a doctrine that supports liberal democratic politics, although there is disagreement over the sort of liberalism that stems from or comports with value pluralism, while others argue that value pluralism either lends no special support to liberalism or is actually in opposition to it. While at first glance it may seem that this disagreement has to do with what the various authors take liberalism to be and how they see it as either compatible or incompatible with value pluralism, it turns out that underlying disagreements about the content of the value pluralist theory itself are also at work. Indeed, as I will argue, there is nearly as much plurality involved in the claims advanced under the aegis of value pluralism as in the phenomena they purport to describe.

Throughout this dissertation, I will focus on four “principal” value pluralist political theorists: Berlin, William Galston, George Crowder, and John Gray, each of whom advances an important argument that attempts to establish a direct link between value pluralism and some positive political program. Along with Berlin, Galston and Crowder also argue that value pluralism is a fundamentally liberal doctrine, although there are disagreements within this group as to the sort of liberalism that best comports with value pluralist views. The various disagreements may be summarized as between perfectionist and neutrality camps, or, as Galston has put it, between Enlightenment liberals and post-Reformation liberals. Galston has argued that value pluralism gives us reason to prefer high levels of social and cultural diversity, and has argued for a

liberalism of toleration and a principle of “maximum feasible accommodation” (2002, 20, 119-122). His view is that under conditions of value pluralism, it is illegitimate for a liberal state to promote the cultivation of the virtues of a liberal subject beyond the amount needed for the maintenance of a stable community. The idea is that even though liberalism puts an emphasis on practices of self-direction and critical rationality, such practices ought not to be forced on sub-groups whose traditions and practices emphasize contrary virtues, say unquestioning obedience to divine will, understood as precluding critical rationality and self-direction.² On the other side of this debate, some value pluralists favor a more perfectionist variety of liberalism, one that promotes a certain set of virtues, such as autonomy, seen as central to the liberal project and to the functioning of a liberal society. George Crowder (and also Joseph Raz³) argues that being a good moral agent and citizen under conditions of value pluralism requires certain virtues, especially the virtue of autonomy. On his view, liberal states should, on value pluralist

² To clarify somewhat, Galston’s diversity-based liberalism is not exactly a “neutrality” view in the same way as, say, the view of Rawls or Larmore. He is certainly an anti-perfectionist, and I have situated him in this way because of the tendency in current discussions to frame debates about the cultivation of autonomy and other virtues as debates between perfectionists and “neutralists.” One of the major differences between Galston and Rawls/Larmore is that Galston explicitly rejects the “political” or “freestanding” approach to political philosophy. The Rawlsian definition of a neutral political conception as one that does not rely on deep metaphysical beliefs or any single “comprehensive doctrine” is wrongheaded, according to Galston. Instead, Galston thinks that both citizens and political philosophers may legitimately make comprehensive arguments, when necessary or appropriate. It may be that the policy preferences of Rawlsian political liberals and liberal pluralists in Galston’s sense very nearly coincide. However, the grounds for these policy preferences would be different. Galston’s state does not forbear with respect to non-liberal sub-groups because of an effort to be neutral towards them, but rather because of what Galston thinks are the proper *limits* of state action based on value pluralist and other considerations.

³ It may appear odd that I have not included Raz among the four “principal” theorists of value pluralism, given his well-known discussions of incommensurability, value pluralism, and perfectionist liberalism (1986, esp. 321-429; 1994; 1999; 2003). The reason for this is that I am most concerned with applications of value pluralism to political theory, that is, with arguments that attempt to draw political conclusions *directly* from value pluralist presuppositions. On my reading, Raz advances arguments about value pluralism and incommensurability *alongside* his politics of promoting autonomy. His value pluralism lends some support to his political view, to be sure, but the political view is defended largely on other grounds (having to do with the importance of autonomy to living a good life, especially under modern conditions). Despite excluding him from my core group of theorists, I do give Raz’s views some attention, particularly when I take up the question of the meaning of incommensurability and its relation to practical reasoning in Chapter Three.

grounds, actively promote the cultivation of these virtues (Crowder 2002, 185-257; 2007a; 2009b).

Other theorists reject any association between value pluralism and liberalism. John Gray, for instance, has argued that the thesis of incommensurability requires us to acknowledge that liberalism is simply one among many legitimate social orders, and that liberal goods are only some of the values that may reasonably be pursued. On his view, liberalism is accorded no special status, and may only be promoted in cultural contexts where it is already locally dominant or accepted (Gray 1995a, 18-30, 64-86, 120-184; 1996, 38-75, 141-168; 2000b).⁴

What is somewhat striking about this variety is that the debates over the implications of pluralism rarely target the meaning of value pluralism itself. While the major participants in this debate often advance different interpretations of the claims of value pluralism, they tend to focus their critiques of one another on political proposals, or on the arguments for linking certain proposals to pluralist theory. My suggestion is that the different meanings attached to key value pluralist ideas are themselves major contributors to the persistent disagreement in the literature over the political implications of value pluralism. To the extent that these differences may be clarified, it may help

⁴ John Kekes is also both a value pluralist and a critic of liberalism. I have excluded him from my core group of four “principal” authors because, as I read him, his value pluralist commitments are used primarily in launching a *critique* of liberalism. They do not figure very prominently in his *constructive* argument in favor of a form of traditionalist conservatism. Briefly, Kekes’s critical argument is that liberalism understands certain values (freedom, equality, human rights, and “Rawlsian justice”) as “overriding,” in a way that is incompatible with value pluralism (see esp., 1993, 199-217; 1997). Although his target is somewhat one-dimensional, to the point of being a straw man conception of what liberalism means, Kekes’s point about “overridingness” is a fair one, and resembles a critique I shall make about setting priorities (see esp. Chapter Four). Thus value pluralism figures prominently in Kekes’s critique of liberalism. However, his defense of conservatism (1998) is less clearly related to value pluralism, so he does not fit directly into an examination of arguments *for* a political view on the basis of value pluralism. Despite my exclusion of Kekes from my core group of authors, I do discuss some of his work below.

somewhat to advance the debates on value pluralism and its political implications, and should at least sharpen the nature of the disagreements and what precisely the various participants' views are.

In this chapter, I first survey the major contributions to value pluralist theory by Berlin and his followers. I identify four main claims that are most often associated with value pluralism, and their origins in Berlin's writings (2.1). These four claims are fairly stable, although there is a great deal of variation in how they are interpreted. In §2.2, I show how Berlin's own usage of "pluralism" encompasses not one but two theories, which I call the "moral-practical" theory and the "societal groupings" theory. The conflation of these two distinct theories is the most significant source of confusion about what value pluralism means, and I illustrate how this conflation occurs in the works of each of the four major contributors to discussions of value pluralism in political theory. I then discuss two additional loci of ambiguity that persist in the scholarly discussion of value pluralism, relating to the scope of pluralism and the implications of incommensurability, particularly on questions of the rationality of practical choices (2.3). On both points, I identify the ways in which the four theorists advance competing claims about these questions. While each of the authors tends to introduce some confusion and ambiguity on each issue (the conflation of the two versions of value pluralism, the scope of the theory, and the meaning of incommensurability), their writings exhibit different patterns. In some cases, the problem of ambiguity stems from relatively clear but conflicting answers being given by different authors, whereas in other cases the same author may seem to advance several different claims. After mapping the ambiguities of

the current literature, I advance some of my own views on how these ambiguities ought to be resolved (2.4). I focus on the moral-practical theory (the meaning of which, and its differences from the societal pluralism theory, will become clear below). I argue that this version of the theory is a more original and less well-understood contribution of Berlin's thought, as well as a compelling account of our experience of choice and judgment in its own right.

2.1: The Four Core Theses of Value Pluralism, or, the Gospel According to Isaiah

Nearly all of the major participants in discussions of value pluralism and its political implications avowedly take their bearings from the work of Isaiah Berlin.⁵ Unfortunately, Berlin never provided a thorough account of his theory, and instead his claims can be found scattered in a number of essays and lectures that span his active career. Though the claims he makes tend to return to similar themes and refrains, they are not always exactly the same, and Berlin's writings tend to be quite vague in key places (a fact that, I think, contributes greatly to the variety of ideas that tend to be associated with Berlin's view). Nonetheless, a limited number of core claims can be picked out, not only for their importance in shaping Berlin's view, but also for their centrality in the discussions among Berlin's followers. Certain claims stand out more than others as the

⁵ The term "value pluralism" is not Berlin's. It is in fact a modification, made necessary by the fact that Berlin spoke of "pluralism" simply, and this term is applied to a great variety of distinct theories. Later interpreters added the rider "value" in order to signal Berlin's distinctive thesis.

ones that Berlin's interpreters have come to regard as definitive, and these will be the foci of the following account of the basic claims of value pluralist theory.

Berlin's view of pluralism is best understood in contrast to what he called monism, to which pluralism was offered as an alternative in light of what he perceived to be monism's failure and untruth. In various places, Berlin offers a three-pronged definition of monism, which runs as follows:

[F]irst ... to all genuine questions there can only be one correct answer, all the other answers being incorrect. ... No one question, provided it is clearly stated, can have two answers which are different and yet both correct. ... second ... a method exists for the discovery of these correct answers. ... third ... all the correct answers must, at the very least, be compatible with one another (1990, 24).⁶

Berlin is most concerned with the first and third of these assumptions. In the first case, Berlin appeals to diversity in ways of life and a presumption of the legitimacy of many of these. The idea is that in answer to questions like "how ought human beings to live" or "what ought they to do," there are many legitimate answers, not simply one correct and many incorrect ones. Berlin extends his point by noting that the answers given to these questions in turn appeal to many different goods, ideals, or other values. That is, in

⁶ The immediate context for this quotation is a description of utopianism; however, virtually identical formulations appear in a number of other essays (see, e.g., 1990, 5). The "questions" Berlin is most interested in are moral and political questions, but his point is that there is a single approach to the discovery of truth that is assumed to apply across all areas of inquiry. It is also worth noting that although monism is generally taken to be a morally realist doctrine, the above assumptions may be held with many forms of anti-realism. To illustrate, it is a common way of arguing for many varieties of moral skepticism, relativism, or non-cognitivism to assert that moral propositions systematically fail to meet the criteria of truth or rationality enshrined in these assumptions, and that *therefore* they must not be rational, truth-apt, universal, intelligible, etc. The implicit claim is that the monistic interpretation of truth and rationality is the right one, but monists about value are just mistaken in thinking moral propositions satisfy these criteria. An important component of the pluralist view is to point out that this inference simply does not follow—monistic criteria of truth and rationality may not apply to norms, but non-cognitivist, relativist, or skeptical positions are not the only available alternatives.

addition to a plurality of legitimately different visions of a good life, there are many different sorts of things that might be said to go into a good life. But the plurality of these things is not enough for Berlin's view; one could make the claim that there are indeed many visions of the good life, but, with the exception of the correct vision, each is partial or incomplete (which is different from saying they are altogether wrong). Berlin adds to his view of plurality a claim about conflict or incompatibility—it is not as though all the various goods and ends that people legitimately seek could be combined into a single best life or best society. On the contrary, some among these goods are incompatible with one another. Berlin's point about incompatibility is stronger than a claim about the unattainability of all good things, for such a result is consistent with a view that all goods *could* be combined, but given limited time, energy, and the like, we are unable to realize this state of affairs. Berlin's claim is that there are incompatibilities that go further than practical impossibility; that is, we may always (indeed will) encounter alternatives that exclude one another *because they conflict*, which is to say that incompatibility is more than just a matter of limited resources. To support this point, Berlin appeals to Machiavelli's critique of Christianity: one may pursue power, glory, and political success, or the virtues of restraint and humility characteristic of Christian saintliness, but not both (2001a, 25-79).

Already at this stage we may note some of the ambiguities inherent in Berlin's account of pluralism. One that will be central to my analysis has to do with Berlin's frequent characterization of the subject of plurality in terms of conceptions of a good life. Berlin will often describe his position in terms of a claim about the plurality of legitimate

answers to the question “what is the good life for man?” This way of putting it seems to place the emphasis on beliefs or worldviews, such that the subject of plurality is conceptions of the good life. The position then seems a lot like Rawls’s “fact of reasonable pluralism” where the subject of pluralism is reasonable comprehensive doctrines about the good. However, Berlin at other times suggests that the subject of plurality and of conflict is not *conceptions* of the good life, but rather goods or values, that is, those things about which such conceptions make claims. Berlin’s favored example of the kind of conflict and plurality that he has in mind is clashes of liberty and equality, but these are goods or values, not conceptions. This distinction will be central to my argument that there are two theories of value pluralism in Berlin’s work, and that both he and other theorists have persistently conflated them. I will give a full account of the distinction between the moral-practical theory and the societal groupings theory in the next section. For now, the main point is that to say that worldviews and/or beliefs about what the good life consists in are plural and conflicting is to make a different kind of claim than to say that real goods are many and conflicting. To illustrate, people may have a variety of beliefs, but this could be consistent with many of those people having erroneous or partial beliefs. We might even endorse a fallibilist position such that we do not expect anyone to form a complete or correct conception. However, Berlin sometimes seems to put forward a stronger position than either of these alternatives, in which the subject of conflict and plurality is the goods or values themselves that might stand as possible “ingredients” in a conception of the good life.⁷

⁷ The metaphor of ingredients in a recipe will turn out to be problematic as I examine the issue further (especially in

Related to this ambiguity, Berlin sometimes moves interchangeably between talking about conceptions of the good or of a good life and cultural forms. This is partly a product of where Berlin draws inspiration. Berlin attributes the historical roots of his pluralist views to thinkers of what he calls the “Counter-Enlightenment,” particularly with the writers G. B. Vico and J. G. Herder (1990, 49-90, 207-237; 2000a, 53-67; 2000b; 2001a, 1-24, 111-129; 2001b; 2006). But the primary subject of these authors, especially Herder, is the diversity of human societies, in cultural and not just political terms. Vico’s theory concerns the cyclical progression of civilizational forms, and Herder’s views concern what it means to be a *Volk*. Berlin often attributes his pluralist views to these thinkers, and when he speaks of pluralism as a phenomenon related to cultural forms, worldviews, or conceptions of the good, there is an undeniable resonance with their themes (although Herder and to some extent Vico may be better described as relativists than as pluralists in Berlin’s sense—more on this distinction below). So Berlin follows them in associating the idea of *culture* with that of a system of values. But it is more difficult to see the lineage of Berlin’s views about *goods*, as opposed to worldviews, in these two thinkers. So we have at least three different candidates in Berlin’s work for the subject of pluralism, between which there is a constant elision within Berlin’s texts: 1) cultures or societies, 2) conceptions of the good or worldviews, and 3) goods or values.

Another important feature of the theory of value pluralism that one finds in Berlin's work, and which also carries certain ambiguities, is his assertion that value pluralism is committed to a view of goods as real or, in his preferred formulation, "objective."⁸ Berlin's view here seems to have developed through his effort to distinguish his view from relativism, in response to critiques of his earliest formulations (Momigliano 1976; Strauss 1989). For Berlin, a relativistic view is one that takes diversity to preclude judgment and even comprehension between social systems. That is, a relativist regards value judgments as arbitrary and more or less equivalent to expressions of preference or personal taste. Berlin asserts the objectivity of values as a way of combating relativism and distinguishing his own view from it. There are in fact several overlapping claims involved in what Berlin says on this matter. At times, he seems to be straightforwardly saying that values are real, existing things. "There is a world of objective values. By this I mean those ends that men pursue for their own sakes, to which other things are means" (1990, 11). In relation to the rejection of relativism and related views, this would seem to be directed at the idea that values are merely "in people's heads," subjective in the sense of interior and thus hidden from the discernment of others. But there seems to be some slippage on this point; because he wishes to reject

⁸ Notions of objectivity are somewhat problematic, as they carry a variety of associations. I think that the sense Berlin seems most often to have had in mind is epistemological—propositions about value are meaningful and in some sense subject to warranted assertibility (I choose this broader term over terms like truth or verifiability to skirt complicated debates in logic and metaethics about truth-aptness). The main point seems to be that claims about value are comprehensible and assessable to people who don't happen to hold the given position (as against versions of subjectivism and relativism which assert that values are only comprehensible "from the inside"). There also seems to be a related implicit assumption in Berlin's work about the metaphysical status of goods or values, but he does not clearly specify a position on this question. In my view, a number of metaethical views, including some versions of constructivism, are at least candidates for how best to interpret value pluralism (it is often assumed that value pluralism is committed to a form of moral realism, whereas I am only convinced that it involves a rejection of forms of relativism and/or subjectivism). More precisely, then, we should say that value pluralism is a cognitivist position, which holds that normative propositions can be judged correct or incorrect.

the view that values are unknowable, which he associates with subjectivism and relativism, Berlin moves from a claim about the existence of values to an account of their accessibility to outside observers. The main point Berlin seems to want to make is that because of their common humanity, members of different cultures can understand each other; that is, because their cultures are both within what he calls the “human horizon,” they are intelligible to one another. Here Berlin seems to be relying on a concept of *verstehen* or understanding, such as can be found in the work of Dilthey or Weber, and joining to it a claim about the underlying commonness that makes understanding another culture possible. However, this quickly becomes confusing, since Weber, at least, is quasi-existentialist and believes that values, at least ultimate ends, are matters of subjective willing and cannot legitimately be judged by outside observers (see, e.g., Weber 1958). So Berlin’s linking of claims about objectivity with a notion of *verstehen* that has historically subjectivist associations is a problematic source of ambiguity in the theory of value pluralism.⁹

A fourth important feature of pluralism to be found in Berlin’s writings concerns the incommensurability of goods or values. Berlin’s discussions of what incommensurability means are very unspecific; nonetheless, incommensurability has

⁹ Of course, it is not at all incoherent to say that values are objective (whatever sense one might give to that ambiguous term) *and* that the variety of human ends is intelligible across differences because of our powers of imaginative understanding. Berlin may have intended his discussions of imaginative empathy to be understood in this way. However, he frequently borrows from a Weberian model when looking for words for what he has in mind (references to Weber and Dilthey abound in his studies of Vico and Herder), and this metaphor of managing to get oneself from the “outside” to “within” someone else’s view naturally lends itself to subjectivist or relativist interpretation. (The metaphor is also found in Vico; his term, cited approvingly by Berlin, is *entrare* (Berlin 1990, 10; see also 2000b, 47ff.)) If values are objective in the strong sense that most interpreters of Berlin want to say, then this metaphor is unhelpful, to say the least. We may think of the intelligibility of difference in terms of imagination, but the “interior/exterior” picture seems to me to cut against an anti-subjectivist interpretation.

come to be regarded as one of the defining features of value pluralism. The idea seems to get its earliest formulation in the closing paragraphs of “Two Concepts of Liberty.” “[H]uman goals are many, not all of them commensurable, and in perpetual rivalry with one another. To assume that all values can be graded on one scale, so that it is a mere matter of inspection to determine the highest, seems to me to falsify our knowledge that men are free agents, to represent moral decision as an operation which a slide-rule could, in principle, perform” (2002, 216). There are a number of ways of reading this passage, and others in which Berlin talks about incommensurability. At a minimum, the choice of the word incommensurability signals, as a matter of etymology, the lack of a common means of measurement. The claim must involve the denial of any form of common currency that might be used to assign numerical values to various goods, such that choice between them would merely be a matter of counting them up and choosing the greater (or plumping in cases of equality).

By itself, however, this doesn’t exclude much except for very crude forms of classical utilitarianism, in which choice is determined by comparisons of quanta of pleasure and pain. Updated utilitarian and decision theoretic frameworks, however, can survive a weak interpretation of incommensurability as immeasurability, inasmuch as ordinal preference rankings that are not quantified in terms of some common unit are sufficient for most decision theoretic models (see, e.g., Arrow 1963; Sen 1984). On a more robust interpretation, incommensurability could rule out comprehensive lexical rankings, such that not all values could be rank-ordered. Berlin seems to suggest such a view with his denial that values can be “graded on a single scale.” This would rule out all

utilitarian theories, as well as any account of a *summum bonum* or of the systematic and general priority of certain goods or values over others. However, incommensurability must be interpreted so as to avoid the conclusion that moral judgment and practical decision are fundamentally arbitrary or subjective, as this kind of claim would push value pluralism toward the sorts of subjectivism and relativism that Berlin emphatically rejected.

A final significant feature of Berlin's discussions of incommensurability is the suggestion that decisions and judgments of value are underdetermined in some way. This, I think, is how the talk about free choice in the above passage has to be read. It is not immediately clear why the assertion of a common currency amounts to a denial of human freedom; while some monistic theories also look for a deterministic calculus for moral decisions, it would not seem to be essential to the idea of having rankings to deny a capacity for freedom (especially if, as in Kantian theories, those rankings are the result of autonomous choice). What Berlin seems to be saying is that incommensurability puts us in a position where important moral judgments and decisions are underdetermined, such that, say, reasonable people could disagree about the proper evaluation of an act without either of them being clearly wrong. The idea fits well with what Berlin has to say about the agony of choosing in the face of high stakes conflicts of goods—one may make a good decision, all things considered, and still be subject to rational regret and reasonable criticism. However, this idea must again be interpreted in a way that does not collapse the position into subjectivism. Some choices may be underdetermined, such that the contrary positions may all be legitimate and reasonable, but this cannot be taken to mean that such

choices are basically arbitrary or subjective. For the disagreements to be reasonable, one must have a reasoned account of one's choice; it cannot be "whatever floats your boat," at least not most of the time (there may of course be situations of genuine indifference). That there may be reasoned accounts available for multiple and conflicting choices must not be mistaken for the claim that the choices were never reasoned in the first place.

So, to summarize, there are at least four significant claims involved in the idea of value pluralism as it was formulated by Berlin. First, goods are qualitatively plural—the differences among goods are of kind rather than degree or amount, and there is no single master value that encompasses all goods. Second, conflict between goods is a permanent possibility; as Berlin often said, there is no "final solution" that could resolve all potential conflicts between goods and bring all truly desirable things into harmony with one another. Together, these first two claims lend support to Berlin's way of putting his idea in terms of a variety of legitimately different answers to certain questions; if there are real conflicts between genuine goods that are qualitatively different, then there will be, at least some of the time, multiple reasonable ways of deciding such conflicts. A third claim is that the goods posited as plural and conflicting are in some sense real or objective, a claim that must be interpreted strongly enough to rule out subjectivist and relativist theories of value. And finally, at least some goods are incommensurable to one another, such that there is neither a common currency to facilitate comparative evaluation, nor a comprehensive lexical ranking that guides decisions of priority. As we have seen, each of these four claims carries significant ambiguity within Berlin's work, and the interpretation and development of value pluralism has in turn led to persistent ambiguities

that have stalled the debate over the meaning of value pluralism and its political significance.¹⁰

2.2: The Central Confusion of Accounts of Value Pluralism: A Tale of Two Theories

The four main claims distilled from Berlin’s writings can be fairly consistently found in the work of all four principal value pluralist political theorists. But many ambiguities and confusions arise in the different interpretations they give to these claims. In this section, I discuss what I think is the most important and defining of these confusions. This relates to the *subject* of value pluralism, that is, what we are attributing the four main claims to. Here, there is quite a bit of ambiguity, with claims being made about goods, conceptions of the good, worldviews, cultures, and beliefs. We have already seen some hints of this problem in Berlin’s original formulations—he talked about ends, purposes, values, and goods as the subject of pluralism, but he also tended to think in terms of comprehensive social wholes that take a position as to a vision of the good life. He seems to have taken such wholes to be basically what is meant by the idea of culture. In the current literature, there is a similar range of claims. I believe the ambiguities relating to the subject of the theory gravitate to two major poles. In fact, these can be captured by a distinction between two separate versions of the theory, which originally

¹⁰ I have intentionally framed these definitional claims in terms of goods, although I argue in the next section that each of the four authors, including Berlin, conflates claims about goods with claims about ways of life. There is ambiguity in the literature regarding which of these things is the proper *subject* of value pluralism, and thus much of the literature could be described by substituting “ways of life,” “cultures” or “conceptions of the good” for “goods” or “values” above. However, I have chosen the “goods” frame because my own positive stance will be to favor that interpretation, and I am here setting the stage for that move.

appeared under the same heading of “pluralism” in Berlin’s work, and continue to be jointly present in the other major value pluralist theories. Each of our principal theorists conflates the two theories, or elides the distinction between them, although in some cases there is an account (though often not very detailed) of how such claims connect to one another.

So, what are these two versions of value pluralism? On the one hand, there is the proposal that goods and values (broadly, the aims of choice and action) are plural, potentially conflicting, and sometimes incommensurable. I will call this the “moral-practical” theory of value pluralism. The inspiration for this version of the theory in Berlin’s writings comes from, for example, his claims about the plural content of the human good, the potential for conflict among these goods, and the incommensurability of some of these goods with others (Berlin 1990, 1-19; 2002, 212-17). It is illustrated in his frequent choice of the example of liberty and equality to illustrate his claims about conflict and plurality. Moreover, the recurring motif of tragic choice in Berlin’s thought corresponds to this version of the theory: “If, as I believe, the ends of men are many, and not all of them in principle compatible with each other, then the possibility of conflict—and of tragedy—can never wholly be eliminated from human life, either personal or social” (Berlin 2002, 214).

On the other hand, there is an observation of group difference along lines of culture, worldview, or way of life. I will call this the “societal groupings” theory. This version of the theory relates to Berlin’s reception of the thinkers of the “Counter-Enlightenment,” such as Vico and Herder (Berlin 2000b; 2001a, 1-24). As we have seen,

Berlin appropriated these thinkers' emphasis on the embeddedness of standards of judgment and validity within culturally and historically variant social formations.

Although he adamantly resisted the relativistic thrust of this current of thought (Berlin 1990, 10ff., 70-90; 2000b), it left a strong imprint on his understanding of what it is to be human. Again, this strain of influence was complemented by Berlin's exposure to the problematic of *Sinnverstehen*, or "understanding" of cultural and symbolic meaning, in German debates on the objectivity of the *Geisteswissenschaften*, particularly through his readings of Dilthey and Weber, whom he saw as heirs to Vico's ideas (Berlin 2000b, 120; Berlin and Jahanbegloo 1991, 79). This dimension of Berlin's thought focuses on the fact that different cultures embody different traditions and worldviews. On this version of the theory of value pluralism, the differences among various groups, or among individual ways of life, form the subject of pluralism.

The difference between the subject matters of these two versions of the theory can be captured with a distinction between goods and conceptions of the good. Goods are either values themselves or bearers of value, that is, the things we aim at in practical choices and actions. By contrast, conceptions of the good are beliefs or sets of beliefs held by individuals or groups about what one ought to regard as good. So the moral-practical version of the theory, which takes goods as its subject matter, claims that choiceworthy things are plural¹¹ and sometimes subject to conflict and incommensurability. By contrast, the societal groupings version of the theory describes

¹¹ This is not the trivial point that we make many choices about many things, but rather that the considerations guiding our choices are themselves plural. For example, choices are not about the maximization of a single value, like pleasure or utility, but reflect different, competing considerations.

the variety of beliefs and attitudes about how to live that are associated either with cultural groups or with individual “lifestyles.” The latter understanding of what value pluralism means turns out to be quite similar to what Rawls labels the “fact of reasonable pluralism” among comprehensive doctrines, whereas the moral-practical version is an interpretation of our experience of choice and judgment. The moral-practical theory describes single-person experiences of choice-making as well as intersubjective or communicative deliberation; the societal groupings theory only makes sense as an observation of a social fact, i.e., that there are many groups in the world. Thus, the two versions of the theory are clearly different in that they take different phenomena as their point of departure. While it may be that, upon full examination of the concepts, goods and conceptions of the good turn out to be related to one another in some way, this possibility does not erase the distinction between them. The two are different, and theories about them are not interchangeable with one another.

Each of the four main value pluralist political theorists tends to conflate these two sets of claims. The terminology, in fact, invites this confusion somewhat, inasmuch as we might come up with the term “value pluralism” for either one of these two theories, considering them independently, although in each case a different underlying conception of what “value” means would be at work. Nonetheless, the above reflections on the distinction support the claim that these are different ideas, and it is a theoretical mistake to treat them as though they were the same (or to fail to register the difference). More importantly for my purposes here, the conflation of the two ideas obscures the issue of

the political implications of value pluralism. For it is not obvious that each of these different views will support the same political conclusions.

In fact, one of the major sources of value pluralists' preoccupation with liberalism is precisely their conflation of these two ideas. The societal groupings theory lends itself naturally to certain forms of liberalism emphasizing toleration, neutrality, accommodation, and the like. Many defenses of liberalism propose it as a legitimate social order when a single society is populated by many different cultural, religious, and ideological groups.¹² Berlin, Galston, and Crowder can be seen as coming at the same problem through the theoretical lens of value pluralism. Similarly, Gray offers his *modus vivendi* view as a *better* response to diversity than dominant liberal models. The plausibility of their arguments, however, trades on the societal groupings version of value pluralism, and it is far from clear that they follow naturally from the moral-practical theory.¹³

The conflation of the two theories may perhaps be most easily discovered in the work of John Gray, who tends to think in terms of cultures or social systems, while still making claims about values (and very often bleeding his claims into one another). He begins his most sustained discussion of Berlin's views on value pluralism with a typology of three "levels" of pluralism:

Berlin affirms that, within any morality or code of conduct such as ours, there will arise conflicts among the ultimate values of that morality, which neither theoretical nor practical reasoning can resolve. ... Secondly, *each* of these goods or values is internally

¹² The most prominent defense along these lines is, of course, Rawls's *Political Liberalism* (1996).

¹³ I will elaborate on this point in more detail in my critique of the authors' political views, in Chapter Four.

complex and inherently pluralistic, containing conflicting elements, some of which are constitutive incommensurables. ... Such goods are not harmonious wholes but themselves arenas of conflict and incommensurability. Thirdly, different cultural forms will generate different moralities and values, containing many overlapping features, no doubt, but also specifying different, and incommensurable, excellences, virtues and conceptions of the good. Or, to state this third aspect or implication of value-pluralism in another way: There are goods that have as their matrices social structures that are uncombinable; these goods, when they are incommensurables, are also constitutively uncombinable. This is the sort of incommensurability that applies to goods that are constitutive ingredients in whole ways or styles of life (1996, 43-44).¹⁴

Between the first and third claims we see Gray committing himself to each of the two theories. In the first claim, he makes a claim about goods or values, as such, whereas in his third claim he extends the subject of the theory to include cultural forms and social structures. In fact, his way of putting the claim about values already tends toward a claim about culture, inasmuch as conflict and incommensurability are taken as occurring “within” some morality or code of conduct. Gray would seem to be saying that conflict and incommensurability are things that happen within worldviews or systems of commitments; that is, his view seems to be that a *conception* of the good has ineliminable tensions within it. But presumably a claim about *goods* would not depend upon those goods having a place in a given system. While it may be hard to pin down just what a “good” is, if the claim is that goods rather than moral systems are conflicting and incommensurable, then it will be *features of a given state of affairs* that give rise to the conflict, rather than conflicts between various worldviews that might interpret such states

¹⁴ Gray 1996, 43-44.

of affairs differently. To illustrate, imagine that a young writer finds that she can only do good work in an environment of complete solitude. However, this presents a conflict because, say, she is married and thus has some general obligation to spend time with her family, and, more, has made a specific promise to her husband regarding spending time at home. Now of course she could strike some kind of balance here, but for the sake of simplicity let us say that her work suffers significantly if she interrupts her creative process. The point is that the conflict presented in this example may be construed in several different ways, which show the ambiguity contained in Gray's formulation. On the one hand, one could say simply that there are multiple goods or values that have come into conflict, say the good of creative art (both personally and socially) and the good of intimacy and family life. On the other hand, one could say that the writer and her husband share a certain moral system, one that places value on, for example, both individual personal expression and fulfillment through relationships with others. Then the conflict would be *within* the moral system, such that there would be no conflict in a moral system that did not make the same kinds of claims (imagine a shallow Nietzscheanism that regarded great works of art as the justification for any act—here there would be no question that the writer should abandon her family and pursue her creative passion). In yet a third interpretation, one could say that the conflict is not within but between moral systems. There could be a Nietzschean view that favored the pursuit of a great novel, and a deontological view that emphasized the duties to family that should be fulfilled. What I believe Gray to be doing is placing the emphasis on the second and third possibilities—he

is interested primarily in conflicts within and between worldviews, rather than goods that have their standing independently of what any given worldview might say about them.

This interpretation of Gray's position is reinforced in some of his other writings, which are formulations of his own pluralist view as opposed to interpretations of Berlin.¹⁵ In describing the political implications of value pluralism, which he takes to involve the demolition of a so-called "Enlightenment project" of universalist liberalism, he defines value pluralism as "the truth that the values *embodied in different forms of life and human identity*, and even within the same form of life and identity, may be rationally incommensurable" (1995a, 67, emphasis added). The point here is that Gray takes the subject of incommensurability to be not values as such but rather forms of life or cultural patterns that make claims about, or place priorities on, certain values. Gray is eliding between claims about goods and claims about forms of life, which contributes, I think, to a widespread tendency in contemporary theory to take value pluralism to be a way of thinking about conditions of cultural diversity or moral disagreement.¹⁶ A similar point comes out in Gray's claims about the political implications of value pluralism—for Gray, value pluralism takes on a "political statement" when we observe that "the conflict of values arises in political life, most fundamentally, as the rivalry of ways of life that are mutually exclusive, even where they are also internally complex" (1995a, 79).

¹⁵ The two are often hard to extricate from one another. Gray's book on Berlin tends more toward reconstruction than straight exegesis.

¹⁶ Moreover, the use of the term "value pluralism" outside of discussions of Berlin is often shorthand for the societal pluralism view. Habermas, for example, uses the term this way (1996, 56-66), as does Bhikhu Parekh in his book on multiculturalism (2000). Jacob Levy is one of only a few writers to distinguish the views (2000, 98-122).

The conflation of the two theories in Gray's work thus appears quite casual; it is as though he took it for granted that there is an obvious connection between the two different subjects of the theories and referred to them interchangeably. Other theorists, however, have been a bit sharper in their discussions. In Galston's work, for example, there is an attempt to use the point about goods in support of a point about ways of life. Galston argues that what distinguishes pluralism from relativism is the fact that the former rules out certain things as bad or evil, whereas relativism makes such lines matters of subjective preference, culture, or custom. Galston goes on to say that value pluralism's affirmation of a distinction between good and bad supports the view that there is "a domain of basic moral decency for individual lives and for societies, roughly corresponding to H.L.A. Hart's conception of the minimum content of natural law" (2002, 30). But this is properly regarded as a domain of *basic* goods—the criteria of inclusion would be something like "those things without which one cannot live a minimally decent human life." Galston's effort to bring a plurality of *ways of life* into the picture has to do with the proper attitude toward everything else. "Beyond this parsimonious list of basic goods, there is a wide range of legitimate diversity—of individual conceptions of good lives, and also of public cultures and public purposes. This range of legitimate diversity defines the zone of individual liberty, and also of deliberation and democratic decision making. Where necessity (natural and moral) ends, choice begins" (2002, 6). A similar view can be found in Kekes's work:

It seems reasonable to suppose that some benefits and harms are, under normal circumstances, universally human. Let us call the resulting values "primary." We should note that there is a plurality even among primary values themselves ... In addition to primary

values, there are also values that we shall call “secondary.” Secondary values vary with persons, societies, traditions, and historical periods. Their variability is due to two reasons. One is that what is regarded as beneficial or harmful often depends on conceptions of a good life that reason allows but does not require us to hold. ... The second reason for the variability of secondary values is that although the benefits and harms encapsulated in primary values are normally universal, the forms and ways in which the benefits are sought and the harms avoided allow for enormous differences (1993, 18-19).

The idea expressed by both authors seems to be that value pluralism does indeed present us with a plurality of qualitatively different goods, but that these goods are related to ways of life or conceptions of the good in a way analogous to a relation of part to whole. That is, Galston and Kekes imagine that conceptions of the good, and, indeed ways of life, cultures, or “traditions,” are formed by picking out some among the many goods and placing them into some relation to each other through an account of how they hang together to form a good life. The claim is thus that we get from a plurality of goods or values to a plurality of ways of life because there are many reasonable ways of combining the various goods into a conception of the good life. As Galston puts the point, “every way of life represents a selection and ordering of values from a much wider field of possibilities” (2002, 53). In this way, we are again presented with multiple claims about what the conditions of value pluralism cover. Although in this case there is a picture for how a multiplicity of goods and a multiplicity of ways of life might relate to one another, there all too easily emerges a confusion as to the subject of such things as conflict and incommensurability. For it is not immediately obvious that the condition of incommensurability should be transitive between goods and multiple reasonable

“selections” or prioritizations of them. To be sure, one often encounters conflicts between ways of life (recall Berlin’s appropriation of Machiavelli’s conflict between the ruler and the Christian saint), and it may reasonably be said that comparisons between whole ways of life are extremely difficult to elaborate (if not altogether incommensurable), but it simply does not follow that these things occur *as a result of* the incommensurability of goods.¹⁷

Crowder is the most careful of the four principal theorists, in that he does in fact recognize and register the distinction between goods and cultures or ways of life (2002, 145-156). Crowder signals a commitment to the moral-practical theory when he claims that “the primary concern of the pluralist is to promote diversity of values; cultural diversity is a secondary and contingent goal” (2002, 153). Despite this clarity, though, Crowder does not wholly escape the problem of conflation that plagues discussions of value pluralism. For he believes that the relationship between the two subjects, however contingent it may be, is very tight, and that “the value of cultural diversity follows as a consequence from the value of the diversity of goods” (2002, 153) because cultures function as vehicles for promoting values. His claim is that the recognition of plural and incommensurable goods entails the endorsement of those goods (as good, presumably), and each such good must be endorsed equally.¹⁸ Equal endorsement is then taken to

¹⁷ I will say a good deal more about why Galston’s narrative connecting goods and cultures is problematic when I criticize the four authors’ political arguments in Chapter Four. Here, I am merely registering what they say and noting the key ambiguities that emerge in the literature.

¹⁸ This claim about equal endorsement is a tricky one for Crowder in light of the thesis of incommensurability, according to which we cannot confidently assign equal weight to two goods, considered in the abstract. Crowder tries to get around this by saying that though they are not equal according to some measure, they are “equally ultimate” (a phrase borrowed from Berlin’s “Two Concepts”). This is not obviously helpful, and it may not be right, either (for

involve the promotion of “the full range” of goods, which is synonymous with a promotion of diversity. But again the question is “diversity of *what?*” The natural assumption is that the thing to be promoted is the diversity of goods that come under Crowder’s “full range” and contribute to human flourishing. But Crowder’s policy argument seemingly undermines this reading. He argues that the “duty to promote diversity” supports a form of neutralist liberalism.¹⁹ But the idea of liberal neutrality is meant to be a policy principle for societies in which there is a degree of diversity in social groups endorsing different traditions and ways of life. To argue that the duty to promote diversity requires policies of liberal neutrality is to rely on the societal groupings theory. His argument thus tends to resemble Galston’s, and to that degree the line between the two subjects becomes somewhat blurred. With this move, Crowder enlists the moral-practical theory in an argument proper to the societal groupings theory (2002, see esp. 135-157). While he pays lip service to the distinction, he nonetheless advances an argument about cultures that blurs it. And while Crowder may have been conscientious in his intentions, his reliance on a diversity-based argument reinforces the general pattern in the literature of conflating the two theories.

certainly some goods are not “ultimate” in the first place, much less equal in their “ultimacy” to some others). Patrick Neal offers an excellent discussion of this issue in a recent conference paper (2006).

¹⁹ I have referred to Crowder as a perfectionist liberal, so this move may seem confusing. He is indeed a perfectionist liberal, but he also tries to survey every support value pluralism can provide for liberal politics. Crowder’s position involves ceding some ground to ideas of neutrality—he argues that pluralist liberalism provides arguments for both neutrality and perfectionism, and that ultimately a complex relationship emerges that he calls “predominantly” perfectionist. As he puts it, “although the accommodation aspect remains important, the perfectionist strand takes priority” (2002, 217). I will say more about Crowder’s various arguments below, particularly in Chapter Four.

2.3: Additional Loci of Ambiguity in Discussions of Value Pluralism

In this section, I discuss two other loci of ambiguity, which, in addition to the conflation of the moral-practical and societal groupings theories, have generated confusion in the political theory literature on value pluralism. First, I ask about the scope of value pluralism—whatever the subject of the theory, there is a question as to whether *all* such things are subject to conditions like incommensurability, or only some of them, and, if the latter, how is the distinction made? Finally, I explore the ambiguities surrounding the idea of incommensurability. I am particularly interested in what incommensurability is meant to entail, and what it rules out. The central question here is whether incommensurability is a view that is compatible with *reasoned* choice, or whether choice between incommensurables is bound to be irrational.

2.3.1: The Scope of Value Pluralism

We have seen that in a number of places within the current literature on value pluralism, there is a good deal of ambiguity on the question of *what* is covered by value pluralist conditions, principally revolving around the conflation of the two distinct versions of the theory that can be drawn from Berlin's work. In addition to this ambiguity about what exactly value pluralism applies to, there is an ambiguity, or at least diversity of answers, regarding the question of "how much" or "how far" the conditions of plurality, conflict, and incommensurability extend. If we are talking about goods, then are all goods incommensurable to one another, or are only some of them? If we are talking about conceptions of the good, then is the legitimate plurality recognized by value

pluralism extensive enough to encompass *any* vision of the good life, or are there limits to acceptable or reasonable conceptions imposed within value pluralism?

The typical move here is to try to contain the application of value pluralist conditions such that a certain set of goods are insulated from them. In fact, this is often, whether explicitly or implicitly, a necessary step in the project of trying to secure an argument in favor of one or another political form on value pluralist grounds—if a political form is partly defined by priorities it places on certain norms and institutional rules, then the justification of that form must involve itself in an argument for those priorities. If value pluralism is really all-encompassing, it is hard to see what sort of argument might be available for prioritizing some norms over others, if incommensurability is taken to involve the denial of the possibility of comprehensive general rankings.²⁰

We saw above how Galston takes certain goods to be basic, and regards value pluralism as having greater force outside this domain of basic goods. Similarly, Berlin introduces the idea of a minimum universal morality, which he terms “the human horizon,” to help distinguish his view from relativism. For both Berlin and Galston, there is a core set of universal minimum values that must be protected in any way of life. Gray, too, affirms this idea of a minimum universal threshold, at least nominally (2000b, 8ff.). That is, he asserts that such standards exist, although in practice his approach to what counts as a legitimate way of life is so expansive that one wonders whether there is much

²⁰ I will elaborate on this issue, which I see as a fundamental obstacle to value pluralist political theorizing, in Chapter Four.

content to the so-called universal minimum.²¹ Finally, Crowder also embraces the idea of a core set of universal values that all ways of life must honor. On his treatment, universalism is included in a list of the main features of value pluralism (2002, 45-46).

So each of the four principal authors introduces the idea of a universal moral minimum, which functions as a way of limiting the scope of the idea of incommensurability. However, none of them is very specific about what actual content is included in the universal minimum, beyond a vague gesture toward “human rights.” We may say, nonetheless, that there is a certain range in the permissiveness of the concept across the group. Gray’s view tends to be the most permissive, bordering on full-blown relativism, whereas Crowder imposes the tightest constraints on legitimate diversity, which seems to require a commitment liberal principles (Gray 1995a, 71-85; also 2000b, 105-139; Crowder 2002, 135-184). Berlin and Galston fall somewhere in between these two poles on the continuum, each acknowledging some limits to legitimate diversity, but nonetheless insisting on, as Galston puts it, “maximum feasible accommodation.”

Notice here that the strategy of introducing a minimum universal morality itself illustrates just how fundamental the basic conflation of the moral-practical and societal groupings theories is. The concern over whether there exists some universal minimum content of all legitimate ways of life is a question born of the societal groupings view. If the theory is *about* the plurality and incommensurability of cultures or ways of life, then framing the question of scope in terms of a minimum *universal* set of standards is natural.

²¹ Thus, for example, he argues in one place that the domination of Tibet by China cannot be criticized according to “Western” standards of human rights, although it may be criticized for its effects on cultural diversity (1995a, 140). I will return to this point in my discussion of Gray in Chapter Four.

The question is about what a given way of life *recognizes*, and the limitation insists that there are certain things that all must recognize. In contrast, the moral-practical theory, which is about goods and the choices and judgments informed by them, does not easily lend itself to the question of whether universal standards exist. It may indeed be said that certain choices and judgments must be made in a certain way; for example, genocide must be condemned. But this is simply to make an argument of practical reason about a specific question, and it does not obviously amount to a picture of some universal set of beliefs that must fit into every legitimate way of life. To the extent that the question is framed in terms of a universal minimum, this clearly flags the lurking presence of the societal groupings theory. In this way, a common strategy on the second locus of ambiguity betrays the deeper presence of the first.²²

In addition to the claim that a universal minimum morality limits the scope of legitimate diversity among ways of life, each of these theorists also advances a specific set of substantive normative priorities. The claim is that value pluralism generates a special commitment to these priorities, although the compatibility of this claim with incommensurability is often under-examined.²³ For instance, Berlin argues that value pluralism gives us reason to emphasize the importance of freedom of choice, and thus to prioritize it in our political arrangements, along with a correlative priority for toleration

²² Given the presence of the universal minimum thesis in each of the four principal authors, it might be argued that it should be included on the list of the core claims of value pluralism. This point makes sense as a descriptive account of what claims are present in the literature, but I wish for the definitional account to also figure positively in my own constructive efforts. In my approach, I favor the moral-practical version of value pluralism. Because the point about universality fits naturally with the societal groupings approach but not the moral-practical one, I have excluded it from the definition I use. But nonetheless the point is commonly made in the literature, as I have noted.

²³ I return to this point in Chapter Four, where I spell out the theorists' priority-specifying arguments in more detail and offer critiques of them.

(2002, 212-217; 2001a, 78-79). Galston's liberalism of diversity, with its principle of maximum feasible accommodation, identifies diversity among ways of life and conceptions of the good as a basic priority generated by value pluralism. Crowder's perfectionist view claims that that value pluralist conditions make certain kinds of personal virtues especially desirable, that these virtues fit into a certain liberal ideal, and that the liberal state may legitimately promote these virtues (2002, 185-257). In Crowder's case, then, we see the most direct, forthright attempt to show how value pluralism itself *generates* a certain set of priorities. Finally, Gray's view involves what may be termed a "minimal" set of priorities, relating to the maintenance of peaceful conditions of coexistence, but it specifies priorities nonetheless. He states his criterion as follows: "The pluralist standard of assessment of any regime is whether it enables its subjects to coexist in a Hobbesian peace while renewing their distinctive forms of common life" (1995a, 140). Though Gray seems to want this standard of assessment to do defensive work in protecting cultural traditions that maintain *modi vivendi*, but are nonetheless illiberal, from critique, the effect of his move is again to place a special, unexplained priority on some goods rather than others. In this case, peace becomes the trump-good, and it can function to settle conflicts between incommensurables presumptively. In each of the four theorists, then, a certain set of normative priorities takes on what might be called a "meta" status, in which they are more or less insulated from the radical confrontation with conflicting and incommensurable goods that value pluralism posits more generally.

2.3.2: *The Meaning of Incommensurability and the Rationality of Comparisons*

The idea that goods are incommensurable has come to be seen as *the* truly innovative and radical claim advanced by value pluralists. As in Berlin's works, the notion tends to suffer from a lack of clarity²⁴ and a range of possible meanings. Some discussions of incommensurability have approached the concept in highly technical fashion,²⁵ in an attempt to delimit the concept using formal definitions. I will largely eschew this formalistic approach here, both because of space constraints and because I think it has limited usefulness,²⁶ although I will try to summarize the main issues that arise in these technical discussions. The main question is whether incommensurability involves rational incomparability; the distinction has to do with the possibility of establishing ordinal rankings between the terms of a comparison. Here, the idea is that in order to make a reasoned choice between alternatives, or, better, to rationally prefer one to the others, one must be able to establish that the preferred alternative is better than the others in some decisive respect, all things considered. When interpreted as compatible with this sort of choice, "incommensurability" is simply the denial of a common measure; it is the "weak" form I described above with reference to Berlin, which rules out cardinal

²⁴ Some have given precise definitions, but my comment here refers more generally to a feature of the literature on incommensurability as a whole.

²⁵ See, e.g., some of the essays collected in Ruth Chang's edited volume on incommensurability (1997b, especially Chang's introduction and the essays by Wiggins and Broome), and Raz's discussion (1986, 321-366).

²⁶ My objection to the formalistic approach has two bases: first, I think using formal conditions to define a concept can make it unnecessarily narrow (while this kind of precision is useful in some contexts, particularly logic, I think it is less so in moral philosophy); second, I think the attempt at a formal definition requires the problematic claim that evaluative comparison always takes the same form (that is, in trying to define general conditions of comparability and commensurability, philosophers assume that comparison *must* proceed in a certain fashion). I think this is precisely the kind of thought that value pluralism tries to resist. Of course, my resistance to formalism is not a refusal to engage in definition and analysis. I offer more sustained discussions of some of the conceptual problems posed by incommensurability (beyond the ambiguities this concept has generated in the four main theorists) in Chapter Three.

rankings of goods but not necessarily ordinal ones. If the lack of a common measure means there is no common *unit*, then the fact that we can't quantify the difference between two alternatives does not mean we cannot express that difference in terms of better or worse. According to many commentators, if we lack a decisive answer to the question of which alternative is better, then we lack a basis for reasoned choice between the alternatives, and we are left to decide the issue by plumping in subjective or voluntaristic fashion. According to these discussions, if we have incomparable alternatives, then our choice cannot be rational.

Among the major authors under consideration here, there is a variety of takes on whether incommensurability allows for practical rationality, or whether it undermines the basis for reasoned choices. John Gray tends to be the most anti-rationalist voice in the value pluralist literature. In his view, incommensurability “marks a limit to rational choice, and an occasion for radical choice—for the kind of choice that is not, and cannot be, reason-based, but consists in making a decision or a commitment that is groundless” (1995a, 70). In keeping with the agonistic politics of contestation that he recommends on pluralist grounds, Gray envisions conflicts between incommensurables as the battlegrounds of irresolvable conflicts of will. The situation is one in which deliberation is replaced by rhetoric, and since no reasoned outcome can be had, the victory goes to the stronger side. In these kinds of scenarios, Gray asserts, there is “no rational procedure for

resolving such conflicts” (1995a, 81).²⁷ Gray, it seems, would then fall into the camp that interprets incommensurability to mean rational incomparability.²⁸

Crowder and Galston both endorse a rationalist interpretation of incommensurability. However, their positions contain slight differences that importantly impact how we understand what practical rationality under incommensurability might mean. Crowder rejects the incomparability interpretation of incommensurability, arguing that we do have the experience of reasoning about our choices, even when the alternatives they present are not commensurable. Given this ordinary experience of rationality, we cannot accept an anti-rationalist interpretation of incommensurability. But neither, says Crowder, can incommensurability be interpreted so weakly as to mean immeasurability, for ordinal rankings are just as problematic from a value pluralist point of view as cardinal rankings. Crowder proposes a third alternative, which he calls “unrankability,” to resolve this seeming impasse. Crowder defines this condition as the impossibility of arriving at reasoned rankings of goods “in the abstract or in general” (2002, 52). We may be able to find context-specific rankings that enable reasoned choice among concretely-specified goods.

The idea of context and choosing in particular situations becomes crucial for Crowder’s interpretation of practical rationality, a view that recalls the Aristotelian idea

²⁷ I think pluralists who favor rationalist interpretations of incommensurability might accept this phrase if the emphasis fell on “procedure.” One of the central targets of value pluralist criticism is the set of approaches to practical reason that attempt to follow highly deterministic decision procedures. This, however, leaves room for rationalist pluralists to describe forms of practical rationality that do not proceed by way of formulas for maximization or some other idea of optimization. For Gray, however, the emphasis here falls on “rational,” such that non-formulaic modes of practical rationality would still be ruled out.

²⁸ This can also be seen in his book on Berlin, where the terms “incommensurable,” “incomparable,” and “rationally incomparable” are used fairly interchangeably (1996, esp. 38-75 and 141-168).

of *phronesis*.²⁹ In Crowder's view, what value pluralism rules out is a context-neutral, formal decision procedure that could compute the best choice in any suitably-specified case. However, in particular cases, we can arrive at reasoned choices by attending to the specific qualities of the goods at stake and their relative weight in the situation and for the various stakeholders. Crowder borrows from an account of practical comparison proposed by Ruth Chang (1997a) in order to put some meat on his argument. According to Chang (and Crowder), an evaluative comparison, in order to be rational, must invoke some "covering value" in terms of which the various options can be seen as better or worse. "It makes no sense to say simply that 'X is better than Y' unless this is elliptical for 'X is better than Y in respect of Z.' Z is the covering value" (2002, 60). According to Crowder, covering values are the features of the context of a choice that make the values one is choosing among comparable. Although this may seem appealing inasmuch as it presents a tidy explanation of practical rationality under incommensurability, I think it is a mistake. For it is, in my view, effectively to erase the condition of incommensurability that is said to hold among the goods in question. To say that there is some third term that the relevant goods have in common and in terms of which they can be leveraged against each other is precisely to invoke the kind of common denominator that the idea of incommensurability is meant to reject. It may not involve the claim that there is a *single*

²⁹ My own interpretation of practical reasoning about incommensurable alternatives is similar (see Chapter Three), but my view corrects somewhat for the under-specification in Crowder's account. I also reject his use of Ruth Chang's notion of "covering values," discussed in what follows.

common denominator (which is perhaps the strongest form of monism), but it is to rely on commensurability nonetheless.³⁰

Galston's take on the rationality of choice among incommensurables rejects Chang's account of comparison. His understanding of practical reasoning, like Crowder's, insists that reasons emerge when choices between goods are examined in particular cases and in their concrete details.³¹ However, Galston insists that in many cases, we are faced with incommensurable alternatives for which a covering value cannot be found, at least not an uncontroversial one. Instead, Galston offers an interpretation of comparison that does not posit a common dimension of variation according to which the choices can be weighed. That is, coming to the judgment that X is better than Y does not necessarily involve finding some Z in terms of which X is better. Instead, Galston argues, the accumulated experience of making practical judgments supplies us with presumptions, which he describes as "rough-and-ready decision rules" (2005, 15). These are not lexical rankings or maximization principles, but rather *prima facie* ways of deciding a conflict *in the absence of a defeating reason*. That is, we may learn from experience that "a significant gain along dimension X presumptively outweighs a trivial loss along Y, unless we can adduce a compelling consideration to the contrary" (2005, 15). It may be that there are some trade-offs for which the presumption offers us no help—the gains and losses are so difficult to weigh against each other that the choice may

³⁰ It is telling that Chang is herself a critic of the idea of incommensurability (a fact that Crowder oddly fails to register). I will discuss her views in more detail in Chapter Three.

³¹ Galston often describes his experiences as a policymaker as having exemplified to him both the reality of value pluralism and the nature of pluralist practical reasoning (2002, 6-7). His background in this area also often helps him to specify good examples in order to fill out his account of reasoned choice.

be indeterminate. But Galston argues that the possibility that reasoned choice may not always be available is not conclusive evidence that we *never* make reasoned judgments between incommensurables.

Finally, Berlin's views on this matter are probably the murkiest of the four; this is partly a matter of his style, and partly also due to the fact that he wrote well before of the implications of incommensurability for practical reasoning were widely discussed in philosophy. Nonetheless, Berlin seems to be committed to some form of rationalism, and, at the very least, his view on what reason is capable of in the face of incommensurability is much more robust than Gray's. The impression of rationalism, however vaguely spelled out, stems from Berlin's discussion of the powers of human imagination and the capacity Vico called *entrare*, which he deployed to distinguish his view from relativism. As I said above, Berlin believed judgment was possible across different cultural perspectives because all human beings share enough in common to recognize each other's humanity, and can thus imaginatively enter into differing perspectives and see how it would be to belong to this way of life rather than that. As should be clear, the commitment to rationalism implied by this concept seems more at home in the societal groupings theory of value pluralism than in the moral-practical one; here, as in many other places, Berlin conflated the two ideas.

I have summarized the main sources of ambiguity and confusion in the literature, as well as the positions taken by each of the four main value pluralist political theorists, in Table 1 below.

Value Pluralist Theorists

Table 1
Areas of Ambiguity

	Moral- Practical/Societal Groupings Conflation	Scope of Incommensurability	Meaning of Incommensurability and Implications for Rationality
Berlin	Conflated	Moral minimum specified by “human horizon”; Prioritization of freedom of choice and toleration	Unclear, probably rationalist
Galston	Conflated, but with vague account of relationship	Moral minimum specified by Hampshire-Hart “minimum content of natural law”; Prioritization of diversity	Rationalist, practical reasoning via “presumptions”
Gray	Conflated	Universal values; Prioritization of Hobbesian peace	Anti-rationalist, pluralism leads to “radical choice”
Crowder	Conflated, but with claim that former implies latter	Universal values; Prioritization of autonomy and other virtues	Rationalist, incommensurability involves “unrankability” but not incomparability

2.4: The Moral-Practical Theory of Value Pluralism as I Understand It

The effort of this chapter so far has been to highlight some significant areas of ambiguity and disagreement in the work of major theorists of value pluralism. The point, however, has not merely been to show that these ambiguities exist, but to clarify the terms and stakes of the ambiguities so that resolution of these issues may proceed more easily. I now turn to the task of offering my own positive contribution to the discussion of what value pluralism means. I rely on the analysis of the literature above to set a frame for my own definitions; in what follows I explain my own commitment to the moral-practical version of value pluralism, clarify how I understand each of the four main claims of the theory,³² and specify where I stand on the remaining two sources of ambiguity and confusion.

First and foremost, it is essential to avoid the conflation of the moral-practical theory and the societal groupings theory. These are two distinct sets of claims about distinct subject matters, and, therefore, the distinction between them ought to be carefully maintained. The clarity of discussions of value pluralism would be greatly improved if this distinction were more consistently recognized and more vigilantly sustained.

But if we are to maintain the distinction, then a question arises as to which of the two theories should be the focus of attention. My treatment of value pluralism, in its constructive (as opposed to critical) aspects, will concentrate on the moral-practical version of the theory. There are three compelling reasons to focus on this theory. First, it

³² Except the claim that goods may be incommensurable. This is too thorny an issue to pin down briefly; instead I have considered it at length in Chapter Three.

is the more original contribution of Berlin's thought. Issues of group-identity difference are relatively familiar in political theory, and many other recent literatures, such as those on multiculturalism, identity politics, and neutrality and accommodation, have addressed them insightfully. Beyond contemporary discussions, these issues have a long history in modern political thought. Nineteenth-century anthropologists, sociologists, and historians were very preoccupied with questions of cultural difference and relativism, and the issue was also widely discussed in the seventeenth and especially eighteenth centuries, as European exploration and colonial ventures led to contact with previously unknown or little-known peoples. Questions of religious difference and toleration are even older, as the Reformation and Wars of Religion supplied urgent prompts for theorizing on such issues. Given the long history and active contemporary discourse on issues related to the societal groupings theory, it is hard to see what important and unique contribution that strand of Berlin's work might provide. On the other hand, the moral-practical theory is a much more original contribution to ethical and political thinking. Its claims about the plurality, potential conflict, and incommensurability of goods are in direct conflict with many traditional views in Western moral thinking. The moral-practical theory is diametrically opposed to utilitarian ethical views, which depend on commensuration for logics of maximization, and is in tension with Kantian deontology, which monistically describes what counts as moral, as well as some interpretations of Aristotelian ethics, according to which the virtues may be ranked in a hierarchy. For these reasons, the moral-practical theory is the far more original aspect of Berlin's thought, and deserves greater attention because it promises a fresh and unique approach.

In a similar vein, the moral-practical theory warrants our attention because it is a less well-understood dimension of Berlin's thought than the societal groupings theory. Because the two theories are typically conflated in the literature, the moral-practical theory often receives less attention than it might if presented on its own terms. Indeed, the conflation of the two theories usually results in the submersion of the moral-practical theory in favor of the societal groupings theory, especially inasmuch as the political implications drawn from value pluralism by the four main theorists tend to revolve around questions of group difference and accommodation. And even if it is not submerged, the specific meaning of the moral-practical theory is at least obscured by this conflation, since it is blended with other claims. As a result, the moral-practical theory of value pluralism is not as well-understood as it might be if the distinction were to be more carefully maintained, and therefore it should be given greater sustained attention.

Finally, the moral-practical theory should be preferred simply because it is a persuasive account of what our experience of choosing and judging is like. As I will describe it here and in Chapter Three, the moral-practical theory gives a philosophically compelling thick description of practical life, specifically capturing how we experience choices where the goods at stake are multiple, conflicting, and incommensurable. The persuasiveness of the theory, of course, falls short of deductive proof; it cannot be derived from the concept of choice itself. However, it is compelling as an *a posteriori* account of our experience of choice and judgment; its force comes from how accurately it reflects these experiences, and how it fits better than alternative explanations of them.

Because of its power to clarify and explain our practical experience, then, the moral-practical theory is worthy of greater attention on its own terms.

Note that the reasons for favoring the moral-practical theory do **not** derive from hermeneutic fidelity in reading Berlin's texts. The claim is not that sticking to the moral-practical theory represents a more accurate interpretation of what Berlin was saying with his theory of value pluralism. Indeed, as I have argued, the most faithful rendering of what Berlin in fact said is the conflation of the two views, and the reproduction of this conflation in later literature is partly the product of a too-faithful regard for Berlin's own expressions and examples. Because I do not wish to continue the pattern of conflation, I advance my own reflections about value pluralism as pieces of constructive theory inspired by Berlinian themes rather than a hermeneutic recovery of Berlin's ideas.

Of course, the shift towards favoring the moral-practical theory does not in any way deny that the phenomena picked out by the societal groupings theory are real and important. It is plainly the case that differences along lines of culture, doctrine, worldview, and way of life exist in the world, and they are often highly relevant to political life. My focus on the moral-practical theory does not implausibly deny this reality. Rather, the point is to focus on the hitherto neglected claims of the moral-practical theory, and leave the issues covered by the societal groupings theory (which after all are much more familiar) to one side.

So, my interpretation of value pluralism focuses solely on the moral-practical version of the theory. The next step in advancing the discussion beyond the confusions and ambiguities found in the current literature is to give a more precise specification of

what the moral-practical theory of value pluralism says. This means interpreting more clearly each of the four main claims of the theory, as well as taking a position regarding each of the two remaining loci of ambiguity within the literature. First, let me reproduce the four main claims of value pluralism in list form:

- 1) Goods are qualitatively plural
- 2) Conflict among goods is a permanent possibility
- 3) Goods are, in some sense, objective
- 4) Goods may be incommensurable to one another

With respect to the first claim, the idea of plurality itself is relatively straightforward; it is merely the claim that goods are many rather than one, i.e., that the ways in which things are good cannot be reduced to a single kind of value consideration (such as utility or pleasure). The more problematic issue relating to this claim (and, indeed, all the others) is what exactly we mean in talking about “goods.” The specification of the moral-practical theory requires a more precise articulation of what the subjects of the theory, goods and values, really are. By a “good,” I mean something that agents aim at when choosing or acting, or, alternatively, that they acknowledge as worthy of aiming at when making a judgment that does not issue directly in choice or action. Goods are the things that we recognize as having some “pull” on us when we are making choices or judgments. Further reflection on this definition, however, reveals the need for a more precise focus. First of all, the language of goods may call to mind certain abstract value concepts like “freedom” or “justice.” At some level such abstractions are relevant to the theory, in that we can say that there are many qualitatively different abstract value concepts, but they do not take us very far when it comes to the sorts of concrete choice

and judgment situations that the theory purports to explain. It is hard to have very definite ideas in mind when dealing with such abstractions, and their vagueness may get in the way of explicating concepts like incommensurability. What we ought to be more interested in, I think, are actual alternatives in choice and judgment situations. These are concretely specifiable, rather than capacious, vague, and abstract concepts. The subject matter of the moral practical theory, then, is more precisely referred to alternatives for choice. But here, too, we can reach a greater degree of specificity. The ways in which alternatives may conflict or be incommensurable to one another are not to be found in examining them as wholes; rather, the location of conflict and incommensurability is in the reasons we have for and against choosing one alternative or the other. We can speak of the basic “units” of practical reasoning themselves as the bearers of incommensurability. My term for these units is “considerations,” and I specify this idea and illustrate it more fully in Chapter Three. For now, it is sufficient to note that the most basic subject of the moral-practical theory of value pluralism is the considerations that attach to various alternatives in situations of choice and judgment. Value pluralism views these things as qualitatively plural, potentially conflicting, and often incommensurable. Importantly, we should keep in mind that considerations may figure in either direction for any given option; the theory is not only about positive considerations, despite the language of “goods.” Negative considerations, “bads” if you like, can also carry value pluralist conditions of conflict and incommensurability. So the moral-practical theory, most precisely, is about considerations bearing on the alternative options in situations of practical choice or judgment. Although I will continue to use the language of goods

throughout this dissertation, in most cases this should be understood as shorthand for the more precise notion of considerations.

Importantly, the focus on considerations and alternatives for choice alerts us to a potential misunderstanding of the theory. The language of goods or “the good” might be taken to signal allegiance to a teleological understanding of ethics, in which the right is defined in terms of the good, rather than a deontological one, in which the right is distinct from, and prior to, the good (Rawls 1999c, 26ff.). To some degree, this is accurate; value pluralism is not a deontological theory, in that it does not view the right as a separate and higher moral domain. So although it has differences with many prominent teleological theories such as utilitarianism, it is closer in its basic orientation to teleology than to deontology.³³ But the eschewal of the deontological strategy of elevating the right does not imply that value pluralist conditions do not apply to duties. Considerations of duty or obligation often matter in a given choice situation, and duties and rights may present conflicts and incommensurabilities as much as desires and purposes. Value pluralism is thus not committed to a sharp dividing line between the various classes of value consideration, and certainly not one that could insulate some such classes from value pluralist conditions. The general focus of the moral-practical theory on goods, when refined to encompass considerations as such, does not preclude talk of duties, obligations, or rights.

³³ I say more about value pluralism’s position on the relationship between the right and the good, and why this distinction cannot ground a value pluralist liberalism, in Appendix B.

The principal point for clarification with respect to the second main claim, that conflict among goods is a permanent possibility, has to do with the sources of such conflict. As I mentioned in initially describing this claim, there is a question as to whether conflict is rooted in the contingent circumstances in which we are faced with a choice, or, on the other hand, it is a conceptual necessity given by the meaning of the considerations at stake themselves. The latter kind of conflict is the more radical of the two, in that it implies that the conflicting goods are incompatible *in principle*. In such cases, it is not possible to imagine (or to engineer) a state of affairs for choosing among the same alternatives in which the conflict would be dissolved. On the moral-practical theory of value pluralism, as I interpret it, both kinds of conflict are possible, which is to say that the theory asserts the latter, more radical, sort of conflict. In any given instance of conflict, the source of the conflict may be either conceptual or contingent; we cannot say that all conflicts are contingent matters of circumstance which could conceivably be otherwise. To illustrate, suppose I face a conflict between two demands on my time in a given afternoon; on the one hand, I have a meeting at work, and on the other, a family event (my child's music recital, say). The timing of the events conflicts, but there is nothing necessary about this conflict. It is not as though meetings and recitals are conceptually opposed; rather, the conflict here arises from the contingent circumstances of the scheduling. But other sorts of conflicts may be conceptual. For example, recall Rawls's argument for allowing inequalities in economic distribution as part of his conception of justice (1999c, 130ff.). Rawls notes that a system of perfect equality in the distribution of primary goods may suffer from a low level of overall wealth, because

individual citizens lack incentives, in the form of greater rewards for their efforts, to be productive. In this scenario, it is impossible to increase wealth and productivity without allowing inequality. Even though everyone is better off when the size of the pie increases, there is a loss in terms of the equality of the overall distribution. In this case, then, the conflict between perfect equality on the one hand and wealth and productivity on the other is conceptually necessary.

The third claim, that goods are in some sense objective, takes us into the territory of metaethics, or questions about the status and meaning of ethical views and propositions. I do not wish to wade too deeply into such questions and the thorny problems they present; nonetheless I will briefly describe my own understanding of the objectivity of goods. There are two relevant dimensions on which we might map a metaethical view. The first concerns whether it takes ethical statements and judgments to express beliefs, which are intersubjectively meaningful and can be judged correct or incorrect.³⁴ In this precise sense, beliefs take a stance about the way things are, and may be refuted or confirmed. If normative propositions are taken to express beliefs in this way, that is, if they have cognitive content, then a position is *cognitivist*. If this claim is rejected, then a position is *non-cognitivist*. Non-cognitivism may interpret ethical statements as expressions of emotion, arbitrary personal preference, or some otherwise cognitively empty content. For the non-cognitivist, there is no question of correct or incorrect judgment when it comes to ethical statements, since the content of the

³⁴ I say correct or incorrect, rather than true or false, because some cognitivists, such as Habermas, argue that normative propositions have cognitive content, but they are properly deemed “valid” or “invalid” rather than “true” or “false,” properties that belong in the empirical realm.

proposition does not convey information that could be confirmed by a hearer. If someone's ethical statement, "X is good," amounts to nothing more than "X, hooray!", then there is nothing to say about whether it is a correct or incorrect claim; it is simply a report about that person's inner subjective state.³⁵

A second dimension for mapping metaethical views is their position on the *status* of the things ethical statements purport to be about, i.e. goods, values, or some other normative objects. I believe there are three alternative positions here: realism, constructivism, and subjectivism or anti-realism. Realist views hold that values are real objects in the external world, which have their existence and status *independently* of their recognition or acceptance by agents. On a realist view, values are like physical objects; they are observer-independent features of the real external world. A constructivist³⁶ view, by contrast, sees values as artifacts of human social life.³⁷ Constructivist views agree with realist ones that values are not reducible to subjective attitudes; constructivists also see values as part of an external reality. But the difference between realist and constructivist views is that constructivists do not hold that values have their existence and status

³⁵ Of course, there is a question about the truth or falsity of the report, i.e. whether the speaker is dissembling, which at least has some truth conditions (however difficult they may be to observe). But this is not the same as claiming that the propositional *content* is itself true or false. It is belief in the possibility of answering this latter question that separates the cognitivist from the non-cognitivist.

³⁶ I do not use "constructivism" in the specific normative sense given to it by Rawls (1999a, 303-358), which is that constructivist views assess the validity of a given norm by reference to its acceptability in an ideal procedure of construction. I rather am referring to a view about the status of values that holds them to be the product of human construction. To clarify, a Kantian constructivist, in Rawls's sense, is only one type of constructivist in the broader sense. One could be a constructivist in the general metaethical sense, holding that values are the products of human construction, without also being a constructivist in Rawls's sense—values may be human artifacts without depending for their validity on validation through an ideal procedure of construction.

³⁷ This is not the naïve and implausible claim that values are actively and intentionally created through conscious human agency. More often, they are emergent processes of social formations and collective beliefs that develop slowly over time; values may be made without there being a specific moment of making them by some consciously acting agent.

independently of human agency; rather, constructivism sees values as the *products* of human agency. The external reality in which constructivists locate values is a *social* reality; but for cognitivist constructivist views, the fact that values are not independent of human agency does not strip them of their force and validity. Finally, subjectivist or anti-realist views hold that values are merely subjective feelings or attitudes which do not have any external standing whatsoever. Subjectivist views push toward extreme relativism, since individual agents may have whatever values their subjective attitudes favor. The most prominent forms of subjectivism in recent moral philosophy have been emotivism and expressivism.

The possibilities for what a metaethical view may be like can be mapped along these two dimensions. Although there is some overlap between the two axes, there are actually several possible combinations that lead to coherent views. First off, it should be obvious that all realist views are cognitivist; one cannot hold that goods are part of a real, observer-independent reality and also that statements about them do not express beliefs that can be judged true or false.³⁸ Constructivist views, however, can be either cognitivist or non-cognitivist. A cognitivist constructivism sees no obstacle in the socially constructed nature of value to making valid ethical judgments. Values may be social artifacts, but statements about them can express beliefs, which can be judged correct or incorrect by reference to the external social reality. Nonetheless, non-cognitivist constructivism remains a possibility; we might call such views “deflationary” sorts of

³⁸ I suppose it is logically possible to assert that there is a realm of real, observer-independent goods but that we don't have any access to it, and therefore that normative statements are cognitively empty. But such a position would be self-defeating—what argument could support the first claim without contradicting the second? Thus the category of realist, yet non-cognitivist, views is an empty set.

constructivism, which take the claim that values are social artifacts to be an effective critique of their claim to cognitive meaning. Somewhat surprisingly, subjectivist or anti-realist views may also be either cognitivist or non-cognitivist. The natural position for a subjectivist view would seem to be non-cognitivism; the claim that values are merely subjective feelings and attitudes would seem to lead naturally to the view that statements about values are expressive of such attitudes and do not contain beliefs. However, cognitivist subjectivism is possible using an error theory like J. L. Mackie's (1977). On such a view, ethical *statements* are indeed cognitive—their form involves the expression of beliefs about the external world. But there are no metaphysical entities in the external world for these beliefs to be about, according to Mackie, and values are indeed subjective. The result, then, is that ethical statements are indeed of a cognitive form and may be either true or false; but as a matter of fact, they are all false, because there is nothing out there to match with their cognitive aspirations. I have summarized the possibilities generated by these two sets of distinctions in Table 2.

I have placed my own understanding of value pluralism in the “cognitivist-constructivist” cell; this is the interpretation of objectivity that I find most persuasive. Strictly, I think objectivity can be secured on any cognitivist view other than subjectivist error theories like Mackie's. The relevant sense of objectivity has to do with our ability to make comprehensible, judgeable claims about goods, and this ability is directly what cognitivism establishes.³⁹ So value pluralism could be taken to be either realist or

³⁹ I have found persuasive and helpful arguments for cognitivism, and critiques of non-cognitivist views, by Philippa Foot (2002, 96-131), Jürgen Habermas (1990, 43-115; 1993, 19-112), and Hilary Putnam (1990, 142-162).

Table 2: Typology of Metaethical Views

	Realist	Constructivist	Subjectivist/Anti-Realist
Cognitivist	Platonic theories, Natural law theories, ⁴⁰ Contemporary realists such as Russ Shafer-Landau, David Wiggins, and David Owen Brink ⁴¹	My interpretation of value pluralism, Habermas's discourse ethics, Rawls's Kantian constructivism ⁴²	Mackie's error theory ⁴³
Non-cognitivist	∅	Nietzsche, ⁴⁴ Foucault, ⁴⁴ Bernard Williams ⁴⁵	Emotivist views such as those of A. J. Ayer and C. L. Stevenson ⁴⁶

constructivist, since the objective external reality to which our ethical beliefs refers may be construed in either a realist or a constructivist way. My own interpretation is

⁴⁰ This category includes not only the classical natural law views of Aquinas and others (2006, I-II, QQ. 90-97), but also the so-called "new natural law" of John Finnis (1980) and Robert George (1995; 1999).

⁴¹ See Shafer-Landau (2003), Wiggins (1998), and Brink (1989).

⁴² See Habermas (1990; 1993; 1996) and Rawls (1996; 1999a, 303-358).

⁴³ See Mackie (1977).

⁴⁴ See Nietzsche (2000, 179-436 ("Beyond Good and Evil"), 437-600 ("On the Genealogy of Morals")) and Foucault (1984, 32-100).

⁴⁵ Bernard Williams's views are somewhat hard to pin down, but I think this interpretation is plausible. Non-cognitivism may be inferred from his internalist interpretation of moral reasons (1981, 101-113), and constructivism may be inferred from his contrast of the "absolute conception of reality" proper to physics with the more local claims to truth proper to ethics (1981, 132-143; see also 1978).

⁴⁶ See Ayer (1952) and Stevenson (1944).

constructivist, because I find this account of the status of goods more persuasive than a realist one.⁴⁷

The last of the four main claims of value pluralism, that goods may be incommensurable to one another, is particularly difficult to pin down. For this reason, I will postpone the discussion of this condition until Chapter Three, which will be devoted exclusively to the concept of incommensurability and its implications for practical reasoning.

It remains to discuss the two additional loci of ambiguity and where my interpretation stands on them. As I said, the concept of incommensurability will receive a more detailed treatment in Chapter Three. So the second locus of ambiguity, relating to the implications of incommensurability for the rationality of practical choices, will be addressed in the course of that chapter. For now, I will forecast that I endorse a rationalist interpretation, specified through a particularistic understanding of practical reason.

On the question of the scope of value pluralism, I think that value pluralists ought to take more seriously the possibility that incommensurability rules out general priorities that we could be confident would hold across all cases. While there may be a set of harms that a minimally decent society must not inflict, value pluralism may not be able to supply general normative priorities that could serve as a basis for an account of the best

⁴⁷ I believe the key issue here is the realist insistence that values are independent of human agents. But to my mind, this condition cannot survive the question of whether there would be values leftover if we imagined a world without human beings and their social formations. It is hard to imagine what values there would be without valuing agents to recognize and affirm them; the practice of valuation is itself constitutive of what values are. The realist wishes to secure an objectivity for values by asserting their independence from human recognition; that way, no one is free to negate a value simply by refusing (or failing) to recognize it. But the only condition necessary for the objectivity of values is that they be external to agents, and it is possible for values to be *both* external *and* constructed. A constructivist cognitivism establishes the external status of values without resorting to the implausible view that they are independent of human agency and recognition.

regime. This does not mean that some regimes cannot be found to be better than others, or that any minimally decent regime is beyond criticism. Rather, it means that regimes, although they may consistently promote certain goods, cannot be said to be best because of their promotion of those goods, since there is an enduring possibility that in a given situation of conflict, these goods will be outweighed. More importantly, incommensurability rules out a general lexical ordering of goods such that a regime may be structured to promote that lexical ordering. There is an inescapable problem of priority that casts serious doubt on the project of justifying or grounding liberalism or any other regime or normative system on value pluralist grounds.⁴⁸

To help situate my own understanding of value pluralism vis-à-vis the views of the four main theorists, I have reproduced below the organizing table from §2.3, with an added line for my own view (Table 3). In the next chapter, I will dwell a bit longer on the slippery concept of incommensurability, giving a more precise definition for my own interpretation of it, as well as laying out some of its implications for practical reasoning. As I will argue, I believe incommensurability is compatible with particularist modes of practical reasoning, but not with specifying general, abstract priorities among goods. Once the ground-clearing definitional work is concluded, I will proceed to my critical treatment of the four main theorists' political views (Chapter Four), and on to my own understanding of the political implications of value pluralism (Chapter Five).

⁴⁸ I specify this problem more fully in my critical treatment of value pluralist arguments for political views, in Chapter Four. I also lay out my own approach for addressing the problem in Chapter Five.

Value Pluralist Theorists

Table 3

Areas of Ambiguity

	Moral-Practical/Societal Groupings Conflation	Scope of Incommensurability	Meaning of Incommensurability and Implications for Rationality
Berlin	Conflated	Moral minimum specified by “human horizon”; Prioritization of freedom of choice and toleration	Unclear, probably rationalist
Galston	Conflated, but with vague account of relationship	Moral minimum specified by Hampshire-Hart “minimum content of natural law”; Prioritization of diversity	Rationalist, practical reasoning via “presumptions”
Gray	Conflated	Universal values; Prioritization of Hobbesian peace	Anti-rationalist, pluralism leads to “radical choice”
Crowder	Conflated, but with claim that former implies latter	Universal values; Prioritization of autonomy and other virtues	Rationalist, incommensurability involves “unrankability” but not incomparability
Bourke	Distinguished; Moral-practical theory favored	Avoids priorities; Context determines whether options are incommensurable	Rationalist; Particularist modes of practical reasoning

3: Incommensurability and Practical Reasoning

In this chapter, I will address a serious problem facing political theories that take value pluralism as a point of departure. Coming off the discussion of the meaning of value pluralism in Chapter Two, there are remaining ambiguities relating to what the concept of incommensurability means and what its implications are for practical reasoning. Incommensurability is a uniquely important concept within the moral-practical theory, and it warrants extended attention. Not only is it an especially difficult concept to define clearly, it also raises important obstacles for political theorizing. If goods or values are sometimes incommensurable, it is hard to see how we could identify or construct normative priorities among incommensurable values. Yet this task seems essential to making positive,¹ determinate arguments in political theory. A deeper problem may emerge with respect to incommensurability's implications for deliberation and practical reason, which in turn pose problems for political theory. Many philosophers have worried that admitting the possibility of incommensurability may undermine our ability to reason about practical matters at all. If this worry were well-founded, it would mean not only that individual comparative judgments were arbitrary and groundless, but also, by extension, that the possibility of doing practical philosophy—including political theory² and ethics—is profoundly thrown into question.

¹ The sense in which I'm using "positive" here should be understood as opposed to "critical" or "undermining."

² Some readers may want to know just what conception of political theory I have in mind when I suggest that a challenge to the possibility of practical reasoning may also involve a challenge to political theory. I certainly do not think that this challenge encompasses all the professional activities of academic political theorists. The part of political theory that is concerned with historical scholarship is probably not at issue here; at least, I see no obvious reason to think that a challenge to the possibility of practical reason could call into question evidentiary standards in the

I will be arguing here for an interpretation of incommensurability that avoids this result, and thus I will clarify what exactly incommensurability means and what its implications for practical reason are. But first, it is important to sketch what the source of the worry about incommensurability is. It starts from the claim that in order to reason about what to do, we need to be able to form sound comparative judgments about our alternative options. Practical reasoning then involves determining how to rank choices as better or worse (or equal). A common interpretation of this process holds that such comparison is only possible when options are commensurable, that is, when there is some relevant common term by which they can be rendered, which in turn generates a quantitative comparison.³ A rational choice is the one that maximizes the quantity of the commensurating value. This type of reasoning is reflected in many ordinary decisions; much prudential reasoning seeks to maximize, for example, financial gain, or pleasure, or leisure, or whatever the case may be. But clearly this account of practical reasoning depends on the commensurability of goods. Although this commensurability need not involve just one single commensurating value (such as pleasure or utility), it at least requires that, for any two options, there is some commensurating term that is relevant to, and capable of governing, the choice between them. If goods are incommensurable (and

interpretation of texts. So the rationality of that particular enterprise would not seem at issue. Nor is there much reason to think that philosophy in general is at stake, or the canons of logic. But I do think that political theory as a normative enterprise, inasmuch as it involves arguing about collective commitments and projects, would be disturbed if it turned out that practical reason were threatened by incommensurability.

³ When I say that these comparisons are quantitative, I do not mean that they can be given cardinal values—this is quite rare. Rather, I mean that the comparison invokes considerations of more or less with respect to some common term, which may be arranged ordinally rather than cardinally.

pretty much any interpretation of “incommensurability” will carry this result), then this condition cannot be met.

This worry is very significant for value pluralist theory. The thesis that goods or values may be incommensurable is at the very heart of what value pluralism says, as it was first sketched by Berlin and as it has been developed by others.⁴ And those sympathetic to value pluralism cannot simply dismiss the worry by writing it off to a misguided understanding of practical reason. For the account of practical reason sketched above, in various forms, is a very prominent view in contemporary decision theory and social science. It would be cavalier to simply dismiss it. And even if there are good arguments against certain accounts of practical reasoning centered on maximization (as I think there are), the more basic claim at the core of the worry has to do with the possibility of arriving at comparative judgments of better or worse. The claim that practical reasoning is at least partly about making such judgments seems right, or at least hard to deny. And it is a fairly common assumption that these judgments cannot be made sense of where the options they cover are not commensurable in some way. Thus the worry about incommensurability amounts to a very serious challenge to value pluralism’s viability as a theory.⁵

The question about the rationality of choices under conditions of incommensurability thus presents a major stumbling block to the project of specifying a politics inspired by value pluralism. It is hard to see what the political implications might

⁴ See Chapter Two, particularly §§2.1-2.3.

⁵ The recent work of Ronald Dworkin poignantly expresses this challenge (Dworkin 2000; 2001; 2011). The title of his new book, *Justice for Hedgehogs*, alludes to one of Berlin’s famous metaphors associated with value pluralism. Here, Dworkin advances a direct challenge to value pluralist views, identifying his own theory as a competitor.

be of a view that so seriously challenges the possibility of making reasoned choices in practical life.⁶ If the worry is correct, then, we might be tempted to conclude that value pluralism is a non-starter in political theory, and while talk of incommensurability may be exciting and enticing, it ultimately won't take us very far. That is, the worry about incommensurability may supply a *prima facie* reason for rejecting value pluralism as a starting point for political theorizing.

However, I think this conclusion is too hasty. To accept it would be to allow the skeptic about incommensurability to define the terms in favor of a competing view. But I wish to argue here that, given the right interpretation, incommensurability does not pose the threat to practical reasoning that the skeptic would have us believe. Moreover, clearing up this matter gives a new lease on life to the project of a value pluralist political view. As I will argue, not only does showing the compatibility of incommensurability with practical rationality evaporate concerns that a value pluralist political theory can't get off the ground, it also provides the raw ingredients for the content of a value pluralist politics. The understanding of deliberation that value pluralism generates can itself inform a vision of how political life ought to be arranged. Thus, developing an interpretation of practical reasoning about incommensurable alternatives serves as a prolegomenon to formulating a value pluralist political view.

⁶ I suppose it is possible to hold the view that politics is a completely irrational clash of irreconcilable groups, whose contests are marked by passion and rhetoric as opposed to reason, and that this might be called a theory of politics. Whatever the descriptive merit of such a claim about the nature of political life, the extreme version of this view—that reasoning plays *no* part whatsoever in collective life—is quite implausible. And even if the view were correct, this would not affect my larger point that the *enterprise of political theory*, understood in terms of *making normative arguments* about what our collective aims and commitments ought to be, would be threatened by a breakdown of practical reason.

My argument will proceed in two main stages: a discussion of what incommensurability means, and an examination of its implications for practical reasoning. In §3.1, I first discuss some ideas that have been proposed either under the label “incommensurability,” or in connection with it, that I wish to reject. I have two main opposing views in mind here—the notion of incommensurable conceptual schemes (or paradigms), and the condition of incomparability, which some authors identify with incommensurability (3.1.1-3.1.2).⁷ These competing ideas *do* in fact warrant the worry about practical rationality, but the interpretation of value pluralism that I offer does not define incommensurability in these ways. By considering and ruling out these alternative understandings of incommensurability, I start to hone in on my own definition. I insist on the point that the incommensurability thesis, as I understand it, does not deny that options can be rationally evaluated at all, but rather denies that a particular *way* of bringing options into relationship is available. The question that this raises is whether there may be other rational ways of choosing between options that do not depend on commensurability. The pluralist view, then, aims to identify such modes of practical rationality; it questions whether (as the popular view sketched above would have it) commensurability is the *conditio sine qua non* of practical rationality. After elaborating my own definition of incommensurability (3.1.3), I briefly sketch some of the evidence that incommensurability is in fact a real feature of our practical life (3.1.4).

The second section of the chapter takes on the worry about practical rationality directly. Once we are equipped with a proper understanding of incommensurability, some

⁷ This distinction will be clearly laid out below.

of the worst fears of incommensurability-alarmists start to dissolve. However, it is not enough to simply point out that the implications that incommensurability had been charged with do not actually follow from certain interpretations of the concept. The case in defense of incommensurability would be greatly helped if there were intelligible, recognizable forms of practical reasoning that could be shown not to depend on commensurability. We need not say that commensurability never obtains or that tools of practical reasoning that rely on it are not really part of practical reasoning—such a claim would be much too strong, as well as wildly implausible. It is merely enough to show that these tools do not form a *complete* description of practical reasoning, that we do in fact have resources for making reasoned choices at our disposal when we come up against incommensurable options. In this section, I start with a basic intuition about the possibility of practical reasoning about incommensurable alternatives (3.2.1). The intuition is that we have engaged in reasoning about our choices when we are able to give an intelligible account of them. I claim that we are able to do this when choosing between incommensurable alternatives, as well as when our options are commensurable. I then fill out this intuition by elaborating a bit on how we can give accounts of our decisions involving incommensurables (3.2.2). The aim of this sub-section is not to provide a full-blown theory of what practical reason is—a task that philosophers have struggled to achieve. Instead, I want to lay out some conceptual resources for thinking about how reasoning about incommensurables is possible, as well as to sketch some illustrations that support this conclusion. The key concept here is what I will call a “consideration.” Finally, I ask why the commensurabilist view motivating the worry about

incommensurability has such a powerful hold on the ways we think about practical reasoning. I examine some possible explanations for this bias before concluding with some brief remarks about how the view presented here might be brought back to political theory (3.3.3).

3.1: What Incommensurability Is

When writing about value incommensurability, there is considerable difficulty in just getting clear about the meaning of the term. One of the reasons for this is that, throughout the many discussions of incommensurability in philosophy and political theory, the various participants often employ very different uses of the term, or seem to be driving at different ideas. Though at some point there is usually a riff on the literal, etymological meaning of the word—lack of a common measure—theorists tend to take this in many different directions. Thus, to the extent that the literature on value incommensurability can be characterized as a conversation, the interlocutors often end up talking past one another.⁸ Add to this the fact that “incommensurability” is a term of art in certain schools of thought in the philosophy of science, and has been used in discussions of relationships between cultures or traditions,⁹ and the opportunities for confusion abound.

⁸ I do not mean to suggest that there is no overlap between various usages, much less that writers on incommensurability are not in some sense motivated by similar concerns. I merely wish to point out that vagueness in terminology can leave a reader of this literature with fairly little sense of how to relate individual arguments and claims.

⁹ By, e.g., MacIntyre (1984; 1988). Charles Taylor also sometimes talks about traditions and cultures in this way (see, e.g., 1985; 1997).

In a way, I cannot help but continue the tendency in the literature to discuss incommensurability in ways that do not fully match up with what others have offered. But this is only because at this point, there are enough different views out there that it would be impossible to arrive at a definition of incommensurability that addressed or encompassed them all. But I do intend to at least be as clear as possible about what *I* mean by incommensurability, and to mark out my view from prominent alternatives. I also think this can move the discussion forward somewhat, in part simply by clarifying the different ideas under discussion, but also by offering reasons to reject certain interpretations of the concept.

In the following two sub-sections (3.1.1-3.1.2), I discuss two interpretations of incommensurability that I reject: paradigm incommensurability and incomparability.

3.1.1: Paradigm Incommensurability

A particular understanding of incommensurability associated with the views of Thomas Kuhn (1996; see also 1977; 2000) and Paul Feyerabend (1981; 1987) in the history and philosophy of science ought simply to be placed to one side.¹⁰ This is the view that conceptual schemes, or paradigms, are “incommensurable,” which in these contexts means that they are not intertranslatable, that is, concepts and sentences that have meaning in one paradigm have no meaning or equivalent in another. This is an extremely radical claim about the degree of difference between various ways of seeing

¹⁰ Others have pointed out that this sense of incommensurability is not at stake in discussions of the incommensurability of value (Chang 1997a); however, given how well-known this view is in philosophy and political theory, I think it is worth reiterating here.

the world.¹¹ On this view, a given conceptual scheme, or at least large parts of one, will be completely unintelligible to someone working within an alternative conceptual scheme. Kuhn uses this language to describe the radical transformations effected in the scientific view of the world during “revolutions,” such as the shift from a Ptolemaic conception of the solar system to a Copernican one, or from an Aristotelian understanding of motion to a Newtonian one, or again from the system of Newtonian physics to quantum theory and relativity theory. The changes here are at the level of the entire *gestalt* maps according to which the data of empirical observation are plotted and organized. But with such shifts in *gestalt* come radical transformations in concepts and terms—existing terms like “body,” “light,” or “energy” take on new meanings, while old terms, such as “entelechy,” “phlogiston,” or “ether,” become unintelligible, and new ones, like “inertia,” “electron,” or “quantum,” are introduced. According to this view, the incommensurability of paradigms means that different conceptual schemes are not intertranslatable. At the very least, this means that concepts (or sentences) from one scheme cannot be rendered in terms of the concepts (or sentences) of another; in other words, the radical difference and incommensurability of paradigms makes a given paradigm incomprehensible when viewed externally.¹²

This highly abstract theory about entire conceptual schemes may seem to have little bearing on the ethical questions with which value pluralism is concerned, but the view gets insinuated into these discussions when it is applied to *ethical* worldviews,

¹¹ In fact, this expression, “ways of seeing the world,” is already quite problematic for reasons that Donald Davidson (1973) has made clear. I briefly canvas Davidson’s arguments in note 17 in this chapter.

¹² The view is obviously a relativistic one—indeed, it is perhaps the most radical kind of relativism, i.e., relativism about truth.

traditions, cultures, or systems, as opposed to *theoretical* paradigms. Here the importation of the term is slightly out of place, for it is not the case that ethical beliefs of a given moral system have no meaning in terms of another, or cannot be meaningfully translated,¹³ but rather that the substantive contents of the ethical views are divergent. The claim would seem, then, to amount to the divergence of evaluative criteria across different ethical systems. The parallel to the Kuhnian view about conceptual schemes comes in the claim that ethical propositions can only be *assessed* according to the criteria of the system from which they originate or within whose context they are made. Just as the truth-value of sentences, or even their intelligibility, is referred, on the Kuhnian view, to the internal criteria of meaning of a conceptual scheme, so also, on the view that ethical-cum-cultural systems are incommensurable, the rightness or wrongness of actions and beliefs is referred to the internal standards of the system.¹⁴

¹³ It is hard to imagine such a situation—could it really be that propositions like “X is good” or “I have a duty to X” could not be *understood or translated* by people whose moral systems led them to the belief that these propositions were false? Perhaps it is claimed that central moral concepts in one system might not be contained in another; for instance, perhaps some culture never developed the concept of a duty, or (more plausibly) some philosophical system of ethics tried to get on without the concept. Even in such cases, though, it is hard to imagine that the *idea behind* what a duty is could not be suitably rendered in the internal vocabulary of the system—if we came up against insurmountable resistance to the translation of ethical propositions, I think we would be warranted in doubting whether we are dealing with an *ethical* system at all. At least, I am not sure how we could recognize a system *as ethical* that had no vocabulary, however different from our own, for expressing normative claims.

¹⁴ This ethical version of the Kuhnian sense of incommensurability is propped up, I believe, by a certain reading of Kierkegaard popularized by Alasdair MacIntyre (1967; 1984, 36-61; 1998, 138-144; Davenport and Rudd 2001). This reading targets Kierkegaard’s conception of various “stages of life,” which can be understood roughly as worldviews or points of view (Kierkegaard 1987; 1988). Kierkegaard’s contrast of the aesthetic, ethical, and religious stages as embodying different principles for governing action is presented by MacIntyre as offering no overarching frame by which to evaluate the various stages. Each one has internal criteria for right and wrong action (or choiceworthy action—the aesthete may be defined by indifference to moral judgments), but there is no external standpoint to take up between them. Kierkegaard’s alternative stages, on MacIntyre’s reading, can only be adjudicated by “criterionless choice” between them. In this way, the various stages can be seen as incommensurable, in a sense very similar to the one found in Kuhn. Thus Kierkegaard’s view—which, MacIntyre urges, is reflective of the general assumptions about ethical perspectives in our time, when the “Enlightenment Project” is in its death throes—dovetails with the Kuhnian understanding of incommensurability.

I have focused here on MacIntyre’s reading of Kierkegaard, but MacIntyre’s own views might also be a source of this use of incommensurability. Although MacIntyre appears critical of Kierkegaard’s apparent lack of rational standards for adjudicating between principles in *After Virtue*, we might wonder whether, as his own views

What bearing, if any, does this Kuhnian understanding of incommensurability have to do with the sense of incommensurability taken up by value pluralism? Not much. As other writers have noted,¹⁵ the focus of discussions of the incommensurability of values is at a different level, namely, that of the relation between alternative options in a situation of choice. The sense of incommensurability used in the Kuhnian view does not seem to have much traction here—what exactly would it mean to say that alternative options are not “intertranslatable,” or that they are only explicable according to “internal” criteria? Imagine that I am faced with a choice between, say, taking a walk in the park or reading at home on a given evening,¹⁶ and suppose for the sake of argument that these two alternatives are incommensurable. What help can the Kuhnian interpretation of incommensurability offer here? It seems nonsensical to say that the “meanings” of the two options cannot be understood from “outside” the options themselves. It is not clear that the Kuhnian sense of incommensurability has any place at all in the discussion of the relationships between options in situations of practical choice. Thus, so long as the question is about how options present themselves to choosing agents, and whether the relationship between those options is one of commensurability or incommensurability, then the Kuhnian conception seems irrelevant.

develop, MacIntyre does not end up with a very similar approach. I have in mind here MacIntyre’s focus on traditions as the sources of rationality (see esp. MacIntyre 1988; 1990), which suggests the conclusion that choices among traditions (were we to find ourselves in the curious historical position of making them) are criterionless. That is, if rationality is given by traditions, then it is hard to see how MacIntyre escapes the problem he pins on Kierkegaard of failing to give standards of reason for the comparison of worldviews. It would be an interesting study to trace MacIntyre’s engagement with Kierkegaard, beginning at least with his *Encyclopedia of Philosophy* article in the 1960s, as a source for his later views.

¹⁵ Such as Ruth Chang (1997a, 1), James Griffin (1986, 79, 336n12; 1997, 39-40), and Charles Taylor (1997, 170).

¹⁶ The example is adapted from Raz (1986, 328).

These reflections on the irrelevance of the idea of non-intertranslatability to the question of how options for choice related to one another suggests that the Kuhnian concept of paradigm incommensurability fits more naturally with the societal groupings version of value pluralism, rather than the moral-practical version that I have made my focus. The focus for paradigm incommensurability has to do with how members of different cultures, or adherents of different cultures or worldviews, can understand each other, if their ethical and other concepts are radically different. This problematic has more in common with the concerns of the societal groupings theory, with its focus on the differences that obtain among cultures, doctrines, worldviews, and ways of life. By contrast, the moral-practical theory is concerned with practical choices involving plural, conflicting, and incommensurable considerations. The concept of paradigm incommensurability will therefore not be of much use, and we must look elsewhere to understand what incommensurability means in value pluralism.¹⁷

¹⁷ The above remarks suggest that the Kuhnian interpretation of incommensurability is simply inapplicable for what I am talking about, and should just be left to one side. But there may also be good reason to go on the offensive against the Kuhnian view, in that it is liable to infect the discussion of incommensurability at the level of alternatives for practical choice. For one not only has to contend with the elision of the moral-practical and societal groupings theories; it may also be claimed that incommensurability among practical alternatives is just the *result* of incommensurability among ethical systems or cultures. That is, someone might argue that the sense of incommensurability that I have said is properly the subject of value pluralist theory is *reducible* to a Kuhnian type of incommensurability. (Indeed, this is precisely MacIntyre's claim in *After Virtue*, i.e. that the "confusion" of contemporary ethical discourse that leads us to posit incommensurability among alternatives is due to the fact that we have inherited concepts stemming from many rivalrous traditions. That is, incommensurability of the Kuhnian sort holds among ethical systems, and the appearance of incommensurability and pluralism in choice is merely due to the fusion of the real incommensurables, i.e. the moral traditions.) If we are to fully discount the Kuhnian view, then, we will have to do more than set it aside—we will have to argue that it would be a mistake to import it in the way I've described.

I think the clearest path to banishing the Kuhnian view is simply to point out that it doesn't make much sense. It is beyond my scope to take up a sustained, detailed analysis of these quite complex issues; fortunately, others have already raised problems for the Kuhnian position on the incommensurability of conceptual schemes that seem to me decisive. Donald Davidson, in a highly influential paper (1973), has shown the incoherence of the Kuhnian view. He offers a number of important arguments, such as that translatability into our language is a necessary feature of anything that we could possibly recognize *as a language* (or even as speech behavior), and that the dualism of differing conceptual schemes and a neutral, common world that they each differently organize is a "third dogma" of empiricism. Most importantly for my purposes, he emphasizes throughout his paper that the recognition of disagreement necessarily

3.1.2: Incomparability

Another important idea that surfaces in discussion of value incommensurability is that of “incomparability.” The idea is sometimes brought in as an interpretation of incommensurability, and thus used interchangeably with it, though many authors argue that the ideas are distinct. In this section I will give an overview of the distinction between incommensurability and incomparability as it is presented by Ruth Chang, whose work is admirably direct about these key definitions (1997a). I will then offer some reasons for rejecting the concept of incomparability as Chang presents it. However, I also take issue with Chang’s definition of incommensurability, arguing that she casts it very weakly in contrast to incomparability, and thus leaves out an important alternative sense of the term. I use this critique as a springboard for advancing my own

requires a very large area of shared understanding—I can only make sense of someone’s utterances which disagree with my own beliefs insofar as I can cast them against a background of general agreement in beliefs. Thus a common background of agreement is a condition of possibility for understanding a disagreement *as* a disagreement. *Contra* paradigm-incommensurability, then, we cannot say that disagreement obtains at all unless we acknowledge the degree of difference to be far less than the radical sort that the Kuhnian view assumes. The Kuhnian sense of incommensurability among ethical systems thus seems to be an incoherent view that ought not to be brought into discussions of the incommensurability of values.

It may be worth appending a general note about moral and cultural relativism broadly, regardless of the dependence of these views on claims about incommensurability. I wish simply to note that relativistic views are most effective and plausible when they appeal to *moral* arguments (openly or implicitly) rather than (as is often assumed) epistemic considerations. On their faces, two epistemic interpretations of moral relativism seem plainly wrong; it cannot be that we simply can’t make judgments about the moral beliefs or practices of other systems or cultures—we do so all the time—nor can it be that these judgments, being external, are not valid—for the mere assertion of this claim presents the same contradiction with which relativism is often charged, namely, that we could not assess such judgments as invalid without taking up the external standpoint that is officially repudiated. What remains is a moral argument for relativism—that we *should* refrain from making judgments about other ethical systems or cultures because doing so reflects respect for their autonomy or self-determination, or is a requirement of toleration, or some such claim. I think that one of the reasons for the persistence of relativism as a doctrine despite its theoretical incoherence is that we are mindful of these moral considerations—we worry about coming off as imperialistic or disrespectful. But again the moral version of relativism cannot be sustained, for if we ought to respect self-determination or communal autonomy then there is *at least one* valid trans-cultural norm, and thus we must admit that there are valid judgments made from outside particular ethical systems. But admitting this norm while maintaining an otherwise relativist view seems arbitrary.

understanding of incommensurability, which I believe fits neither term of Chang's distinction.

Chang's distinction is fairly straightforward. On her account, "incommensurability" is the lack of a common scale of measurement, whereas "incomparability" refers to the impossibility of comparing alternatives as better, worse, or equal. That is, where incommensurability holds, there is simply no *cardinal* unit with which to assign the alternatives precise numerical values; however, items that are incommensurable in this sense may still be subject to *ordinal* rankings. For Chang, incomparability is a stronger notion that only applies where no comparative relation is true of the alternatives; that is, A is neither better than, worse than, or equal to B.¹⁸ Importantly, incomparability does *not* obtain just in case we don't know, or have a hard time determining, which of these comparative relations holds. That is just uncertainty about the comparison. To say that two items are incomparable is to make a stronger claim, namely that we can positively affirm that neither is better nor worse than the other, nor are they equal in value.

Chang dismisses the incommensurability-as-lack-of-cardinality condition as relatively weak, and less philosophically interesting than incomparability. According to her definition here, this move seems sound; lack of a cardinal scale does not seem to be much of a threat to practical reason—we often make reasoned choices between alternatives without having recourse to precise numerical values to assign them. Chang

¹⁸ This definition reflects Joseph Raz's definition of incommensurability (Raz 1986, ch. 13). Raz often uses "incommensurable" and "incomparable" interchangeably. Further, I think that Raz's influential discussions go a long way in explaining the currency of the "incomparability" interpretation of incommensurability.

focuses, then, on the idea of incomparability, which indeed is a much stronger thesis. Chang argues that incomparability is a major threat to practical reason, claiming that if an option cannot be assessed as better, worse, or equal to another, then the choice between the two cannot be informed by reasons. This implication of incomparability motivates Chang's efforts to discount its possibility, which she advances by way of refuting common arguments in favor of incomparability and proposing that the appearance of incomparability is better explained in terms of "parity" or rough equality (1997a; 2002). Importantly, the problem arises because, on this view, comparative evaluation is the paradigm of practical reason; to have a reason to choose an option is to determine that it is better than competing options.¹⁹ Chang acknowledges that it might be possible to specify noncomparative considerations that can justify choice (a strategy that some defenders of incommensurability take up); however, she does not think that these are sufficient to overcome the problems that incomparability poses for practical reason. Some valid reasons for a choice may not be comparative—Chang offers the example that a "duty to one's family ... when properly understood, is not plausibly a comparison of the alternatives ... [but it] can be a justification of choice" (1997a, 12). However, Chang defuses this way out of the difficulty posed by incomparability by claiming that even noncomparative reasons have their force "*in virtue of* a comparison of the alternatives" (1997a, 12). Chang illustrates this point by way of examples of noncomparative reasons that lose their force if the options they support are comparatively worse than other

¹⁹ Strictly, it could also be equal to the alternatives. In this case, though, one does not lack a reason to choose—one simply has just as much reason to choose one option as another. Indifference may be a rational attitude when faced with truly equal alternatives.

options; for example, if I am choosing between going out to dinner and grading papers, I might think that the fact that it will be pleasurable is a reason to go to dinner. But that fact will not be a reason for going to dinner if it happens that grading papers will be much *more* fun.²⁰ Chang thus claims that the justification of choices, even where apparently noncomparative reasons seem to hold sway, depends on the comparison of alternatives.

Chang's point about the ultimate dependence of all reasons for choice on evaluative comparisons seems to me a bit opaque. In particular, I am not sure that we could successfully reinterpret all of the candidate models of noncomparative justification in this way. Consider Chang's duty illustration, for instance.²¹ Suppose I choose in favor of a given course of action because it fulfills a duty that I have. However, let's say that the foregone alternatives would have defeated the action required by the duty if there were a straight comparison of them in which the duty did not figure. As an example, imagine that I have become intensely alienated from the religious beliefs and practices of my parents, such that I find them unbelievable and hollow, and the thought of observing or participating in them is distasteful to me. But suppose that I ought to attend a particular important religious ceremony out of a duty to my family (say, for the sake of argument, that my apostasy has not led to my estrangement and that I remain a loving son committed to family life—perhaps I have kept my loss of faith a secret). Now suppose

²⁰ This is a paraphrase of Chang's example (1997a, 12).

²¹ Chang discusses duty in explaining her point about reasons being reasons *in virtue of* comparisons; however, her example is of two alternatives fulfilling a given duty to different degrees. Keeping a promise to attend my uncle's funeral better fulfills my duty to keep promises than does keeping a promise to go to a friend's wedding, Chang claims (1997a, 13). However, I do not think this example tells us much about cases where duties are invoked as reasons for action, but are not being compared to other ways of fulfilling the same duty. In particular, what about cases where we choose in favor of a duty, even though our alternative options might be better on a number of dimensions?

that if I were to skip the ceremony—an all day affair—I could spend my time in a number of very attractive ways. For instance, I could do something very pleasurable and uplifting, like see a concert featuring the work of my favorite composer, or I could do something productive and useful to my career, like read some of the latest scholarship in my field or work on my writing. If these illustrations do not seem convincing, fill in the details differently—what matters is that my choice be one between a bad option that is sanctioned by a weighty duty, and a much better option that does not have any duty behind it. It seems that in such cases the duty may be the more compelling reason even though the choice it justifies might not be justified by a comparison of the alternatives.²² This example illustrates the possibility of having noncomparative reasons for choice, so some dimensions of practical reasoning do indeed survive incomparability.

Nonetheless, I do think Chang’s concern about incomparability’s threat to practical reason is partly justified; however the case may be with respect to noncomparative justifications, it is unlikely that, if incomparability were pervasive, noncomparative reasoning could step in and resolve the matter in every case. We should expect there to be a residuum in which practical reason breaks down, no matter how robust our resources for noncomparative reasoning. The incomparability interpretation of incommensurability, then, ends up justifying the worry that I sketched at the outset of this

²² One might object that the presence of the duty makes that option better. However, I think this involves the mistake of thinking that being *more choiceworthy* is the same as being better *in terms of a substantive comparison*. But “choiceworthiness” is an empty catch-all; it does not establish or describe any meaningful relationship between the alternatives. It merely reports that there are reasons to choose in favor of an option, without telling us anything *about* those reasons. As Chang argues, comparisons only make sense when understood as being made *with respect to* something (what Chang calls the “cover value” of the comparison). In the example I sketched, there is no cover value with respect to which the duty is better, yet it may still be a justification for choice.

chapter. For if some goods are incomparable, and comparison is an ineliminable requirement of practical reason, then incomparability does indeed threaten the possibility of practical rationality. The alternative sense of incommensurability suggested by Chang, the absence of a common cardinal unit, is not a compelling alternative. As Chang rightly notes, this phenomenon is rather uninteresting philosophically; we should not be surprised to find cases of it, and it doesn't pose any serious problems for practical reason.

3.1.3: My Definition

Happily, though, Chang's distinction does not exhaust the possible meanings of incommensurability. I wish to claim that another sense of incommensurability is available, which is robust enough not to be banal or trivial like non-cardinality, yet can meet the objection that incommensurability undercuts practical reason. It is not that incommensurability must imply that there is no way of rationally adjudicating between options. Rather, it is a denial of a certain *model* of how the options relate to one another—namely, that options that can be made subject to rational deliberation must share some common element, such that they can be compared quantitatively in terms of whether they have more or less of that element. On my view, incommensurability challenges the idea that practical reasoning is just a matter of quantitative maximization. The value pluralist claim is that such modes of reasoning will not always be appropriate. Certain types of choices cannot be decided through maximization, but this does not mean that we cannot reason about them at all. Against the maximization model, then, we may formulate the definition of incommensurability as follows:

Incommensurability obtains when two or more alternatives in a situation of choice or judgment lack a common value element that could serve as a decisive reason for choice.

The language of “value elements” reflects the fact that alternatives are often evaluatively complex. The incommensurables are the various considerations attached to the alternatives, rather than the options themselves considered as discrete wholes. Considerations in situations of choice or judgment may be regarded as the value-bearing “elements” into which the options themselves may be broken down.²³ It is also important that the definition include the qualification about decisiveness as a reason for choice—it may be that two options share *some* things in common, but the point is that these common elements do not justify a choice in a given context. Thus two options may both involve some pleasure, and one may promise more pleasure than the other, yet the choice situation may be such that the question “how much pleasure will I get?” is simply irrelevant, or at least not decisive. For example, say I am choosing between having a philosophical discussion with a friend who is struggling to work out a thorny problem in her work, and, on the other hand, enjoying a highly entertaining movie alone. I will get pleasure from both activities, but the former promises to be helpful to my friend as well. To avoid an objection here, let me stipulate that helping my friend is an intrinsic value for me; I do it not because it gives me pleasure or serves some instrumental purpose, but because I value this friend and the relationship we have and thus have a non-reducible desire to help her when I have the opportunity. I would say that the options are

²³ I will say more about “considerations” in §3.2.

incommensurable in the sense I've offered. It is not that helpfulness-to-my-friend is a common element that both share, but the one has more of. And though they may have other valuable features in common, like pleasure, these are not decisive. Crucially, I do not justify my choice in terms of which option had the most valuable stuff in it.²⁴ Thus, the proper target for incommensurabilist views is not comparison as such but *maximization*; on this understanding of incommensurability, we ought to look to non-maximizing accounts of practical rationality.

I have summarized some of the key differences between paradigm incommensurability, incomparability, and my own definition in Table 4 below.

3.1.4: Is there Evidence for Incommensurability?

Before exploring some possibilities for how this version of incommensurability is compatible with practical reasoning, I should briefly discuss some reasons for believing that some values *are* incommensurable in this way. There are a number of arguments for incommensurability out there; here I will only focus on a selection of what I take to be the most important and prominent ones. First I will briefly discuss some considerations that are sometimes mentioned in connection with incommensurability, but which I think are somewhat out of place and do not give very much evidence for incommensurability—namely, instances of tragic moral conflicts. Then I will consider two more promising

²⁴ Suggesting that really what I have done is maximize something like “preference-satisfaction” seems to me a rather desperate move. “Preference-satisfaction” is substantively empty and rather *ad hoc* (couldn't any observed behavior be described this way?). Moreover, the decision-theoretic use of this concept tends more towards description than prescription; it takes an agent's preferences as predetermined and uses them to predict (or explain) behavior. But what we are interested in with respect to practical reason is precisely how one forms a preference for one option over another (see Henry Richardson's excellent discussion, (1994, esp. 89-103)). The question is about what I have reason to prefer, not whether I have “rationally” acted such as to maximize the satisfaction of my already-arrived-at preferences.

Table 4: Competing Definitions of Incommensurability

	Corresponding Version of Value Pluralism	Compatible Modes of Practical Reasoning
Kuhnian Paradigm Incommensurability (Non-Intertranslatability)	Societal groupings theory	None; Anti-rationalist
Incomparability	Moral-practical theory	Non-comparative modes of reasoning
My Definition of Incommensurability	Moral-practical theory	Non-maximizing modes of reasoning; Particularistic modes of reasoning ²⁵

families of argument. The first focuses on the irreplaceability of goods and on the preconditions of certain value-attitudes like grief; the second focuses on the plurality of goods itself. While neither of these groups of arguments are without problems, and neither of them presents an incontestable basis for incommensurability, I think that they show that the thesis that some values are incommensurable is more plausible than the alternatives. That is, it offers a more compelling explanation of our practical life, one that makes good sense of the appearances and does not require their systematic reinterpretation (as I think a commensurabilist view does).

²⁵ The connection with particularistic reasoning will be brought out in §3.2.

The claim that the existence of tragic conflicts in moral life shows that values (specifically, the values at stake in the conflict) are incommensurable surfaces fairly often in discussions of incommensurability.²⁶ The idea here seems to be that tragic conflict, that is, when an agent must choose between two options, both of which would involve loss,²⁷ shows that the values involved were incommensurable. The logic of this claim is that if values are commensurable, then we would not face tragic dilemmas of this kind; the maximization-strategy simply identifies which alternative is best (or least bad) with respect to the commensurating term, and the loss vanishes because the foregone alternative represented only a lesser amount of the same good. This point is frequently illustrated with the example of money—if one had to choose between \$50 and \$100, it would be odd to see the foregone money in terms of “loss.” According to this argument, a commensurabilist position thus defuses tragic conflicts into much more manageable, comfortable choices.

This argument is not especially compelling. I think it trades on the fact that pluralists emphasize tragedy, but it mistakenly views this point in connection with incommensurability, when it is more plausibly read as an elaboration of the claim that conflicts among goods are a permanent possibility. Pluralists emphasize tragedy in order to register that these conflicts may be quite deep. But an emphasis on tragedy does not require incommensurability to make sense. This can be readily seen if we consider a

²⁶ The most direct and sustained discussions are in Nussbaum (1986; 1990b) and Sunstein (1994). Tragedy is frequently mentioned in Berlin’s writing (see, e.g., 1990; 2002), and it also seems to be the aspect of Berlin’s view that Bernard Williams latches onto most enthusiastically (Williams 1981; 1993; 2001; 2005). However, I think Berlin’s and Williams’s discussions of tragedy are more plausibly read as illustrating other features of the value pluralist views that they hold (in terms of the four main claims listed in Chapter Two, tragedy better illustrates plurality and conflict).

²⁷ This paraphrases Nussbaum’s definition (1986, 27).

certain kind of tragic conflict, namely that in which one is faced with two bad options. This conflict is tragic in that one cannot help but do wrong, no matter which choice one makes. There may be a clearly better choice, but it nonetheless involves some wrong or harm. Such instances are certainly at least one kind of thing we have in mind when we talk about “tragic choices.” But these phenomena are perfectly compatible with commensurability. Two options may be commensurable, yet both of them may involve some wrong. Even though commensurability would allow a relatively straightforward procedure for determining which option to choose, it does not erase the fact that there is wrong involved either way, and that there will be loss no matter how one chooses.²⁸

So the tragedy argument, despite its currency, does not really help the case for incommensurability. I mentioned two families of arguments that might reinforce the plausibility of the incommensurability thesis. The first of these included claims about irreplaceable goods and the rationality of certain attitudes and emotions in instances of loss. These arguments bear certain family resemblances to the tragedy argument,²⁹ but they are distinct from it—and more importantly, they do in fact provide support for the

²⁸ For example, suppose a hijacked passenger airplane, laden with explosives, were on a kamikaze course to crash into the heart of a major city. A head of government in such a crisis is forced to choose between shooting down the plane before it reaches its target, but in the process killing the innocent passengers on board, and inaction, which will result in many more deaths when the plane explodes in the heavily populated city. The choice is one we would not hesitate to call tragic, and in the sense identified above, where each option involves some wrong. But the alternatives are also clearly commensurable, at least in terms of the number of lives saved or lost, and shooting the plane down clearly seems to be the better choice. Thus, in this instance anyway, tragedy does not involve incommensurability.

Of course, not all tragic conflicts will be between commensurable alternatives, and this may explain why some theorists have been drawn to them as evidence of incommensurability. It is not obvious that Antigone’s choice between honoring the gods and honoring the state (while, in that most bizarre of families, fulfilling conflicting duties to relatives in either case) involves commensurable alternatives. A similar point could be made about Agamemnon at Aulis. These are cases of tragedy in the same sense (where wrong is committed in either case), but may more plausibly be seen as involving incommensurable alternatives. The point, however, is that tragedies can occur both when the alternatives are commensurable and when they are incommensurable. Thus the argument that tragedy demonstrates the existence of incommensurability is flawed.

²⁹ In fact, Nussbaum and Sunstein both advance arguments of this type in tandem with their arguments about tragic conflicts.

idea of incommensurability. Here the argument is that a belief in incommensurability is required in order to make sense of the thought that some goods are irreplaceable and cannot be substituted for. If goods are commensurable, then their relative value can be assessed according to a common term. Thus they can be, however imprecisely, “plotted” against one another in terms of quantity, as if on a number line or graph. If this is the case, then in principle it is possible to mark out goods as equivalents, according to the value of the “commensurans.”³⁰ Thus any lost or foregone good can be, in principle, “replaced,” in that an equivalent good can be found that carries just as much value as the original. But we rightly regard some goods as irreplaceable, such that no other good would offer us the same value, or be valued by us in the same way. This condition seems to apply to the way we think about particularized attachments, such as to loved ones like spouses and children, or to friends. The loss of loved ones in our lives gives rise to the feeling that our lives will not be the same as they were, and, more importantly, that they never could be the same. Even if one remarries after the death of a spouse, or has other children after a child dies from some disease or tragic accident, we retain the conviction that, although these new loved ones are independently valuable and may be sources of much happiness, they nonetheless do not “replace” those who were lost. But this conviction cannot be right if, via commensuration, some equivalent for the lost good could be found. Even if there were no actually existing good that could serve as a replacement, this could not support the judgment that the good was irreplaceable, because

³⁰ Henry Richardson (1994) uses this term to denote a commensurating term. Although I wish to avoid excessive use of jargon, this expression is less clumsy than using “commensurating term” over and over.

commensurability implies that, in principle, it would be possible to replace the good if one could find something of equivalent value. Thus, incommensurability is required to make sense of our intuitions regarding the irreplaceability of certain goods.

Martha Nussbaum's use of this argument has been criticized rather sharply by James Griffin (1986; see also 1997, esp. 36-38). Griffin acknowledges Nussbaum's insight into our attitudes towards people and goods that are irreplaceable, but denies that anything follows from this point about the incommensurability of values. Here is Griffin:

On the face of it, commensurability implies replaceability. But clearly some objects are uniquely valuable, beyond substitution or compensation. Without such objects certain central human emotions would not even make sense. One could not grieve for a loved spouse or child, if every lost object could be replaced. ... None of that, I think, can be gainsaid. ... But we must steer clear of type-token confusion. The prudential value is *deep loving relationships to particular persons*. It can be realized, of course, only in a relationship to this or that particular person. The particular person cannot be replaced, but the prudential value can have a new instantiation. If a particular loved person dies, *he* is dead, and his life cannot be lived by anyone else. But when a child dies, the parents might have another child whom they would not otherwise have had. Or when his wife dies, a man might remarry. And these new relationships can enrich one's life as much as the old. It does not destroy grief that one can love again, or that the new love be as valuable as the old [*sic*]. Indeed, an inability to love again itself destroys grief by focusing not on what is lost but on one's own suffering. The irreplaceability of individuals is not the incommensurability of values (1986, 337-338n18).

Griffin levels a powerful charge here, ceding to Nussbaum her insights about the nature of particular attachments, but questioning the validity of her inference that this demonstrates something about the nature of values. Griffin's point seems fairly straightforward: the person whom one regards as irreplaceable, because of a certain

relationship one has, is not the same as the value that is carried by the relationship. That value, Griffin claims, can in principle find other bearers, and the experiences of many who have suffered losses yet gone on to have satisfying lives shows this.

In my view, both Griffin and Nussbaum overstate their cases somewhat. Griffin's account of the source of value in a particular attachment seems too abstract and detached to fully capture what it is to love someone. Can it really be maintained that love for someone consists in the recognition that they provide a vehicle for the value of "deep loving relationships to particular persons"? This seems a view that only a philosopher could hold. It is more natural to say that, when we love another, what we hold dear is *that person* him- or herself, and not the way in which they realize some abstract value. That is to say, the phenomenology of loving relationships would seem to be at odds with Griffin's account of the source of their value. Of course, Griffin may have a more limited point; it may be that, on reflection, most people would endorse the view that part of what we value in those we love is that they bring an important dimension to our lives, that of having loving relationships to particular persons. But Griffin takes the point too far in saying that the value of the loved one is *merely* a token of this type. It seems more plausible to say that, in order for our attitude towards someone to count *as love*, then no matter how much of the value of the relationship may be explained in terms of abstract values, there must be some residuum left over that cannot be so accounted for, that simply *is* the unique, individual beloved. Here, the person and the value are one and the same. If this is right, then the irreplaceability point does give some support to the incommensurability thesis. However, it should be conceded that Griffin's point provides

an important corrective to what comes across in Nussbaum as too strong a position. Nussbaum's formulations sometimes suggest that irreplaceability is far more prevalent and extreme than seems plausible. For instance, she writes "[Aristotle's doctrine of] noncommensurability says, Look and see how rich and diverse the ultimate values in the world are. Do not fail to investigate *each valuable item, cherishing it for its own specific nature and not reducing it to something else*" (1990a, 82, emphasis added). But this position seems severely out of joint with a whole host of quite reasonable attitudes to various valuable items. For we ought not to take the idea of irreplaceability so far as to think that *everything* is irreplaceable—it is obvious that some things are replaceable. The most evident example would be things like consumer goods, which, it cannot be denied, are valuable. The pleasure of eating *this* apple is not reasonably regarded as irreplaceable, even if *that* apple is not precisely the same in terms of its good-making qualities, like crispness or sweetness.³¹ So although we rightly regard certain things as irreplaceably valuable, and this does provide evidence for incommensurability, we ought not to be misled into taking the irreplaceability view too far. No matter how robust a form of

³¹ Although note that not all use objects are like this. The hand-crafted, artisanal table more closely approaches irreplaceability than the mass-produced light bulb. Here, though, it is also important to register the complexity of the goods involved. The artisanal table is irreplaceable in terms of its aesthetic beauty and workmanship, but not necessarily in terms of its usefulness as a table. The example also has some interesting implications with respect to incommensurability. Note here that the point made above about loved ones would seem to apply to the artisanal table—it is irreplaceable and thus incommensurable in that no equivalent in value could be conceived. Yet, viewed in another way, there are important instances of commensurability here too. When compared to a mass-produced table, the artisanal table seems to simply be very much better on most dimensions—it is sturdier, better-made, more beautiful, and at least as useful. Thus, there are several areas of commensurability here, and they would also seem sufficient to determine a choice or an evaluation. I am not sure exactly what to make of this complexity, other than to note that it need not contradict anything I've said above. It may just be that judgments of incommensurability depend heavily on what the situation is and what sort of judgment one is making. It may thus be a simple matter to choose between an artisanal table and a mass-produced one (at least in terms of deciding which is the better table, if not which to buy, as this introduces budgetary considerations), while nonetheless other judgments, such as whether something could be replaced or has an equivalent, bring incommensurability to the fore.

incommensurability obtains in the world, it will not be the case that *every* good is irreplaceable. The thesis put forth by value pluralism is that *some* goods are incommensurable; it cannot be maintained that we never encounter commensurability at all.

A second family of arguments also provides some support for belief in incommensurability. Here, the argument posits a relationship between the plurality of goods and their incommensurability. The relationship is not one of strict entailment; it is not the case that incommensurability follows from plurality.³² There is no contradiction in the view that there are many different values but that they are all commensurable,³³ a doctrine of commensurability does not necessarily require the view that there is *just one* commensurating value. It could be that, for each pair of goods, there is some commensurating term, without that term being the same in each case. So we cannot argue that incommensurability is a logical precondition of pluralism. However, there does seem to be a relationship of mutual support here. Incommensurability, of course, cannot be true if monism is true,³⁴ so pluralism is required in order to make sense of incommensurability. And even though pluralism is logically compatible with commensurability, incommensurability would seem to offer a better interpretation of pluralism. This support consists in what we might call pluralism's *presumption in favor*

³² Critics of this argument (Chang 1997a; Griffin 1986; 1997) have observed that pluralism does not require incommensurability. But, as I will explain, I think the argument has merit even though it does not identify a logically necessary relationship.

³³ Note, however, that the reverse does not seem to be true—one could not believe in incommensurability and be a monist. If there were just one ultimate value underlying all goods, then what would it be incommensurable *with*?

³⁴ See note 31, above. Some might say that there can be one ultimate value—say pleasure, or well-being—that is nonetheless complex in ways that might allow for incommensurability. But such a view seems monistic in name only. The introduction of rich qualitative difference *within* the account of the single good is effectively an admission of pluralism.

of incommensurability. The view that there are many goods includes the claim that goods are *different* in important, qualitative ways. This means that for any given pair of goods, our baseline expectation should be that they are incommensurable; if they are basically different, then we should not be optimistic about finding a commensurating term that will adequately stand between them. We would rightly be skeptical that two *different* goods have sufficient value-elements in common to render them commensurable for the choice or judgment at hand.³⁵ So while it may turn out that two goods are commensurable, belief in pluralism informs a baseline presumption in favor of incommensurability. In this way, even though pluralism does not entail incommensurability, the two theses stand in a relationship of mutual support and reinforcement.

This line of thinking gives rise to an important and unexpected implication that makes the case for incommensurability much stronger. For a presumption in favor of incommensurability essentially *reverses* the implicit expectations underlying the objection to incommensurability with which I began this chapter. The worry that incommensurability undermines practical reason views it as a *breakdown*, a fundamental departure from normalcy. On this view, commensurability is what we should expect to find insofar as practical reason is operating well. But the observations above about how incommensurability should be the natural result when values are different and plural suggest the opposite approach. Here it is *commensurability* that appears as the exception

³⁵ I owe the inspiration for this point to a remark made by George Crowder at a panel we participated in at the 2009 APSA meeting. In response to an audience question about incommensurability, Crowder said that his work on value pluralism had led him to the conclusion that incommensurability is best understood as a way of expressing that values are different. That is, talk about incommensurability may be read as a particular way of interpreting the idea that there are many different goods.

and incommensurability the rule. We should be surprised when goods really do turn out to be commensurable. This seems to be a reasonable presumption stemming from taking pluralism seriously. And the commensurabilist will be at pains, I think, to defend a denial of the plurality of goods; to think that the various goods and values we encounter are different from one another seems an intuitive view. Efforts to redescribe our experience of plurality as misleading mere appearances, when in fact reality exhibits only a single value, seem quite strained. Indeed, the most plausible candidates for what that single value might be—hedonistic doctrines, say, or theories of well-being—quickly have to incorporate significant complexity into their accounts of the single good in order to seem at all persuasive. But this move, which introduces different kinds of pleasure or different dimensions of well-being, effectively concedes the existence of plural, different goods. Thus our reflections on the meaning of and evidence for incommensurability lead to serious doubts about one of the basic assumptions underlying the objection that incommensurability disables practical reason. The assumption that commensurability is or must be a basic, ordinary feature of practical choice seems unsound in view of the mutual support between incommensurability and the plurality of goods. Because incommensurability makes the best sense of the plurality of goods, and because it is a natural expectation arising from reflection on what plurality involves, we should in fact expect *incommensurability* to be rather basic to our experience. The commensurabilist objection thus has one important assumption knocked out from under it.

3.2: Deliberation about Incommensurable Alternatives

Now that it is a bit clearer what I mean by incommensurability, I will directly address the question of how practical reasoning is possible when we choose between or otherwise evaluate incommensurable alternatives. A significant part of this question has already been addressed by way of the definitional considerations above—the Kuhnian and incomparabilist accounts of incommensurability that I ruled out seem harder to square with practical rationality than the conception I settled on. Nonetheless, the case for the rationality of choices between incommensurables would not be complete without some positive reflections on how we may reason about incommensurables.

The above debunking of one of the underlying assumptions of the commensurabilist objection (namely, that commensurability is the “baseline” for practical reasoning) puts the commensurabilist in something of a bind with respect to defending a maximizing (or other commensurabilist) conception of practical reasoning. That is, if it is the case that our ordinary experience of plural goods supports a presumption that many pairs of goods are incommensurable, then the commensurabilist is faced with two distasteful options in order to salvage the account. For if plurality appears as a basic feature of our ordinary experience, *and* reasoning about what to do is also a basic feature of our ordinary experience, then the commensurabilist must deny or radically reinterpret one of these two features of the phenomenology of practical life. If the commensurabilist view is to be defended, then it must be maintained that *either* the diversity of goods never results in their incommensurability (a possibility that seems remote in light of the above

considerations), *or* we are thoroughly deceived in our belief that our practical choices are based on reasons. The original objection sought to affirm practical rationality by denying incommensurability, but this option seems less defensible in light of the evidence for incommensurability described above. Thus, retaining an account of practical rationality that requires commensurability would require us to say that many of our decisions are irrational, or rather arational.³⁶ While it might be possible to construct an error theory that would make some sense of this view, it seems more reasonable to first ask whether the conception of practical rationality that led to the result is well-founded.

By contrast, my aim has been to save the appearances on both counts. Thus, in order to fully defend incommensurability against the worry with which I started, I need to explore some ways of doing practical reasoning that do not depend on commensurability. My basic intuition here is that practical reasoning is present wherever we are able to *give an account* of why we chose one way or another. I will defend the claim that this is a basic mark of practical rationality, as well as the claim that it is possible to do this when faced with incommensurability. My argument in this section divides into three subsections. First, I will spell out in further detail this basic intuition about giving an account, clarifying what counts as an instance of this activity as well as how it may be present in choices among incommensurables (3.2.1). I believe the upshot of these considerations is that incommensurability ought not to be seen as requiring some special theory of practical reason—it is not only that there is no *one* way of reasoning about

³⁶ That is, if commensurability is a prerequisite for there to be reasons for choice, then cases of incommensurability do not result in irrationality in this sense that one does what one has reason not to do. Rather, the result is arationality—reason is simply silent about what to do.

incommensurables, but also that incommensurables can be grappled with rationally just as much as commensurables (though not always in the same ways). In the second sub-section (3.2.2) I try to fill out this intuition with some more detail. Giving an account may be specified in terms of what I call “considerations,” the basic units of practical reasoning and the carriers of incommensurability. The sketches of what practical reasoning is like provided in §§3.2.1-3.2.2 serve to illustrate how incommensurability is compatible with practical reasoning. Importantly, these sketches do not amount to a full-blown conception of practical reason, but are merely meant to illuminate reasoning about incommensurables. In the final sub-section (3.2.3), I briefly discuss some mistakes about practical reason that seem to me to lead to, or at least support, the idea that practical reason must proceed by way of commensuration.

3.2.1: The Basic Intuition: Giving an Account

The main claim that I defend in this sub-section is that we can reason about incommensurables, whether in choosing between them as courses of action to take or endorse, or in otherwise evaluating them. This issue is appropriately considered under the heading of practical reason, although since reasoning about incommensurables need not always be action-guiding,³⁷ it may extend beyond practical reason strictly construed as reasoning about what to do. I wish to approach the question by elaborating on a basic intuition about practical reasoning—namely, that a mark of the rationality of a choice or

³⁷ Other kinds of evaluative reasoning that I have in mind include reasoning about what attitudes to have or take up, what feelings are appropriate to have or display in given situations, what commitments to have or endorse, and considerations of character. None of these involves “action” in the ordinary sense. Nonetheless, even though I speak mostly about practical reasoning, I think much of what I say applies to these other forms of evaluative thinking.

evaluation is the ability to *give an account* of how one arrives at one's conclusions. We recognize a choice as being reasoned when the agent can explain why she chooses as she does, that is, when she can spell out the reasons that support her view. This is not to say that we recognize the choice as rational in the sense of being the correct choice—we may disagree with the agent, or think some other considerations are more powerful. The point is instead that giving an account is enough to qualify the agent as *engaging in reasoning*. Thus practically rational action is action that is chosen on the basis of reasons, though this does not necessarily imply that the reasoning behind the choice is unassailable. My claim about this process with respect to incommensurability is that we are just as capable of giving accounts of our choices when we are working with incommensurable options as when our options are commensurable. That is, choices involving incommensurables can be *explained* by the agent, even though her account will not rely on commensuration.

Against this intuition, it might be objected that the susceptibility of a choice to explanation is not sufficient to make that choice a reasoned one. There are presumably a number of different factors that could explain or account for a given choice that nonetheless are not good reasons for making the choice. For example, someone may choose how to act on a whim, or by following a blind impulse, or by flipping a coin. And these strategies could form the content of an explanation—i.e., “I did X because the coin came up heads,” or “I did X because I felt like it.”³⁸ So the objection charges that “giving

³⁸ Of course, some felt urges *do* constitute reasons for action, as thirst is a reason for drinking water. I only use the phrase, then, to mark out cases of whims or irrational (or non-rational) drives.

an account” is too low a threshold for practical rationality—it forces us to accept explanations that are clearly arbitrary.

This objection can be easily answered by further specification of what it means to give an account. It seems to me that the objection trades on an ambiguity in what sorts of things we regard as “explaining” choices. The kinds of factors picked out by the objection, such as impulses and coin tosses, might count as *causes of* the choice, but they cannot be *reasons for* it. Thus, the kind of things we are looking for in proper accounts of choices answer the question “what reason did you have to choose as you did?” and **not** the question “what caused you to choose as you did?”³⁹ To give an account is to lay out a reasoning process, that is, to identify the considerations that bear on one’s choice and to explain how one has navigated them in order to make the choice. On this definition, it is clear why the ability to give an account is a mark of practical rationality—it is the demonstration that one’s decision process was reason-based. Arbitrary factors thus should not properly enter into an account that meets the definition in terms of reason-giving.

It should be clear that practical rationality, when viewed in this way, is not given by a single procedure or even a set of procedures or methods. The reasons that form an account are not necessarily outputs of a decision procedure, but may be (and often are) simply considerations that we identify and assess through sustained reflection. Some minimum requirements must be met, of course. In order to form an account, reasons must

³⁹ Of course, answers to the first question will, in general, also be answers to the second question (or at least partial answers). However, the objection highlights the fact that the converse is not true—causal explanations need not rely on reasons for action.

at least be expressible; they cannot be inarticulate “gut-feelings” or refer to allegedly ineffable ideas or things. Accounts must also avoid inconsistency and other basic logical mistakes, like invalid inference. Finally, accounts must make sense *as accounts*; they must proceed in an orderly way, rather than by jumping around randomly or through free association, and they must constitute an intelligible answer to the question “why choose X?”⁴⁰ These basic requirements, however, do not warrant the view that practical reason must consist in some basic techniques or procedures that, as it were, “crunch the numbers” of a choice situation in order to generate a result. *There is no universal “how” of practical reasoning*; rather, reasoning about what to do may take many forms depending on the context and situation in which one is choosing, and the nature of the alternatives.

These considerations seem to support the conclusion that incommensurability need not pose any special challenge for practical reasoning. For it cannot be warranted to demand that we be shown how reasoning about incommensurables works if it is not in the first place appropriate to think that there are standard models for how practical reasoning in general works. That is, the search for a *general* “how” seems out of joint with the “giving an account” explanation of practical reasoning—the account of how one chooses just *is* the “how.” If this is so, then why should we expect there to be a general procedure or “how” for reasoning about incommensurables? Furthermore, the basic mark of the ability to give an account does not, on its face, threaten to break down when the

⁴⁰ These three conditions are drawn from a list of “marks of rationality” offered by Henry Richardson (1994, 31). Expressibility, the absence of defects of thinking, and orderliness are his first, third, and second conditions, respectively.

decision involves incommensurable goods. If incommensurability is an ordinary feature of our practical experience, as I argued in the first section, then it follows that we regularly make decisions about incommensurable alternatives. But, to the extent that we have put thought into our decisions, we are generally able to explain the thinking that went into them. To illustrate, let me offer a familiar example. Say I am facing a decision (or, more likely, a series of decisions) about how to allocate my time and energy between work and family. No matter how efficiently I manage my schedule, I cannot entirely avoid making *some* trade-off here; inevitably I will have to decide in favor of one or the other. Now, it seems plausible to think that the goods at stake here are incommensurable; success in a career and contributing to a loving and supportive family environment are both goods, but in different ways.⁴¹ And there is no obvious commensurans that we could refer to in order to settle the matter (at least, I cannot think of a good candidate). But we recognize this example as one that most people (one hopes) put a good deal of thought into; indeed, I have no doubt that it will resonate with many of my readers' own experiences. And, incommensurable though the alternatives may be, we regularly deliberate about them, and should thus be able to give an account of why we choose as we do. In this case, one does not just come down arbitrarily one way or the other; to the contrary, one makes a careful, thoughtful decision that can be explained by spelling out the particular deliberative process behind it.

What seems clear at this stage, and will become clearer in §3.2.2, is that the way practical reasoning often works when it comes to incommensurables is particularistic.

⁴¹ Of course, there are probably many other considerations at stake as well, but these will do for the sake of argument.

Particularism about practical reason is the view that reasons are specific to the context in which a choice or judgment is being made.⁴² The idea that incommensurables are susceptible to practical reason because we can give an account of our judgments about them fits naturally with particularism—the reasons that form our accounts are specified by the features of the choice itself.

3.2.2: Some Features of Reasoning about Incommensurables

The intuition presented above goes some way in clarifying how a decision about incommensurables may be practically rational, chiefly focusing on its being based on reasons that can form an account. But what I've said so far hangs a lot on an as-yet-unspecified appeal to reason-giving. I have said that an account will lay out the reasons behind a particular choice, but we can say more within the scope of this chapter about what giving a reason involves, and what sorts of reasons are available in the face of incommensurability. Of course, the notion of “reasoning” is a large and complex one, and I do not think anyone could hope to give an exhaustive explanation of it. Instead, I am merely specifying the intuition about giving an account a bit more, and illustrating how it might fit with incommensurability. With this in mind, I offer here a few ideas that begin to spell out what sorts of thinking I have in mind in my approach to practical reasoning.⁴³

⁴² Prominent particularist theories of practical reason have been offered Jonathan Dancy (1993; 2004) and Michael Stocker (1990). See also Wiggins (1997).

⁴³ Although I do not advance the case by way of a commentary on the work of others, I have significant debts to several philosophers here. Important influences on what follows include Jonathan Dancy (1993; 2004), Henry Richardson (1994), Joseph Raz (1986; 1999), Martha Nussbaum (1990b), David Wiggins (1997; 1998), and Michael Stocker (1990). I have also benefited from the work of Elijah Millgram (1997; 2005).

The main vehicle of this specification is what I will call a “consideration.” It seems obvious that a deliberation process can be broken down into a series of steps that build on one another toward a conclusion. At some point in analyzing these steps, we come to the indivisible elements of the deliberation process—the raw data, as it were. These basic units of deliberation are what I am terming *considerations*. In any choice situation, the alternative options present complexes of considerations, which are often multifaceted and may be bidirectional. The deliberative process involves the analysis of these complexes, that is, picking out and assessing individual considerations and balancing them against one another. This suggests that we are rarely presented with options that are *simply* “goods” or “bads.” Rather, each presents us with a composite whole of many considerations; to the extent that we correctly label options themselves as “goods,” this already reflects a judgment about the cumulative force and direction of the various considerations that adhere to it. Moreover, context heavily drives what considerations look like. Often, a consideration reflects beliefs about what is involved in choosing X here and now, given the particular features of *this* situation. We may generalize about things that are by-and-large goods, but these generalizations are always defeasible in the concrete case.

I wish to suggest that the central locus of incommensurability in practical reasoning is at the level of considerations. If we find incommensurability at the level of alternatives in a situation of choice, or at the level of the values these options are thought to bear, it is often the product of incommensurability in the underlying considerations that lead to these judgments. This suggests a terminological shift within value pluralist

discourse away from talk about incommensurable goods and values, and toward thinking in terms of the relationships among considerations in practical reasoning.⁴⁴ Such a shift, in addition to improving the precision of the theory, may also be salutary in that it helps avoid over-reliance on heavily loaded and ambiguous terms like “values” and “goods.” Moreover, focusing on considerations in deliberation as the main source of incommensurability enlists a revised terminology in order to reinforce the distinction between the moral-practical and societal groupings theories of value pluralism. I do not yet think that this proposed shift should be so radical as to exclude talk of goods and values altogether; sometimes these terms are useful, so long as we are clear what we mean by them, and it may be that in some cases an important point about incommensurability must be expressed in these terms. However, given the liability to confusion here, and since focusing on considerations, I think, actually improves our understanding of how incommensurability surfaces in practical reasoning, the theory of value pluralism⁴⁵ ought to emphasize them.

Now, the concept of a consideration was brought in to fill in the intuition that practical rationality is shown by the ability to give an account of one’s decision. The weighing⁴⁶ of considerations in order to form a comprehensive evaluation, on the basis of which one chooses, is central to the activity of practical reasoning. In this sketch, I wish

⁴⁴ A shift I hinted at in my discussion of incommensurability in Chapter Two (2.4).

⁴⁵ It may be asked whether “value pluralism” is the right name for the theory after all, if the real focus is on considerations in practical reasoning. I am sympathetic to this point, but I think it is outweighed by the fact that the bulk of the literature has already settled on the name “value pluralism,” and I do wish to address these discussions. The benefits of systematic relabeling here could be miniscule if this means failing to draw in the relevant audiences and respond to the relevant existing debates.

⁴⁶ The fact that the natural expression for this in English is a metaphor of measurement does not undermine the case for incommensurability. It is just a metaphor, perhaps originating in the historical roots of the concept of value in economics, and not indicative of the deep conceptual structure of practical reasoning.

to highlight two basic operations that reasoning about considerations involves: assessments of relevance or responsiveness, and assessments of force. Reasoning about considerations involves identifying considerations and evaluating them in terms of their responsiveness and force. When one gives an account, one is essentially summarizing this process by highlighting those considerations that most importantly influenced one's decision.

Assessments of relevance or responsiveness identify the degree to which a consideration bears on the situation of choice at hand. Here the question is: "how does this consideration relate to the choice I am making?" At the extreme, there is little or no relevance at all; the fact that blue is my favorite color cannot count as a reason to accept a job offer. But this sort of example seems far-fetched—it is hard to imagine something being *completely* unresponsive to a given situation yet still coming up as a matter for deliberation. So in order to even present itself as a consideration, something must have at least some minimum responsiveness to the choice situation. Now, assessments of responsiveness are specifically geared toward identifying how features of an option relate to the situation in which the option may be chosen. So, for example, something may qualify as a consideration inasmuch as it is a feature of an option, yet be weakly responsive because that feature does little to move deliberation in one direction or another. Suppose I am choosing which of two journals to submit a manuscript to, and that the editor of one of them happens to share the same astrological sign as me. While this is true, it is not responsive. By contrast, that the general guidelines for submission for that journal make it clear that, say, the interdisciplinary approach I use in the paper fits well

with what the journal is looking for would be a responsive consideration. But that the other journal is more prestigious may count the other way in the deliberation.

Assessments of responsiveness, then, help to sift through the range of possible considerations to identify a subset that actually matter for the specific context in which I am choosing.

The other main operation, assessments of force, aims to identify how powerful the considerations are for determining the choice. Here the question is: “how strong is this consideration as a reason for or against a given option?” This operation is at the heart of deliberation; it is what drives the determination of a choice one way or the other.

Assessments of force are a way of bringing considerations into relationship with one another; they aim to identify the competing strengths of considerations and help in weighing their overall effect. The force of considerations is inversely proportional to their defeasibility. A very strong consideration can only be overcome in exceptional circumstances when many forceful competing considerations push the other way. By contrast, weak considerations can be outweighed quite easily. To illustrate, suppose I am choosing between two restaurants as alternative places to eat out on a Friday night. Say that one serves Italian food and the other Thai. Suppose I have a slight preference for Italian food over Thai food; I find the flavors a bit more pleasurable, the wine pairings more delectable, or whatever. But suppose that the Thai restaurant has received very favorable reviews, and it is in my neighborhood, whereas the Italian restaurant is a bit further away. The preference for Italian food constitutes a weak consideration here because it is easily outweighed by the other factors. For an example of a strong

consideration, consider a fairly high-order, basic moral principle, like the principle that people's autonomy should be respected, and should not be violated. Most of the time, considerations of respect for autonomy will govern most of the choices in which they are relevant; we regard respect for autonomy and the reasons behind it as particularly weighty—indeed, as more or less synonymous with human dignity—and it will take particularly strong countervailing considerations in order to defeat this principle. But nonetheless we do recognize that it can be defeated—its force is not absolute. If there were, for example, a severely contagious and deadly epidemic breaking out, it could be justified to quarantine the infected, even without their consent. These examples illustrate how assessments of force operate in practical reasoning to move from the analysis of considerations to make a reasoned choice.

With respect to incommensurability, it is important to highlight that these operations of reasoning are means of bringing considerations into relationship with one another, *without necessarily relying on their commensuration*. Comparing the force of considerations is a deliberative process that is not founded on commensurability; the relative force of multiple considerations need not be represented according to a common value-element that they share. To the contrary, deliberation involves the assessment of the force of considerations that are multifarious and multidirectional.⁴⁷ This is just what

⁴⁷ One may object here that I must be relying on some mysterious faculty in order to explain how we recognize considerations, something like G. E. Moore's "intuition" (2004). I don't think anything I've said requires that we posit such a faculty, nor do I think much would be gained by doing so. In general I am suspicious of controversial, metaphysical talk about "faculties," and I prefer to avoid it myself. It seems to me that the reasoning processes I've described make sense on their own, without need of a special faculty whose function it is to do all the work of deliberation. It seems strange to suppose that everything we do must be located in the operations of some faculties of the mind—perhaps there is a "dogma of empiricism" here according to which the senses are the basic model that all

we do when we think through how to act or choose. And it is recognizably a process of *reasoning*—practical reason thus does not require commensurability in order to work.

3.2.3: Some Possible Explanations of the Commensurabilist Bias

At this point in the argument, I have cast doubt on two problematic assumptions that underlie the worry about incommensurability with which I began—namely, the assumption that commensurability is the norm, and the assumption that rationality requires commensurability. I have argued for a conception of what incommensurability is that makes it seem like an ordinary feature of our experience, and I have provided sketches, centered on giving an account and reasoning about considerations, of how incommensurability can be compatible with practical reasoning. If I am right, then incommensurability, and reasoning about it, seems to be quite natural. We may wonder, then, why the assumptions underlying the worry about incommensurability seem to be so commonly taken for granted, resulting in what we might call a commensurabilist bias among philosophers and especially social scientists. In this section, I will suggest a few possible sources of the grip of this view. Of course, this will largely be speculative, but the explanations I have in mind should also be helpful in further clarifying some important points about practical reasoning.

real and explicable human activity must mimic. It seems more reasonable, though, to remain at the level of clarifying the phenomenology of practical reason, without speculating about the structure of the mind.

One possibility that may explain the draw of “commensurabilism” is the conviction that practical reason cannot be fully rational unless it is a highly deterministic process that arrives at uniquely rational outputs. The implicit model here is one of deductive logic or mathematics, with the idea that the best conception of rationality will approximate these “gold standards” of reasoning.⁴⁸ On this view, a rational process of deliberation will yield a single “right answer” to the choice. This attitude, I believe, goes a long way in accounting for the appeal of deductive decision theory and models of rationality based on maximization, even though, as I noted above, these are not, properly speaking, theories of deliberation at all, but rather descriptive accounts that take as fixed the inputs of agent’s preferences in trade-offs.⁴⁹

However, this presupposition seems out of place in discussions of practical reasoning, however well it may capture other senses of rationality. As Joseph Raz has quite persuasively argued (1999, esp. 22-117; see also 1986, 288-429), practical reasoning is often not deterministic in this way; reasons sometimes establish the *eligibility* of actions, but do not necessarily require them or make them the uniquely rational choice. To illustrate, suppose that I become hungry while writing this chapter and thus have reason to eat a snack. Now, there are many options available in this case, and my immediate choice situation is to decide what, of the various alternatives, I will eat. I may bring in considerations like taste, fillingness, nutrition, etc., but it is unlikely that these considerations will single out just one option, although they might narrow the field

⁴⁸ The classic expression of this, of course, is Descartes’s *Discourse on Method* (1993).

⁴⁹ See above, note 24.

somewhat. I have engaged in some reasoning here, but it has led me to identify a range of eligible options, not to single out the one rational option. In another example, suppose I am deciding what I will do with my free time on a Friday night. There may be a wide range of things that I have reason to do—I may go out to eat at one of many restaurant options, I may see a theatre or music performance, I may stay in and read a novel, or watch a television program, and again this may be some light entertainment, an edifying film, or an informative documentary program. Reasoning may take me some way in narrowing these options down, but it is unlikely to support a strong conclusion that one of them is incontestably the right choice. And it would seem that choosing from within this range of options would be fully rational—there is no grounds for saying that I acted irrationally when I chose eating out over the edifying film. In this way, reasons often establish eligibility—to say that I have reason to do something may be simply to say that reasoning has neither ruled it out as ineligible nor shown it to be significantly inferior to some other option. Given that this is the character of many reasons, it seems that the expectation of a highly deterministic process of deliberation is out of step with our experience. Insofar as commensurability is favored as a mechanism for securing a deterministic result, the commensurabilist bias seems driven by inaccurate and misplaced expectations for practical rationality.

Another, related, possible source of the commensurabilist bias may be the assumption that deliberation must be organized according to some “decision procedure.” This idea is familiar from formal decision theory, which arrives at deterministic results by assigning formulas, or, as the terminology has it, “functions” that govern the choices of

agents. The underlying presupposition here is that rationality is secured by adherence to a method or procedure that is set up in such a way as to arrive at the correct result. This assumption may have its roots in a certain conception of what constitutes rationality in science, or perhaps there is some carry-over of the early modern/Enlightenment idea that the discovery and application of sound methods could resolve all disagreements and infallibly arrive at the truth in all areas of inquiry. Both ideas are problematic. However we might characterize practical reason, it clearly ought not to be classified as a science, and there is no reason to suppose that scientific standards could be usefully imported to other areas.⁵⁰ In fact, there are good reasons to suppose that they cannot be helpful—science and practical reasoning are substantively different activities that have different aims and purposes. Similarly, the early modern faith in methods as infallible vehicles of discovery and securing agreement has largely been discredited in practical philosophy; while methods may be able to answer questions about what the world is like, they are far less promising in helping us figure out what to do. As I argued above, there is no universal “how” of practical reasoning; rationally determining how to choose is a much more particularized process that responds to specific, concrete considerations.

These ideas about what assumptions may lay behind the commensurabilist bias that motivates objections to incommensurability are, as I’ve said, largely speculative. But, to my mind, they seem like plausible descriptions of some problematic presuppositions that many people take for granted. And whether or not all

⁵⁰ Indeed, there is reason to doubt that even the natural sciences *themselves* display this model of the application of a standard method or procedure in all areas of inquiry. See, e.g., Hilary Putnam’s “The Diversity of the Sciences” (1994, 463-480).

commensurabilists are in fact motivated by these commitments, the discussion has, I think, served to highlight some common, mistaken views about practical reasoning.

Back to Politics

I motivated the issues taken up in this chapter by noting the practical rationality objection to incommensurability as an obstacle to the development of a value pluralist political view. If the objection were correct, then it would be difficult to see how one could start from value pluralist premises and develop a political theory. For the premises themselves would disable reasoning in support of normative political conclusions. The argument of this chapter has, I believe, sufficiently answered the worry that incommensurability undermines practical rationality. I have offered a definition of incommensurability that is more amenable to reason than other candidates, and I have sketched some ways that this understanding of incommensurability is compatible with practical reasoning. In conclusion, then, we may consider where the project of a value pluralist political theory now stands.

If my argument has been successful, then the formal obstacle of incommensurability disabling reasoning toward a political view should be cleared away. As I have presented it, incommensurability may be handled using particularistic modes of practical reasoning, centered on giving accounts. But in addition to this result, I think that what I have said about practical reasoning offers some substantive material for thinking through what the content of a value pluralist politics might be like. The processes of single-agent deliberation canvassed here could be brought to bear on a theory of

democratic deliberation centered on the experience of incommensurability in political life. Value pluralism in political theory, then, could inform a unique approach to deliberative democracy that focuses on how political practices may respond to the experience of incommensurability in common decision-making. It may be, then, that an understanding of—and a commitment to—deliberative democracy could be enhanced by focusing on how deliberative practices can institutionalize forums for reasoning about incommensurable considerations. Participation in these practices holds the promise of cultivating a rich awareness and sensitivity to incommensurability that could enhance the capacities of citizens as decision-makers, thereby improving the prospects for democratic politics.

However, the specification of a politics of incommensurability still faces important obstacles. Though incommensurability is compatible with practical reasoning, political theorizing may still be in jeopardy. Because the nature of reasoning about incommensurables is particularistic, it is hard to see how we can find reasons for *general*, *abstract* normative priorities. But political theorizing, at least in the sense of giving normative arguments for justifying some political view or order, would seem to depend on precisely these sorts of prioritizations. If incommensurability rules this out, then it is difficult to see where value pluralist political theorizing can go.

In Chapter Four, I spell out this difficulty, which I term the “priority problem,” in more detail, and I show how it has been a significant problem in the political arguments of each of the four main value pluralist theorists. I also examine in detail each of these arguments, which, in my view, are unsatisfying as attempts to justify a political view on

the basis of value pluralism. In Chapter Five, I elaborate my own approach to the politics of value pluralism. I employ an argumentative strategy designed to avoid the priority problem, or at least dampen its severity, which I call “giving incommensurability its due.” As I will argue, this approach leads to both a liberal-constitutional framework of basic rights and liberties and a deliberative and participatory set of democratic institutions designed to facilitate citizens’ recognition and engagement of incommensurability.

4: The Misguided Uses of Value Pluralism in Political Theory

In Chapter Two, I showed how the variety of views and claims in the value pluralist literature is basically the product of considerable conceptual vagueness and confusion, particularly surrounding the “two versions” of the theory found in Berlin’s work. I also offered my own interpretation of the theory, focusing on the version that I called “moral-practical.” In Chapter Three, I clarified the central value pluralist concept of incommensurability and illustrated how it is compatible with practical rationality. In this chapter, I give a critique of prominent arguments about the political implications of value pluralism, showing both their particular flaws and how they all come up against what I call the “priority problem.” Each of the four main authors surveyed in Chapter Two (Isaiah Berlin, John Gray, William Galston, and George Crowder) advances an argument for the priority of some goods over others, which then define a political view. But value pluralism, as I will show, disables arguments of this type. These authors’ projects thus seem to be problematic in two main ways: not only conceptually confused but also crippled by the priority problem.

My focus here is on efforts to spell out value pluralism’s political implications. I want to see how well the arguments advanced by value pluralist authors succeed. Berlin’s passionate defense of both pluralism and a liberal politics is well known. In many places, he suggests that there are good reasons for a connection between them, in that recognition of pluralism ought to lead one to favor such liberal positions as toleration (2001a, 78-79) or wide negative liberty and freedom of choice (2002, 214). Berlin’s followers have

found his own arguments a little thin,¹ but they have either offered alternative arguments for a pluralist basis for liberalism,² or sought to correct Berlin's misguided allegiance to liberalism in favor of a non-liberal form of politics they take to be truer to value pluralism.³ I want to examine the strength of these arguments. Can value pluralism provide support for liberalism, or other political views? To forecast my conclusions, I do not think that value pluralism can perform the kinds of tasks that these authors want it to. I think value pluralists ought to prefer liberal politics, but their value pluralist convictions cannot supply reasons for the priority of certain norms (such as freedom, equality, and reciprocity) that define liberalism. I do think, however, that value pluralism has a good deal of relevance to political theory. There are ways in which concern for the sorts of things value pluralists are attuned to (e.g. incommensurability, plurality, and conflict) can inform fresh ways of theorizing liberal-democratic institutions and practices. It is this task that I want to call value pluralists toward.

¹ Crowder, e.g., claims they lead only to an anti-utopianism, but not to liberalism (2002, 78-102). Indeed, Berlin himself sometimes seems to back off the claim that pluralism requires liberalism, saying instead merely that the two views are compatible. In an interview with Ramin Jahanbegloo, Berlin says "I believe in both liberalism and pluralism, but they are not logically connected" (Berlin and Jahanbegloo 1991, 44).

² The two leading thinkers arguing for liberalism on the basis of pluralism are William Galston (1999a; 1999b; 2002; 2005) and George Crowder (1999; 2002; 2004; 2007a; 2007b; 2009b). Galston favors what he calls a "post-Reformation" version of liberalism that puts the emphasis on toleration and the protection of diversity, whereas Crowder argues that pluralism gives us grounds for a perfectionist (or in Galston's terminology, "Enlightenment") liberal politics that aims to promote individual autonomy. Crowder's 2007 article provides a concise survey of the alternative positions as well as some arguments for his own view.

As I mentioned in Chapter Two, Raz's perfectionist liberalism (1986) is a defense of liberalism that gives value pluralist considerations special pride of place, but strictly speaking he does not argue for his liberalism on value pluralist grounds (or not exclusively on such grounds).

³ John Gray favors an anti-liberal form of pluralist politics. Gray's view (1993; 1995a; 1996; 1998; 2000a; 2000b) is that liberalism is only justified where it has cultural or historical roots, and that value pluralism recommends a *modus vivendi* between alternative ways of life. John Kekes has also criticized liberalism on value pluralist grounds (1993; 1997). However, as I indicated in Chapter Two, his preferred alternative, a form of traditionalist conservatism, depends on other considerations besides value pluralist ones for its justification (1998).

My argument in this chapter will proceed in two stages. First, I will analyze a form of argument that value pluralist authors have tended to favor, namely, one in which a political view is justified through a defense of the priority-status of the goods that define it (4.1). Here, I will show that there are reasons to be suspicious that such priority-specifying arguments can succeed, given the conditions of value pluralism. These reasons belong to what I will call the “priority problem.” The priority problem poses an obstacle for grounding a normatively-guided form of politics, and, I will argue, it is especially problematic for grounding liberal commitments. In the second stage of my argument, comprising §§4.2-4.4, I will look more closely at the arguments advanced by Berlin, Galston, Crowder, and Gray, and show where I think they go wrong. In conclusion, I will offer some more constructive remarks about what alternative approach to liberal-democratic theory value pluralists might embrace, which I then take up in more detail in Chapter Five.

Before launching into my critiques, I should register (if it is not already apparent) that I am sympathetic to both value pluralism and liberalism, and thus the criticisms I give here are not motivated by antagonism to either view. I am aiming at a different approach to thinking about the political implications of value pluralism, one that avoids the difficulties posed by the priority problem. My hope is that effecting such a shift might bring to light some interesting contributions of value pluralist concerns to not only liberal, but also democratic, theory and practice.

4.1: The Priority Problem as a Basic Obstacle for Value Pluralist Political Theory

Current attempts to link up value pluralism and various political views tend to follow a specific pattern, which I will call “priority-specifying” argument. The tendency is to identify a set of core norms or values that give shape to the favored political system or program. A theorist then develops an argument attempting to show that these norms or values have a special status and should be accorded priority over other goods. The effort is to convince us that certain goods are highly important and thus should, as a rule, be chosen over other goods in instances of conflict. The normative priorities established through such arguments are thus meant to govern trade-offs in political life. These priority rules set the contours of a political system and give it its characteristic shape. Any political system that is normatively oriented to some minimum degree (I exclude systems of pure, naked power that serve no purpose but oppression) involves a prioritization of some ends or goods over others. Any political system that *aims at something* necessarily posits the priority of some good or goods. For instance, a regime may place priority on individual freedom, on the efficient production of wealth or on its just distribution, on the salvation of souls or on military glory. The point of a priority-specifying argument, then, is to *give reasons* for why these prioritized goods *deserve* their priority status.

This would seem to be a fairly straightforward approach to justifying a political view—it is even rather difficult to imagine a successful justification that did not fit this

general pattern.⁴ Yet the strategy of specifying normative priorities poses major difficulties for value pluralists. The core value pluralist claim of the incommensurability of goods involves a principled repudiation of the possibility of arriving at general normative priorities. On value pluralist grounds, we cannot arrive at general rankings of goods or come up with a decision procedure to govern trade-offs. While incommensurability is compatible with particularistic modes of practical reasoning that generate context-specific “priorities” in individual choice situations, it excludes extrapolating the outcomes of specific choices into a system of general rankings.⁵ On this understanding, reasons are available in concrete situations of choice and judgment, but those reasons may not hold for general evaluations of (abstract versions of) the goods involved. That is, in *this* situation, fulfilling *this* duty may be more important than experiencing *that* pleasure, but this will not mean that duty is always more important than pleasure, or even that duties of such-and-such a kind are always to be favored over pleasures of such-and-such a quality, across all situations. Practical reasoning, at least when incommensurable considerations are involved (and they are not always involved), thus takes its cues from the particular features of a situation and is highly contextual. As David Wiggins puts it, “The ranking read off a practical verdict will be a ranking in respect of overall choice worthiness under the circumstances *C*, and *only that*. An overall ranking of this kind need not represent a complete or exhaustive valuation of the alternatives *A* and *B*, or a valuation of everything that really matters about each of them”

⁴ However, in Chapter Five I develop an argument that sidesteps this approach and the problems that it poses for value pluralists.

⁵ That is, determining that one option is “prior” for the purposes of *this* decision is not the same as positing a general priority rule for governing all similar trade-offs.

(1997, 53). To illustrate with a favorite example of Berlin's, incommensurability rules out ranking equality as such ahead of liberty, all of the time or even as a general rule with some determinate number of exceptions. This point, which I will call the "priority problem," should make us highly doubtful of the possibility of a value pluralist foundation for liberalism, or any other political system. If incommensurability means that only context-specific reasons are available for choosing between concrete goods, then no amount of philosophical argumentation can get us to the general and abstract priorities that are necessary. Incommensurability gives rise to a priority problem that seems to undermine the relevance of value pluralism to normative political theory.

Importantly, the priority problem is *not* rooted in the thesis of the plurality of values. That is, the issue is not that, somehow, because there are many goods, we cannot choose among them rationally. To the contrary, I have defended the view that value pluralism is compatible with making reasoned choices about goods, even in cases of conflict and incommensurability. Instead, the priority problem stems from a disconnect between what types of reasons are available when choosing among incommensurables on the one hand, and what types of reasons we need for justifying a political view by specifying normative priorities on the other. We may choose among incommensurable alternatives on the basis of particularistic, context-specific reasons, but these reasons do not aggregate into general priorities. So the priority problem is not a matter of lacking reasons to choose in the face of many incommensurable goods. Rather, it arises because

the practical reasoning about incommensurables is particularistic, and therefore cannot generate the sorts of *abstract and general* priorities that might justify a political view.⁶

Now, in raising the priority problem in my criticisms of the four main authors, it may look as though I'm equivocating, in that I said in Chapter Two that these theorists' arguments rely on the societal groupings theory, and now I'm criticizing them for failing to address a problem posed by the moral-practical theory. However, this objection misunderstands my criticism. Other value pluralist writers *conflate* the two ideas; elements of both show up in their writings, but they are jumbled together and ambiguous. Each of these writers espouses the claim that goods are incommensurable, and the priority problem thus arises for them. So one problem with their arguments is that the two versions of the theory are conflated and the plausibility of appeals to diversity trades on the societal groupings theory. Another problem is that they try to specify normative priorities despite claiming goods may be incommensurable. A critique highlighting both problems presents no inconsistency.

The priority problem can be further specified by thinking about what sorts of argumentative uses value pluralism is likely to have. That is, what kinds of points is value pluralism well-poised to make, and what might be some of its weaknesses? As I have presented the theory so far, it seems to naturally fit with two kinds of argument and not with their opposites: value pluralist claims are suited for critical or undermining

⁶ I thank Jennifer Page, who gave comments on a paper discussing these issues that I gave at the 2010 Harvard Graduate Conference in Political Theory, for helping me both see the need to clarify this point, and work out the details of the clarification.

arguments, as opposed to positive ones, and they lead to indeterminate, as opposed to determinate, normative conclusions.

On the first point, one reason for the priority problem is that value pluralism functions better in a critical or undermining mode than in a positive or constructive one. The theses of conflict, plurality, and incommensurability were originally introduced by Berlin as a *corrective* for what he took to be the dominant pattern of monistic thinking in moral philosophy. And it is easy to see how the theses have a critical bite—they present a much muddier and more complex picture than the tidy visions of practical life they are pitted against, in which goods can be harmoniously ordered, reduced to a single underlying value, or measured and ranked. But the claims themselves seem almost tailor-made for undermining such views, with too thin a positive content for spelling out a constructive political or ethical conception. Consider the thesis of conflict: the claim that goods may conflict can be powerfully wielded against those who would deny this possibility, but it is difficult to derive much constructive mileage out of it beyond attuning individuals toward recognizing it. In fact, recognizing that goods may conflict could merely make the question of priorities sharper and more urgent, without providing resources for settling it. When combined with the thesis of incommensurability, which is similarly geared toward undermining the ambition for a systematic ranking of values, it seems as though arriving at priorities to deal with conflicts is that much more difficult.

Another source of the priority problem has to do with the indeterminate character of value pluralism, when dealing with abstract goods. This indeterminacy is a result of the value pluralist commitment to incommensurability. Value pluralists recognize many

different goods, but also hold that these goods may be incommensurable with one another. As a result, value pluralists do not have much to say about how to choose among the various goods, *when viewed in the abstract*. Now, incommensurability is compatible with a particularistic form of practical reasoning, as I argued in Chapter Three, and this means that reasoning can arrive at determinate answers in concrete choice situations. When faced with well-specified, contextualized alternatives within a concrete situation, incommensurability is no obstacle to determinate choice. But the further removed one is from such types of choices, the less determinate pluralist reasoning becomes. More general and abstract choices—such as those involved in specifying normative priorities—cannot be arrived at under conditions of incommensurability. Thus, at the level most crucial for political theorizing, value pluralism remains an indeterminate view.⁷

The priority problem would seem to be particularly difficult to overcome in the case of justifying liberalism, as opposed to other views, on value pluralist grounds. While there are many different versions of liberalism, all of them have in common the defense of principled limits on the scope and exercise of political power. However these limits are articulated, whether as inalienable rights, considerations of justice, requirements of civic respect, or conditions of political legitimacy (or indeed, as is often the case, several of these), liberals will hold that they have very strong normative force, that is, that they have

⁷ What I have said so far about the priority problem and the lack of positive and determinate results from value pluralism will be qualified in due course as I lay out my own view on the political implications of value pluralism in Chapter Five. I do develop a view that is positive and determinate, but I arrive at it by avoiding the strategy of specifying normative priorities. The paucity of value pluralism for generating positive and determinate political conceptions is only an issue when a priority-specifying argument is sought.

near-absolute priority over other kinds of considerations.⁸ Liberalism, then, denotes a family of political systems that take the idea of normative priority very seriously. The challenge of coming up with priorities of that kind of force adds to the difficulties posed by the priority problem for value pluralist political theory.

One might think that even if we concede that value pluralism cannot, on its own grounds, provide hard and fast priority rules, we may still support political principles as “presumptions,” while remaining committed to value pluralism. This is precisely the tack that Galston takes: “some considerations establish strong presumptions in favor of particular choices ... such that only powerful reasons, outside the normal course of events, will suffice to rebut these presumptions” (2005, 7). On the face of it, this reply has a certain attractiveness for a value pluralist. For I do not think value pluralism requires rejecting common sense intuitions that some goods are of very great importance, whereas others have weaker claims (or may indeed be trivial). All we must say is that no good, however important, can qualify as some sort of über-value that trumps all others, regardless of context. But is this the same as saying that certain of these highly important considerations will establish normative presumptions? I take it that a (rebuttable) presumption is a rule or guideline that we are bound to follow unless confronted with strong reasons that defeat the rule in a particular instance.⁹ This way of thinking about rules is no doubt highly appropriate in some areas of policy and jurisprudence—and I think a pluralist can come to the judgment that such areas ought to operate according to

⁸ A classic statement of this point is Dworkin’s claim that rights “trump” collective goals (1977, esp. 90-100).

⁹ This is in keeping with Galston’s analysis (2002, 69-78).

presumptive rules, based on a weighing of the relevant considerations (chief among which, I think, would be the rule's perceived ability to arrive at judgments pluralists would endorse in the bulk of the cases). But the conclusion that it is good in some classes of practical activity to use presumptions is not the same as the claim that certain high-order goods, simply because of their great importance, ought to be treated as presumptively prior to all other goods, no matter what the context. The latter seems to me the kind of claim that incommensurability rules out.

The point can be reinforced if we consider that there may not, after all, be much practical difference between a priority and a presumption. Nearly all political systems, and I think all but the staunchest libertarian political philosophers, treat priorities as rebuttable presumptions. That is, even the most valued goods can be overridden in the face of very strong reasons. This is the case, for example, in U.S. constitutional law, in which even the sacrosanct freedoms of the First Amendment can be curtailed when there is a very pressing public interest in doing so. If priorities and presumptions, then, merely come to the same thing, then we should not expect one but not the other to be compatible with incommensurability.

The argument thus far has given us a strong general reason to doubt the efficacy of priority-specifying arguments that proceed from value pluralist premises—namely, all such arguments would seem to run up against what I have called the priority problem. Let me be clear that I am not attacking the enterprise of priority-specifying argument generally; such arguments may be feasible on bases other than value pluralism, and it may indeed be necessary, both theoretically and practically, to make them. But the

priority problem should lead us to be highly suspicious of *value pluralism's* ability to ground the priority of certain norms and goods, which may form the basis of liberalism or other political views. However, it would not be very satisfying, as a critical move, to point to a general reason why certain kinds of arguments probably won't work, without examining specific attempts to make such arguments. With this in mind, I turn to a critical examination of the arguments advanced by value pluralist theorists for their political programs, beginning with Berlin's early formulations (4.2), followed by Galston and Crowder's arguments for forms of liberalism (4.3). I then analyze John Gray's views in §4.4.

4.2: Berlin's Arguments for Liberalism

Before considering the views of more recent developers of value pluralist theory, we should examine the considerations put forth by Berlin himself as to why value pluralism supports a liberal view.¹⁰ Unfortunately, Berlin never gave a well-worked out explanation of his view of the relationship between liberalism and value pluralism anywhere in his extensive corpus. What little he did say has the form of scattered remarks and hints, which often leave the reader wishing Berlin had developed his view. Still, from

¹⁰ As I've indicated, Berlin does not always seem to think that pluralism *does* support liberalism in the first place. In a late interview, he states that pluralism and liberalism are not "logically connected" (Berlin and Jahanbegloo 1991, 44). However, almost everywhere else he either strongly suggests a connection, or states one outright (although he never puts forward any especially detailed arguments to support this view). Most tellingly, one of Berlin's last publications was a co-authored piece with Bernard Williams in which he and Williams defended the compatibility of pluralism and liberalism against Crowder's attempts to undercut it (note that although Crowder has more recently argued that pluralism can support liberalism, his first work on the subject involved an effort to debunk existing arguments. His later work can be seen as an effort to rehabilitate or improve upon those arguments (Crowder 1994; 1996; Berlin and Williams 1994)). Whether Berlin repented of his view that pluralism and liberalism are connected or not is not especially relevant here; the fact remains that his texts contain arguments for a connection, and the task before us is to consider their merits.

these fragments, it is possible to reconstruct a few sketches of arguments that he seemed to endorse. From his texts, I believe one can find two significant lines of argument, which I will call “the argument from choice” and “the argument from toleration.”

The argument from choice is most fully laid out in a series of important paragraphs at the end of “Two Concepts of Liberty.” This was Berlin’s first major published statement of his value pluralist views, and it is also one of his most directly political essays.¹¹ The core of his argument is discernible in two key passages:

The world that we encounter in ordinary experience is one in which we are faced with choices between ends equally ultimate, and claims equally absolute, the realisation of some of which must inevitably involve the sacrifice of others. Indeed, *it is because this is their situation that men place such immense value upon the freedom to choose*; for if they had assurance that in some perfect state, realisable by men on earth, no ends pursued by them would ever be in conflict, *the necessity and agony of choice would disappear, and with it the central importance of the freedom to choose.* [...]

If, as I believe, the ends of men are many, and not all of them are in principle compatible with each other, then the possibility of conflict—and of tragedy—can never wholly be eliminated from human life, either personal or social. *The necessity of choosing between absolute claims is thus an inescapable characteristic of the human condition. This gives its value to freedom* as Acton conceived it—as an end in itself, and not as a temporary need, arising out of our confused notions and irrational and disordered lives, a predicament which a panacea could one day put right (2002, 213-214, emphases added).

¹¹ That is, of his essays, “Two Concepts” is one that stands out for the clear implications Berlin sought to draw for the politics of his day. Like almost all of his essays, “Two Concepts” is rife with historical content; however, here, perhaps more than most other places, Berlin is trying to lend support to Western liberalism in the Cold War ideological struggle.

Here, Berlin proposes that the priority of freedom—and hence a defense of a liberal order based on this priority—can be derived from value pluralism, inasmuch as the thesis of value conflict means that we will always have to choose between competing valuable considerations. Berlin moves from the inescapability of conflict to the necessity of choice, and from here to the value of freedom to choose and of liberalism conceived as a political order that maximizes this freedom. The crucial step here is obviously the move from the necessity of choice to the value of freedom to choose. Crowder and other commentators have charged Berlin here with a violation of “Hume’s Law,” or the familiar injunction that one cannot derive an “ought” from an “is.”¹² This does not seem to me to be the best strategy, in that I think Hume’s “Law” has more the status of dogma in contemporary philosophy than of a canon of logic.¹³ At any rate, invoking the fact/value dichotomy or some related principle functions as a mechanism of dismissal, and doesn’t end up taking seriously what Berlin is actually saying. Whether or not one believes Berlin has tried to cross some inviolable border between two sharply separate “realms,” it is still worth asking whether his claims, read with a bit of charity, are at all plausible.

¹² Crowder in fact labels this an instance of the “naturalistic fallacy.” The term comes from Moore (2004, orig. 1903), but I believe the common usage of it as a synonym for is/ought transgressions is not in keeping with Moore’s intended meaning. Moore’s principal claim was that “good” was a non-natural property; he defined the naturalistic “fallacy” as the attempt to define the good in terms of natural properties. Though this ordinary usage deviates from Moore’s definition, Moore himself probably bears some of the blame inasmuch as he labeled naturalistic definitions of the good as “fallacies.” It would have been more appropriate to call this the “naturalistic error” or the “naturalistic mistake.” Indeed, it is tempting enough to associate the naturalistic fallacy with Hume’s Law inasmuch as the latter purports to be about an error in inference, which is what a fallacy, properly speaking, is.

¹³ Hilary Putnam has argued, quite convincingly in my view, against the Fact/Value dichotomy that undergirds Hume’s Law in some of his recent work (1990; 2002; 2004). MacIntyre also argues against the contemporary understanding of Hume’s Law (1984, esp. 57-59).

The key question here is whether the pluralist conditions of conflict and incommensurability generate a special value for the activity of choice, and whether that value, if there is one, is sufficient to ground a political priority. To answer this question, I will have to fill some of the gaps of Berlin's sketch, though I think in ways that fit with the thrust of his views. On the one hand, if, as value pluralism maintains, incommensurability and conflict are real elements of our moral experience, then there is a certain value in knowing this, and in experiencing it within the situations in which we confront it. This would be the value of knowing the truth about what one is doing, and of having a clear understanding of the structure of many practical choices. Inasmuch as the denial of freedom of choice—that is, someone's (in Berlin's example, the state's) making choices for other people and dictating how they are to handle trade-offs—involves a kind of deception, or encouragement of self-deception, about the reality of incommensurability and conflict, it abrogates this good. If the reasoning behind an enforced choice is to seem at all compelling to people, then some story will have to be told about what was at stake such that the enforced choice seems like the best one. In order for this to work, it is not likely that incommensurabilities and conflicts would be highlighted. The claim here is that limitations on freedom of choice are not socially sustainable alongside recognition of incommensurability and conflict, and thus that an illiberal regime depends on some form of "false consciousness." We might say, then, that a regime in which people are not given the freedom to choose has, as part of its legitimating ideology, a denial of important truths about practical choice. The value of freedom of choice, conversely, is that it allows for the recognition of these truths. This reconstructed argument from choice, then, does

not take the highly questionable form often attributed to Berlin (i.e., we have to choose, therefore freedom of choice is good). Rather, the point is that many of our choices have a certain character, freedom of choice allows us to recognize and take seriously that character in a way that coercion or abrogation of choice does not, and *therefore* freedom of choice is good. This, anyway, is one way of putting meat on Berlin's statements.

On the other hand, it is worth registering that choosing between incommensurable and conflicting goods may often be an experience of intense displeasure. Berlin himself suggests that this is the case, when he uses the language of "agony" and "tragedy" to describe the sorts of choices he has in mind. If this is so, we must take seriously the possibility—indeed, the likelihood—that many people simply will not *want* to face choices of this kind.¹⁴ This probably does not mean that they should be sheltered from the truth of incommensurability and conflict, so that they may have less troubled inner lives (indeed, the suggestion takes paternalism to a disturbing extreme). Nonetheless, the consideration surely counts on the "*contra*" side when considering the value of freedom of choice. Berlin's case above, then, would seem to be complicated by the reality of a rather deep human psychological aversion to conflict and the kinds of hard choices he describes. This aversion may not be especially praiseworthy, but it does get at what I think is a deep yearning (which may perhaps partly explain the hold of monistic theories on the moral imagination).

¹⁴ Crowder makes a similar point (2002, 81-82), although his main charge against Berlin is that he violates the so-called "naturalistic fallacy."

These two considerations, taken together, would seem to point to the conclusion that freedom of choice is indeed valuable, and that part of its value is that it enables recognition of the truth of key value pluralist claims. However, there is sufficient ambiguity about freedom of choice, supplied by the fact that it may often involve intense displeasure, to render its prospects as a political priority quite dubious. We might ask how a policy of *maximizing* freedom of choice could be compelling when the value itself carries such significant ambiguity. When we add to this the general value pluralist suspicion of prioritization, then it would seem that Berlin's argument from choice (as I have reconstructed it) is a failure. Though Berlin has provided insight into part of what makes freedom valuable, his own commitments to incommensurability preclude this insight from generating a compelling case for liberalism.

Berlin's other principal pluralist argument for liberalism, the argument from toleration, is not as easily pinned down as the argument from choice. The problem is that Berlin gives even less to go on here than in the already sparsely-specified argument from choice. With some charity, though, I think we can get a sense of what Berlin might mean. In an essay on Machiavelli's presentation of the conflict between values associated with Christianity and those associated with political glory in the pagan world, Berlin notes the irony that the pluralist view he takes Machiavelli to have touched on supports a liberal politics, which Machiavelli would surely have found lackluster. Berlin puts the point in the following way:

[If monism is false], then the path is open to empiricism, pluralism, toleration, compromise. Toleration is the product of the realisation of the irreconcilability of equally dogmatic faiths, and the practical impossibility of complete victory of one over the other. Those who

wished to survive realised that they had to tolerate error. They gradually came to see merits in diversity, and so became sceptical about definitive solutions in human affairs.

But it is one thing to accept something in practice, another to justify it rationally. Machiavelli's 'scandalous' writings begin the latter process. This was a major turning point, and its intellectual consequences, wholly unintended by its originator, were, by a fortunate irony of history (which some would call its dialectic), the bases of the very liberalism that Machiavelli would surely have condemned as feeble and characterless ... Yet he is, in spite of himself, one of the makers of pluralism, and of its—to him—perilous acceptance of toleration (2001a, 78-79).

Berlin argues here that toleration was originally a grudging doctrine, one that was accepted because there was no practical alternative for opposed religious groups sharing the same territory. Value pluralism, he suggests, offers a way of transforming the basis of toleration from practical necessity to principled justification.

Unfortunately, Berlin does not say how this justification might proceed. What follows is my own interpolation of what he might have had in mind. The first important question is what exactly the object of toleration is, on this view. The traditional doctrine has to do with the co-presence within a single polity of several rival religious groups, and the object of toleration for each group is the existence of the others, as well as their specific doctrinal beliefs and ritual practices, which are viewed as erroneous. Updated versions of this doctrine tend to broaden the scope of it to include not only religious groups, but also various ethnic and cultural groups, or generally any group exhibiting a distinctive way of life.¹⁵ If this is Berlin's view, then it would seem to rely on some

¹⁵ Examples of the revival of toleration in contemporary political philosophy include Rawls (1996, xxvi) and Gutmann and Thompson (2004, 66ff.), both of whom cast themselves as reclaiming a tradition stretching back to Locke and other

connection between value pluralism, as a theory about the relationship of goods or values, and some attitude towards ways of life or cultures. That is, there must be some bridge between the moral-practical version of value pluralism and the societal groupings version if value pluralism is going to be enlisted in defense of traditional notions of toleration centered on doctrinal or cultural difference. This linkage, in every variety in which I've seen it defended, is highly dubious. I criticize such arguments in detail in my considerations of the political views of Galston, Crowder, and Gray (4.3-4.4). For now, I will simply forecast that this approach is unsatisfactory, with a promissory note that I will make the argument in the next few sections of this chapter.¹⁶ As will become clear in those sections, this view of toleration is not a direct implication of value pluralism, and so cannot serve as a central component of a value pluralist argument for liberalism.

However, another way of understanding toleration may be available for Berlin. Here, we might say that the object of toleration is not ways of life but choices. Under conditions of conflict and incommensurability, many choices will be "hard" ones. In these kinds of circumstances, incommensurability makes practical reasoning a very difficult affair. Naturally, one would sometimes expect people to arrive at different views as to what the best choice in a given situation is, since they are dealing with

early modern defenders of religious tolerance. Galston (1995; 2002) also casts himself as an heir to the "Reformation" version of liberalism, although he takes this commitment beyond mere toleration to a policy of "maximum feasible accommodation." In an interesting reimagining of the concept of toleration, Anna Galeotti (2002) has argued that toleration is better understood as a paradigm for advancing equal respect among different social groups, rather than as a solution to problems of moral disagreement. Wendy Brown (2006) has also recently criticized the turn to toleration in contemporary political theory, arguing that the discourse of "tolerance" in fact sustains the disempowered position of the "tolerated."

¹⁶ The linkage I'm talking about is made in more detail by Galston, and by Gray, and reproducing my critique here would be both premature and repetitive.

incommensurable alternatives. Here the virtue of toleration could be introduced as the proper attitude towards those who have chosen differently from oneself, or from the course one would have adopted, if it had been one's own choice. There are a number of ways in which this view is different from the view of toleration that sees its object as groups or ways of life. Several of these considerations will be evident in the treatment I give in subsequent sections of other authors' attempts to link value pluralism and culture. Here I note only that the traditional doctrine of toleration targets differences and disagreements over what should count as good in the first place, whereas the alternative view of toleration I've sketched has to do with disagreements over how goods are weighed and how one ought to choose between them.

So, if we charitably attribute to Berlin a view of toleration whose object is choices rather than ways of life, how does the argument fare? I think it is not altogether implausible to think that there is a virtue in this kind of toleration, and that it is made especially poignant by value pluralism inasmuch as conflict and incommensurability mean that people will need to practice it more. But the question here is whether this may ground a political priority and thereby inform a pluralist justification for liberalism. It seems to me that it cannot. The reason is that this understanding of toleration depends upon the freedom of choice considered above. If we want to make a virtue out of tolerating people's choices, then a justification of the freedom to make those choices would seem to come first. Whatever value we attach to toleration, then, is a product of the value on freedom to choose. In this way, Berlin's argument from toleration is subsidiary to, and dependent on, his argument from choice. Since we have already seen

that the latter is not a satisfactory justification for liberalism, it is difficult to see how the former could be.¹⁷

Before turning to more recent writers on the politics of value pluralism, I would like to consider one other possible argument that might be found in Berlin, and why it does not save his case for a pluralist foundation for liberalism. Berlin sometimes argues that our proper political goals under conditions of value pluralism should be to prevent cruelty and mitigate suffering. The relationship of this view to value pluralism seems to be twofold: first, this view is taken to be an opposite approach to politics from that of trying to construct an ideal world, which Berlin associates with monism; second, this is a way of guarding minimum human decency, as defined by the “human horizon” or core of universal minimum values that Berlin often talks about. Thus, in one of his most sustained discussions of value pluralism, he writes that “the first public obligation is to avoid extremes of suffering” (1990, 17). This argument bears a resemblance to Shklar’s approach, the “liberalism of fear” (1989; see also 1984).¹⁸ However, it is not a good value pluralist justification for liberalism. On the first point, it is true that value pluralism should inform a basic anti-utopianism; even though the priority problem may rule out justificatory arguments for a range of views, we can at least get to anti-utopianism, inasmuch as the theses of conflict and incommensurability clearly imply that a utopian reconciliation of all true human goods is a fantasy. However, it is a mistake to think that this anti-utopianism must imply a commitment to political minimalism, or simply a

¹⁷ However, I rehabilitate a similar version of toleration in my own approach, detailed in Chapter Five. I avoid the problems with Berlin’s view because I situate my claims in an argumentative strategy that avoids the difficulties of the priority problem.

¹⁸ See Shklar, 1989, and 1984.

negative politics of avoiding certain bad outcomes.¹⁹ On the second point, if indeed there is a set of political prescriptions that follows from recognizing Berlin's "human horizon"—namely, that we should secure the basic conditions without which no human life can be good—it is hard to imagine that these prescriptions amount to a full-blown liberal view. This would be tantamount to saying that a liberal society is the only recognizably human one. Surely there is a range of regimes that may be acceptable when judged by the "minimum standards of decency" criterion, which nonetheless are not fully liberal, or even liberal at all. It is a virtue of liberal regimes that they protect against the violation of minimum standards of human decency, particularly at the hands of the state. But liberal regimes do not have a monopoly on clearing this minimal threshold, even if they tend to do so in a particularly reliable way. That is, it may be said in favor of liberalism that it "avoids the worst," but the same may equally be said of many other regimes besides liberal ones (although it may still be the case that liberal regimes, by and large, get farther away from the worst than others do). Avoiding human rights abuses is not a unique characteristic of liberal societies. So whether or not there is a pluralist case for protecting a certain basic core of values or some minimum standards of decency, this will not amount to a justification of liberalism specifically.

¹⁹ One might say that there is enough "extreme suffering" in the world to make this position far from minimalist. However, the point is not that avoiding suffering would take fewer resources or less effort than a more positive politics. It is simply that the *aspiration* of the liberalism of fear (in both its Shklarian and Berlinian guises) is unduly limited. There is nothing in value pluralism that forces us to say that we should not strive for as much improvement of our collective affairs as circumstances allow. Value pluralism rules out perfection and utopia, but it does not require that we give up the hope of social improvement beyond securing the minimum standards of a decent life.

4.3: Other Value Pluralist Arguments for Liberalism

As I have shown, Berlin's suggestions about a value pluralist basis for liberalism are not very fruitful. I turn now to efforts by other theorists—namely Galston and Crowder—to establish such a connection. There are two main families of argument that figure prominently in the efforts of Galston and Crowder to provide a pluralist foundation for liberalism, which I treat sequentially in §§4.3.1-4.3.2. The first concerns the purported significance of diversity and reasonable disagreement under value pluralism.²⁰ The second proceeds from the claim that pluralist practical reasoning requires certain virtues, particularly autonomy, that can then inform a perfectionist form of liberalism. Both Galston and Crowder advance arguments within the first family, whereas only Crowder advances the second kind of argument.

4.3.1: Diversity and Reasonable Disagreement

Galston's arguments for his principle of "maximum feasible accommodation" (2002, 20) of legitimate diversity, insofar as they depend on value pluralism, rest on a case that value pluralism gives us reason to regard a broad array of forms of life as legitimate and valuable. The claim is that, when a form of life is legitimate, the state may not justly interfere with, discriminate against, or otherwise harm it. Importantly, the policy of the state toward citizens' diverse ways of life should not simply be indifferent and *laissez-faire*; where a way of life is legitimate, the state must seek to accommodate it,

²⁰ Although diversity and reasonable disagreement arguments might be treated as separate, I believe that both arguments depend on similar considerations.

making reasonable provisions to make it possible for adherents of a given way of life to live in accordance with it. Thus, Galston's diversity-based liberalism is not simply a negative program of forbearance and non-interference,²¹ but instead requires positive stances of accommodation and protection. These claims are, it should be noted, conditional upon a robust right of exit for all citizens from their cultural communities, such that hierarchical or non-liberal communities may not force members to remain in the community against their will (which involves both physical and psychological conditions, according to Galston).²²

What are the value pluralist considerations that Galston marshals to support this political vision? There is a fairly straightforward story about how the conditions of plurality, incommensurability, and incompatibility/conflict give rise to legitimate diversity. For Galston (as for many other value pluralists), there is a limited set of basic goods that no decent society or way of life can deny. This condition sets limits on permissible actions and conceptions of the good—no one may be denied the ingredients of a minimally decent human life. Beyond this point, however, Galston believes that the pluralist belief in the incompatibility of all goods, or, in other words, the inescapability of conflicts among them, entails the necessity of choice. This choice, however, is not simply conceived as choices between goods in particular instances of conflict; instead, the additional element of choice between abstract goods, as ingredients in a conception of the good life, is seen to follow. For Galston, the thesis that conflicts of values are inescapable

²¹ This kind of view would be more in line with that of Kukathas (2003).

²² Crowder, however, has made a strong argument (2007a), following Kymlicka (1992; 1995), that exit rights are empty if they are not joined to the perfectionist fostering of personal autonomy.

commits us not only to choosing between them when they do come into conflict, but also to more general choices between abstract values. These general choices then combine to form a conception of the good. “Every way of life represents a selection and ordering of values from a much wider field of possibilities” (2002, 53).²³ In addition to this claim—that choosing partial orderings of goods in the formation of a conception of the good follows from the pluralist idea of incompatibility—Galston also argues that the condition of incommensurability commits us to seeing every ordering that satisfies the basic goods of a minimally decent life as legitimate. His claim is that, since incommensurability rules out comprehensive, general rankings of goods, we must admit that any ranking that does not infringe upon basic goods is rationally defensible, and thus legitimate.²⁴

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

Thus, Galston argues, the claims that there are many goods, that we must choose some to the exclusion of others, and that there is no way of comprehensively rank-ordering goods commit value pluralists to endorsing and accommodating broad diversity among ways of life.

²³ 2002, 53.

²⁴ The claim about rational defensibility also figures into Galston’s views on reasonable disagreement, which I will consider below.

There are several points at which we might question this line of reasoning, some relating to the validity of the inferences that purportedly draw a commitment to diversity out of value pluralism, and others relating to the picture of diversity that Galston employs. At the outset, it is important to reiterate a point that I first made in Chapter Two, but which all too often goes unnoticed. The theory of value pluralism, as I have been treating it, pertains to features of the human good, not features of cultures or ways of life. The claim is that *goods* are many, objective, potentially conflicting, and sometimes incommensurable. This does not necessarily tell us anything about ways of life, cultures, conceptions of the good, or any other of the many things that often get described as “pluralistic.” As I argued in Chapter Two, Galston conflates the moral-practical version of value pluralism, which pertains to goods, with the societal groupings version, which pertains to ways of life or conceptions of the good. His argument here blends the two theories, claiming that conclusions about ways of life can be drawn from the moral-practical theory. For this move to work, there must be some story about the relationship between the two theories, or of how value pluralist claims about goods bear on questions of culture and diversity. Now, Galston, as we have seen, does have such a story (although I will soon argue that it is not a very convincing one). But I think the point is worth emphasizing because his theory is lent intuitive support by an all-too-frequent elision between the claim that goods are plural and incommensurable and the claim that cultures or ways of life are.

Galston gives us a story linking value pluralism and the valuing of diversity; we have to ask whether the story makes sense. Galston makes two suspect moves in trying to

link pluralist claims to a case for legitimate diversity. In the first place, it is not clear that the incompatibility of goods requires the kind of choice that Galston seems to think it does. One of the most basic features of the value pluralist outlook is the claim that the universe is not tailored to our wishes, and thus that we cannot have everything; that is, real conflict between goods is a permanent possibility in human societies. As Berlin often said, we will inevitably have to choose some values at the expense of others. But this claim about the inescapability of hard choices seems to point to particular *kinds* of choices. Specifically, the point is that we must choose between real goods in particular cases of conflict. But these would not seem to be the same sorts of choices Galston associates with the formation of a conception of the good. For Galston, the conception of the good that defines a given way of life represents a selection and ranking from among the possible values. The idea seems to be that in forming a conception, I choose, *in the abstract*, which goods are to count *for me*.²⁵ But how is this kind of choice necessitated by the sort of moral conflict value pluralism posits? Why should I make a selection prior to an actual instance of conflict? Wouldn't doing so limit my ability to perceive moral conflicts, in that I have already made a choice about which values are part of my own conception, and how they are rank-ordered? The problem seems to be that the necessity

²⁵ The image is, of course, stylized. More realistically, a way of life would develop historically, and not necessarily through a series of conscious, deliberate choices. But I think Galston means for the image to be understood as useful in thinking about how conceptions of the good are likely to be clarified and interpreted. Although the conception may be the result of a long historical process, its adherents and defenders will no doubt describe it as making certain commitments to some values over others (as in, "such and such is *what we stand for*"). In this way, even if there may not have been an event of selection, the conception may still be understood as if it were the result of some choice (this, at least, seems to be implied by Galston's view).

of choosing local priorities²⁶ in specific situations of conflict and choice does not translate into a necessity of choosing *general* priorities. It would seem, then, that the claim that not all goods are compatible, or that they may conflict, does not, by itself, establish any basis for the picture of the formation of a way of life by way of selection among possible goods that Galston seems to have in mind.

Galston's argument from the claim of incommensurability to the view that many ways of life or conceptions of the good are legitimate is also suspect. As we have seen, his claim is that the impossibility of arriving at a general, uniquely rational ranking of goods commits us to seeing all such rankings as legitimate (provided they clear some minimal threshold of decency). But this would seem to be precisely the opposite of what incommensurability means. In the above quotation, Galston writes that there is a "range of indeterminacy" within which many choices and rankings are "rationally defensible." But he goes on to describe incommensurability as a condition in which there are no "generally valid reason[s]" favoring any particular ranking. Galston would seem to be saying that general rankings are not rationally defensible, and that they are—he both asserts that they are defensible and says that there are no reasons available with which to defend them. The idea of incommensurability does seem to support the latter claim—part of the meaning of incommensurability is that general rankings of goods are unavailable, and this would seem to imply that general rankings of goods are *not* rationally

²⁶ To be precise, not every choice of one of the available options in a conflict must involve a claim (implicit or explicit) that that option has priority. In some cases (which include some cases of genuine tragedy), there may not be any way at all of saying which of two (or more) options ought to be preferred in a given set of circumstances. In such cases, I think we properly make our choice, but do not regard it as a claim that the chosen good had priority in this case. Instead, we would want to acknowledge that despite the choice, neither option could be decisively established as better than the other.

defensible.²⁷ It might be countered that they are not subject to rational criticism, either. However, this does not seem to be the case. Incommensurability itself is a reason for criticizing abstract rankings—they do violence to our actual experience of the good. The criticism of a given ranking does not require one to have an alternative ranking available; indeed, it seems that pluralists should give critiques of rankings on the grounds that no such rankings are possible. It is thus quite difficult to see how the condition of incommensurability could commit value pluralists to the view that rankings of goods are rationally defensible.²⁸

Galston's argument that various ways of life are equally legitimate also seems to depend on the assumption that conceptions of the good, understood as selections of incommensurable goods, are themselves incommensurable, by virtue of something like transitivity. But on what basis could we say that incommensurability is a transitive property? Again, the conflation of the moral-practical and societal groupings versions of value pluralism poses a problem; the claim that goods are incommensurable does not provide a sufficient reason for concluding that ways of life are incommensurable, *even if* these ways of life are understood as partial sets of incommensurable goods. Now, it may in fact be the case that ways of life are incommensurable, and one could make a case for

²⁷ Again, this is not to say that particular decisions in concrete situations are not reasoned. Many value pluralists (Crowder and Galston among them) defend the rationality of practical choice under incommensurability. However, this rationality is not referred to a decision procedure or a general ranking of goods. See my discussion of incommensurability and practical reasoning in Chapter Three.

²⁸ It might be objected that Galston need not establish the rationality of rankings, but merely their *legitimacy*. Indeed, he does use the language of legitimacy to describe the status of diversity among ways of life. However, in the text he almost invariably links an understanding of this legitimacy to the idea that many ways of life are rationally defensible. Thus it would seem that, for Galston, the two are interchangeable. It may be that the legitimacy of ways of life could be defended apart from their rationality, but in this case we would need some account of what legitimacy means, which Galston does not provide. The only other criterion potentially available in Galston is the threshold of minimum decency I referred to above. But meeting this threshold is, for Galston, part of what makes a way of life rationally defensible.

something like Galston's policies by arguing that ways of life cannot be measured or ranked. But however this may be, the case will *not* follow from the moral-practical version of value pluralism, understood as a theory about goods or values. Whether or not ways of life are incommensurable, it is not directly *because of* the incommensurability of goods.

Thus Galston's two main arguments linking value pluralism to a certain conception of the value of diversity seem rather weak. Whether the kind of diversity Galston recommends is good or not, a commitment to it does not seem to follow from the meaning of value pluralism itself.²⁹ I also mentioned some questions relating to the picture of diversity Galston puts forth. Galston seems most interested in the accommodation of different ways of life, especially where such differences are rooted in different cultures and religions. His tendency is to define various ways of life, cultures, or religions in terms of the goods or values they prioritize. A culture or way of life, in Galston's view, is basically the same as a conception of the good, or a vision of the good life. But I think there's a real question, never really posed by Galston,³⁰ as to whether this is a good way of thinking about what a culture or way of life actually is. Cultural systems, of course, involve values. But they also have to do with much more—certain habits and customs relating to dress, diet, language, and a wide variety of what might be called the everyday rhythms of life. Sometimes these customs might be internally

²⁹ It may indeed be the case that diversity is a good, subject to the same kinds of conditions value pluralism ascribes to many other goods. In this case, however, it would not warrant the kind of priority and centrality in a political conception that Galston wants to give it, again because of incommensurability and the priority problem.

³⁰ Or, for that matter, many other political philosophers. Rawls, for example, seems to presuppose the same connection between conceptions of the good or "comprehensive doctrines" and cultural diversity (1996).

understood by members to be grounded in certain values—for instance, dietary restrictions might be referred to the “purity” or “impurity” of certain foods. But from an outside perspective, many of these customs are, morally speaking, matters of indifference, so long as they suffice to meet biological needs.³¹ This broader understanding of culture suggests that the identification of cultures or ways of life with conceptions of the good may be too simplistic. It might be argued that the politically urgent questions relating to culture have to do with values; but I think this is hardly the case. Many of the political issues posed by multiple cultures living together within a common polity have to do with intolerance and xenophobia, often inspired by a visceral revulsion or distrust when faced with something that seems “weird” or different to a citizen accustomed to homogeneity. This often has much more to do with habits of everyday life than with the espousal of certain values.

What I think this means is that the effort to move from a claim about legitimate diversity of conceptions of the good to a policy of accommodation of cultural groups may be strained, in that it would seem to rely on a simplistic picture of what a culture is. It may be urged, however, that even though Galston frames his argument broadly in terms of a diversity of ways of life or cultures, he is most interested in issues of religious difference, and these kinds of difference are much more directly about differing visions of the good life. The point is well taken—although religions are much more than

³¹ Thus, for instance, varieties of diet that supply nutritional needs are, I think, properly regarded with indifference, as are varieties of dress that sufficiently protect against the elements in a given climate. I leave to one side questions concerning the moral permissibility of eating animals, or of the current system of meat production and distribution. I think we can at least say that if there were a minimally just food production and distribution system, dietary customs would be matters of indifference so long as they did not involve severe nutritive deficiencies. And even if they failed these tests, indifference could still hold when such practices were freely adopted by informed and autonomous adults.

conceptions of the good, they do centrally involve claims about how one ought to live, and adherence to a religion is usually strongly associated with acceptance of these claims.³² Moreover, political confrontations over religious difference may be rooted in disagreement about how one ought to live, as opposed to intolerance grounded in visceral reactions to difference (or at least such bases of conflict may be more common in religious cases than in cultural ones). So it seems like the focus on conceptions of the good *may* have some traction on questions of religious difference. We can at least say the religious application has more surface plausibility than the cultural one, although a defender of this view would still have to show why the framework is appropriate. However this may be, I think it has little bearing on the question of Galston's value pluralist case for valuing diversity. That is, I have cast doubt on Galston's conception of what diversity is, which contributes to the critique even though the force of my criticisms is ambiguous with respect to religious difference. But Galston's main case for why value pluralists must regard diversity as such as legitimate and worthy of accommodation rests on some shaky inferences and erroneous interpretations of value pluralist claims. That is, his attempt to move between value pluralism as a theory about *goods*, on the one hand, and other kinds of claims about *ways of life* or conceptions of the good, on the other, falls

³² But even this concession may be granting too much. Of course religions are partly systems of value. But the question is whether conflicts among them have to do with disagreements about the importance of goods. Many religions stress the importance of values like love and charity, or justice—presumably it is not on these points that, say, Christianity and Islam come into conflict. The disagreements that more sharply differentiate religions, and which more often surface in political conflict, may have more to do with recognition of scriptural or spiritual authorities, beliefs about the nature or number of God(s), or practices concerning diet, circumcision, ritual, and many other things not immediately relevant to a religion's conception of the good. It might be said that the things listed above are *part of* a conception of the good, but to put these things in the language of value is strained and revisionist. Such an interpretation is not obvious but rather depends on a prior commitment to the view that religions are basically systems of value. I am indebted to Ruth Grant for discussion of this point.

flat.³³ So even if the picture of a “vision of the good life” may work better for religions than it does for cultures, the story linking value pluralism to such visions is, on Galston’s telling, rather unconvincing.

Crowder also advances an argument, distinct from Galston’s, for why value pluralists should place a high value on diversity. Crowder’s case proceeds from an interpretation of basic claims of the moral-practical theory, as well. According to Crowder, the acknowledgement of value pluralism entails a duty to promote diversity:

To accept that there are plural and incommensurable goods is not merely to allow that there are such goods but to endorse them, and to endorse them on an equal basis with one another. ... [T]he pluralist sees [these goods] as goods that contribute to human flourishing objectively. Since pluralists are committed to human flourishing, they must be committed to promoting the various goods that contribute to that flourishing. Furthermore, the pluralist must endorse all such goods equally, in the sense that they have an equal claim on us until we are presented with a particular context in which we must choose among them. ... It follows that the pluralist outlook commits us to valuing the full range of human goods. To acknowledge the truth of value pluralism ... is to acknowledge a duty to promote those goods as far as possible: a duty to promote diversity (2002, 137).

This argument involves some very questionable claims and inferences. Most fundamentally, it is hard to see why Crowder believes value pluralists are committed to endorsing all goods *equally*. The point about endorsement is fair enough, but it doesn’t tell us much. Of course, by definition goods are things to be endorsed. But their abstract

³³ To be clear, the move of connecting goods and conceptions of the good is a weak point in Galston’s account. On the other hand, if Galston’s view were taken solely as dealing with a plurality of ways of life (that is, if it did not involve conflation of the moral-practical and societal-groupings theories), his arguments would be significantly stronger. However, in that case he could not rely on the persuasiveness of the moral-practical theory’s account of choice and judgment, and would need independent grounds for why the claims of the societal-groupings theory should be believed.

endorsement doesn't answer many questions according to value pluralists, because what counts is how they come into play in concrete situations, when conflict among them may force hard choices.

The point that the many goods must not only be endorsed, but endorsed *equally* is much more problematic. There are several issues here. One concerns the possibility of arriving at the conclusion that goods should be equally valued, given incommensurability. The point of incommensurability is that we do not have a measure available to allow us to say that goods are equal to one another. Crowder is sensitive to the objection, and he offers a quotation from Berlin to help his case: "plural goods are incommensurable, and so cannot be said to be equal according to any measure, but they are, as Berlin puts it, 'equally ultimate'" (2002, 137). But the quote is plainly unhelpful. For what is "ultimacy," and how may all the goods be said to possess it equally? Does this quality of being "ultimate" mean a good is a final end of some sort? But surely value pluralists recognize that some goods are instrumental goods, so it would not seem right to say that all goods are "ultimate" in the sense of being final ends. Perhaps it means something else. If so, Crowder does not tell us (nor does Berlin). The point goes further—even assuming that there is some truth in what Berlin says, and that all goods can be said to be equal in this respect, it is difficult to see how this commits us to an equal endorsement. For equal endorsement would seem to depend precisely on the sort of claim that incommensurability rules out—namely, that the goods have equal *value*, specified according to some measure. If we cannot say this, as seems to be required by the theory, then we cannot say that all goods must be endorsed equally.

There also seems to be a natural objection to the claim that all goods should be endorsed equally, founded in common sense. We ordinarily recognize some goods as having a very high importance, things that might require strong competing considerations in order to be outweighed. On the other hand, there are many goods that carry much less weight, or may even be somewhat trivial. Crowder acknowledges that specific situations will present us with reasons for choosing some goods over others. But it is unclear why he doesn't also acknowledge that the great weight of some goods and the triviality of others can also be seen in the abstract. Why can I not see that goods like justice or liberty are more important, by and large, than goods like a pleasant evening out, or a nice meal?³⁴ It would not seem to be a denial of incommensurability to say this. For incommensurability only implies that common measures or general, comprehensive rankings are unavailable. Recognizing that some goods have great weight is not to set priorities that will govern decision making in all cases, nor is it to render the goods on a common scale with others, thereby determining their relative importance. It is simply a common sense judgment, which pluralists recognize may be defeated in particular circumstances. Given that many such common sense judgments obviously cut against the view that we must endorse all goods equally, Crowder's position here seems untenable. Acknowledging incommensurability does not amount to a delegitimation of all ordinary, common sense moral judgments about the relative importance of certain goods.

³⁴ It should be clear that such a judgment is not the same as the "selection and ordering" of abstract values that I criticized in Galston's view above, nor does it obviate the significance of the priority problem.

So Crowder's main line of argument from value pluralism to a strong commitment to diversity would seem to be significantly flawed. Before laying diversity arguments to rest, however, it is worth considering an ancillary consideration that appears in Crowder, which might also be appealed to in order to save the case. The point relies on a remark by Bernard Williams in his introduction to Berlin's *Concepts and Categories*: "If there are many and competing values, then the greater the extent to which a society tends to be single-valued, the more genuine values it neglects or suppresses. More, to this extent, must mean better" (Williams 1999, xvii; quoted in Crowder 2002, 136). Crowder glosses this claim to mean that "a social system will be desirable to the extent that it honours that multiplicity and diversity [of values]" (2002, 136). At least two points might be considered here: first, whether Williams is right to link value pluralism to a critique of single-valued-ness, and second, whether Crowder rightly moves from such a critique to a positive endorsement of diversity. On the first count, I think Williams's point is fairly sound, but nonetheless limited in its reach. One of the upshots of incommensurability is that, given that there is no common currency of value, there will not be any way of justifying the neglect or suppression of a number of values by reference to a large, compensatory amount of some other value. Such a claim requires translating the values in question into some common term, and measuring the increase in the one as offsetting the decrease in the others. Such translation is not available under conditions of incommensurability. But to say this is not to say too much, for (and this brings me to the second point) to rule out excessively narrow social systems is not necessarily to say that social systems ought to be as broadly inclusive as is feasible. Williams's point would

seem only to lead to a critique of single-valued societies, or, if not single-valued, then very narrow ones. But the claim that “more is better” would seem to lose its force beyond such cases of excessively narrow societies. It might plausibly be said that a purely martial society, where the only thing that matters to anyone is military prowess and victory, crowds out many good things. However, I fail to see how this point could ground a claim that diversity must be maximized. Perhaps more is not better—and anyway, value pluralists are committed to deferring this question to the concrete case. Importantly, I do not think a value pluralist could reasonably say that a society that had room for, say, the accommodation of twelve goods was definitely better than one that could only accommodate ten. For the question must be, “what goods are they, how important are these goods relative to one another and to excluded goods, and to what degree are they fostered?” It is these kinds of qualitative assessments, rather than simplistic counting, that the value pluralist outlook recommends.

It seems, then, that Galston’s and Crowder’s arguments from value pluralism to diversity do not go through, and thus cannot perform the task of justifying liberalism. I mentioned another line of argument within the same general family as diversity, namely the argument from value pluralism to reasonable disagreement, and on to liberalism. The phenomenon of reasonable disagreement is familiar in contemporary liberal theory, primarily as the touchstone of so-called “political” forms of liberalism, which favor state

neutrality towards reasonable comprehensive doctrines.³⁵ Galston and Crowder both make the claim that reasonable disagreement can only be explained on value pluralist grounds, and thus that the considerations in favor of liberalism that stem from reasonable disagreement³⁶ really depend on value pluralism as their basis. Both rest their case on Rawls's list of the "burdens of judgment," which he appeals to in explaining the likelihood of reasonable disagreement (1996, 54-58). According to Galston and Crowder, several of the considerations Rawls adduces are basically equivalent to theses of value pluralism.³⁷ Thus, Galston writes, "on Rawls's own view, it is not clear that we could take moral disagreement to be inevitable among reasonable persons in circumstances of liberty unless we accept some version of value pluralism."³⁸

I am not concerned here to investigate the accuracy of Galston and Crowder's interpretation of Rawls; their value pluralist readings of some of the burdens of judgment seem plausible, but we cannot know whether Rawls would have accepted these interpretations. What I think is more problematic is the move that follows: Galston and Crowder try to say that because Rawls's explanation of reasonable disagreement relies on value pluralism, then value pluralist explanations are the only good explanations for

³⁵ The main theorists of "political liberalism" are, of course, Rawls (1996), and Charles Larmore (1996; see also 1987). Many others endorse the approach; I single out these two thinkers because they give the most detailed elaborations and defenses of it.

³⁶ To be clear, neither Galston nor Crowder embraces Rawls's vision of a well-ordered society. Galston thinks reasonable disagreement is a real issue, but also adds that his own approach of maximum feasible accommodation is a better response to it. Crowder, for his part, ends up endorsing a much more perfectionist version of liberalism than either Galston or Rawls. While he thinks that considerations of diversity and reasonable disagreement are strong, ultimately the value pluralist emphasis on autonomy (which I will examine below) is more important for framing a liberal politics.

³⁷ Specifically, Crowder cites (e) and (f) from Rawls's list, namely, that different kinds of normative considerations bear on an issue, and that we find setting priorities difficult in cases of conflict (2002, 166ff.). Galston cites these as well as a third, namely Rawls's (b), that we disagree about weighting even when we agree about what considerations matter (2002, 46).

³⁸ *Ibid.*, 46-7.

reasonable disagreement. This is a plain *non sequitur*; even if Rawls's explanation does depend on value pluralism, this hardly rules out other explanations. There are several other options, it seems to me. One is epistemological: it is beyond our ability to attain knowledge about the good life, so reasonable people may arrive at different conclusions, which cannot be adjudicated by reference to an authoritative view. Or, instead of an epistemological barrier, we might explain reasonable disagreement by reference to epistemic fallibility, such that, despite their best efforts, reasonable people may fail to reach the truth. Such epistemological points are much in keeping with some of Rawls's other "burdens." Alternatively, we might give a socio-political explanation for reasonable disagreement. It could simply be that, in the absence of coercion, free discussion does not tend toward convergence. This particular socio-political explanation may depend on some further claim to make sense, but it is not clear that the claim would have to be a value pluralist one. It could be one of the epistemological points already mentioned, or it could be psychological—discussion is not always just about reasoning in order to find the truth, but can be affected by emotions, interests, and partiality. Or there may be a different kind of socio-political explanation, having to do with the mere fact of difference within a polity. It could be argued that any modern society, in which there is considerable cohabitation of diverse groups, fueled through immigration, urbanization, and other kinds of population pressures, will come to experience disagreement about the good life that cannot be eliminated through reasoning.³⁹

³⁹ It could be argued that pressures toward assimilation would, over time, reduce or even eliminate disagreement generated in this last way. However that may be, it would not change the contemporary landscape, or the answer to the

So, I think the strategy that Galston and Crowder have adopted, of turning the tables on Rawls and showing that his explanation of reasonable disagreement depends on value pluralism, fails because it supposes that showing Rawls's explanation to be parasitic on value pluralism is enough to rule out all other explanations. But the failure of this strategy can only go so far in undercutting the case that pluralism leads to liberalism by way of reasonable disagreement. All this allows one to do is respond by saying that value pluralism is not necessary to support a reasonable disagreement-based defense of liberalism. However, Galston and Crowder might still be able to, as it were, turn the argument the other way. Their strategy of interpreting Rawls agrees with him that disagreement is a "fact" and proposes value pluralism as a good causal explanation of it. But it would be better to show that, if value pluralism is true, then reasonable disagreement *must* follow. That is to say, isn't the real question whether reasonable disagreement *follows from* value pluralism?

I think this is indeed the real question, but turning to it also involves raising the bar for what the argument has to show. For in the strategy actually chosen by Galston and Crowder, one assumes that reasonable disagreement exists, and then tries to find an explanation for it. This is an easier task than showing that value pluralist presuppositions, just by themselves, inevitably lead to reasonable disagreement. However, the view that conditions of conflict, plurality, and incommensurability can lead to reasonable disagreement is not implausible. One of the central value pluralist ideas, that "hard

question of whether liberal regimes are well-suited for that landscape.

choices” are a permanent possibility given the structure of our practical universe, points to this, for the question of what is to be done in a “hard choice” is precisely the sort of thing that reasonable people might disagree about. But value pluralist support for *this* kind of reasonable disagreement does not seem to bear directly on the kind of reasonable disagreement that Rawls and others have in mind, namely, that which consists in a diversity of reasonable visions of the good life. So, if Rawls’s case for liberalism is based on reasonable disagreement among comprehensive doctrines, it doesn’t help to show that value pluralism results in another kind of reasonable disagreement, namely disagreement about how actual choices should go. There is no extant argument for liberalism that begins from this sort of reasonable disagreement for value pluralists to latch onto⁴⁰ (as Galston and Crowder attempted to do with Rawls’s view). Moreover, neither of these value pluralist theorists supplies a convincing new argument based on this other kind of reasonable disagreement.

Again we are faced with the disconnect between goods and choices involving them, and ways of life or conceptions of the good. For value pluralism, reasonable disagreement would seem to surround judgments about what to do in particular cases, when confronted with specific goods and specific conflicts. To say anything about how this bears on the question of reasonable disagreement about the good life would seem to require some story about how the two distinct issues link up. The best attempt I have seen by any pluralist theorist to make such a link is that of Galston, which I discussed in

⁴⁰ Berlin’s “argument from toleration,” suitably reconstructed, may come closest, but we have already seen that this is unsatisfying (4.2).

talking about his argument for diversity. We have already seen that this story is not very convincing.

4.3.2: Autonomy and Other Virtues

Another set of arguments seeking to provide a value pluralist foundation for liberalism follows a markedly different path. In these arguments, the effort is to show that value pluralism places a premium on the possession of certain virtues, and that these virtues are, in turn, best fostered in a liberal polity. The political result is, thus, a much more perfectionist vision of liberalism, as opposed to the diversity-based liberalism favored by Galston. The crucial step has to do with a certain understanding of what practical reasoning is like under conditions of plurality and incommensurability. The fundamental claim is that in order to be successful practical reasoners under pluralist conditions, agents must have developed certain faculties and habits of thinking that support sound practical reasoning. Chief among these, according to such arguments, is autonomy, which fits nicely with a perfectionist form of liberalism. Crowder is the main source for these arguments; however, Raz has also contributed to these discussions.⁴¹

Crowder's efforts are quite plainly an instance of the type of argument incommensurability rules out, that is, one which seeks a priority status for certain goods. As I have indicated, his strategy is to identify certain character traits and habits of mind that are highly useful in practical reasoning under pluralist conditions, and then to show

⁴¹ I will not consider Raz's view here, since he does not try to find a value pluralist *foundation* for liberalism. His is a perfectionist liberalism in which value pluralist considerations enter in, but mainly as a complement to other arguments (1986, 369-429).

how these virtues correspond to certain liberal commitments and can be fostered by liberal institutions. Crowder identifies several virtues, but I will focus primarily on his account of autonomy, because it is central to his argument.⁴² Crowder follows Raz's definition of autonomy (1986, 369ff.)—it is an ideal of (partial) self-creation, in the sense of choosing one's own commitments and projects, and generally giving shape to one's life (to some degree). More important for Crowder than self-creation as such, though, are the sorts of qualities that it presupposes. For Crowder, to be truly autonomous, one must be capable of standing back from one's commitments in order to engage in critical reflection about them. It is this habit of critical reflection that is central to Crowder's account of successful practical reasoning: "pluralist choosers are obliged to adopt a critically reflective attitude towards both their own desires and those rules and traditions that come to them from their social milieu" (2002, 208). Crowder understands practical reasoning under pluralism to be particularist, that is, grounded in particular, concrete situations of choice in which well-specified goods are at stake, as opposed to some more abstract process of ranking goods generally.⁴³ In order to do this well, he argues, we must be capable of what he calls "strong evaluation"—a synonym for the critical reflection presupposed by autonomy. This means carefully scrutinizing the alternatives in any given

⁴² The other virtues Crowder identifies are generosity, realism (in the sense of being prepared to make trade-offs), attentiveness, and flexibility (which he treats as very closely connected to autonomy). Autonomy, however, is central to his case, in that it is more significant than the other virtues for practical reasoning and is the defining commitment of the form of liberalism he endorses (2002, 185-216; see also Crowder's exchange with David Thunder: Crowder 2007a; 2009b; Thunder 2009).

⁴³ On this point, at least, Crowder's understanding of pluralist practical reasoning appears similar to the one I offered in Chapter Three. We do indeed share an emphasis on particular or contextual factors as key to sound deliberation. Our political use of these points is, however, different, in ways that I will point to below and which should become clearer in Chapter Five.

choice situation, and thinking critically about the goods at stake, as opposed to simply taking for granted whatever received attitudes we may have through our background.⁴⁴

I think there are at least two sets of questions that we might raise about Crowder's strategy here. The first concerns the truth of his claims—is it really the case that pluralist practical reasoning requires certain virtues, and, if so, is autonomy rightly regarded as one of these virtues? The second concerns whether the importance of these virtues, granting that pluralism does render them important, would be sufficient to overcome what I have called the priority problem. That is, even if we grant that pluralist practical reasoning requires some degree of autonomy, does this give us strong enough grounds to justify a liberal political system?

On the first count, I think Crowder's argument for the importance of autonomy for pluralist practical reasoning is somewhat plausible. There seems to be some truth in the claim that taking incommensurability seriously involves taking a stance of critical reflection in situations of choice. However, I do not think that Crowder provides strong reasons for this claim. Ultimately, his argument rests on a rather vague and underspecified account of practical reasoning. Crowder tells us that practical choice under value pluralism is rooted in context and rule-independent judgment, referring to Aristotle (or, rather, Nussbaum's account of Aristotle) to support his view (Crowder 2002, 57-59; for Nussbaum's reading of Aristotle, see Nussbaum 1990a). So far, I think

⁴⁴ This does not necessarily imply that the agent rejects the position given by his or her background. It is merely to say that choices in keeping with customary rules or traditions to which one belongs are not made uncritically.

Crowder is on the right track; however, he does not say much more than this,⁴⁵ and we are left with very little to go on in thinking about what pluralist practical reasoning actually involves. It might be countered that the kind of context-based, Aristotelian conception of practical reason that Crowder appeals to is necessarily vague, because it eschews deterministic procedures for practical choice. While this point is true so far as it goes, it cannot be used as a philosophical free pass. While the pluralist condition of incommensurability means that we cannot easily predict the outcomes of practical reasoning, we should be able to think in more detail than Crowder offers about the *process*. I have attempted to take some first steps in this direction in Chapter Three. But for now the main point is that *Crowder's* account is a little thin as a basis for deriving the importance of autonomy. We still need more information about what practical reasoning is like in order to complete the case.

So, although Crowder's claims about autonomy seem plausible, the necessity of autonomy for pluralist practical reasoning, as he presents it, rests on a vague and underspecified account of practical reason. But there is a second, more important, set of questions that we ought to put to Crowder's argument, having to do with whether, granting the importance of autonomy, the case is sufficient to overcome the priority problem. Recall that the obstacle confronting any attempt to specify normative priorities for a political system on the basis of value pluralism was the seeming impossibility, given incommensurability, of arriving at a sufficiently strong and determinative status for

⁴⁵ To be fair, he also appeals to some of Ruth Chang's work (Crowder 2002, 59ff.). In Chapter Three, I argued that Chang's account of practical reasoning, especially those parts of it that Crowder relies on, actually retreat considerably from incommensurability, largely because she clings to an interpretation of incommensurability as incomparability. Chang's views thus do not really support the Aristotelian considerations that Crowder begins with.

certain abstract goods, which would define the normative aspects of the political system. What this means, I think, is that we must do more than say that a certain set of goods is important, which after all is already admitted in calling them goods. Beyond this, it must be established that there are decisive reasons for favoring these goods over others, and for making them the core of what a political system ought to aim at. I am not sure that Crowder's virtues argument, even if successful in establishing the very high importance of autonomy for pluralist practical reason, could really do this. In the first place, Crowder seems merely to have established that autonomy is a very important good. But if incommensurability already rules out general priorities for other very important goods, why should autonomy be any different? In a recent piece, Crowder seems to admit this: "to say that on a pluralist view personal autonomy is a human good 'of especial importance' is not to say that autonomy is overriding—that is, that it trumps all other goods in all cases" (2007a, 138). However, having ceded this ground to the objection that his argument sidesteps incommensurability, he does not explain how "especial importance" amounts to priority in the relevant sense.⁴⁶ Crowder also gets ahead of himself in focusing on a politics of autonomy, which on his own account is actually instrumental to the good of competent or skilled practical reasoning. According to Crowder, we should want to make citizens autonomous *in order that* they may be better capable of engaging in successful practical reasoning; autonomy gets its priority through its contribution to wisdom. But Crowder does not say much about the importance of

⁴⁶ Recall that priorities need not be "overriding," in the sense of having absolute, exceptionless priority, but they would still seem to involve stronger claims than "especial importance."

producing good practical reasoners as a central goal of the state.⁴⁷ Again, the priority problem would come in at this level, too.

Despite my reservations concerning Crowder's autonomy argument, I should register that I think it is the strongest of the extant value pluralist arguments for liberalism. In fact, I will present an argument in Chapter Five that has many features in common with Crowder's claims about autonomy, although with several important differences and shifts of emphasis. As we will see, Crowder was right to direct our attention to value pluralist insights about deliberation in thinking about its political implications. My main disagreements with Crowder have to do with the details of his understanding of pluralist deliberation, as well as with the priority-specifying form his argument takes here. However, if we orient our thinking about the politics of incommensurability somewhat differently, in terms of *giving incommensurability its due*, value pluralism's implications for democratic forms of deliberative politics emerge, without relying on assigning priorities to specific goods.

It seems, then, that the value pluralist justifications for liberalism offered by Galston and Crowder suffer from a number of flaws. First, both authors run afoul of the priority problem when they support their political programs on the basis of the special priority of specific goods, seemingly suspending the premise of incommensurability. Moreover, as I show in my analyses, their other arguments either fail on their own terms

⁴⁷ Perhaps this is part of a conception of human flourishing, although Crowder does not say so. In any case, if his strategy were in fact to couch his argument for practical reasoning in a general argument for the promotion of individual flourishing, he would be abandoning incommensurability and value pluralism for a welfarist view that prioritizes flourishing.

or only succeed by virtue of misapplications or misunderstandings of value pluralism, chiefly the conflation of the moral-practical and societal groupings versions of the theory. I turn now to Gray's value pluralist arguments for anti-liberal forms of politics.

4.4: John Gray's Critique of Liberalism

John Gray's position regarding the politics of value pluralism has appeared in a number of iterations, although in one way or another he has always sought to wield value pluralism as a weapon against liberalism. He is particularly hostile to forms of liberalism that he sees as descendents of what he calls the "Enlightenment Project," the core feature of which is, in Gray's view, universalism about the best way of life.⁴⁸ Although it may thus appear that Gray targets only a subset of liberal views, he seems to be convinced that all versions of liberalism, with the possible exception of Berlin's,⁴⁹ have been heirs to the Enlightenment project of establishing, in his words, a "universal civilization."

⁴⁸ Gray's use of this term can be somewhat confusing in relation to other variants. Although he probably owes the term to MacIntyre, he only sometimes defines it in the same way that MacIntyre does, i.e. in terms of the attempt to find a rational justification of morality (1984). Gray more often describes the Project as the effort to establish a universal civilization (1995a, esp. 144-184; 2000b). Whatever its debts to MacIntyre's analysis, the objection to universalism is unique to Gray—after all, MacIntyre's favored alternative to modernity, a form of Thomist Catholicism, is at least as universalist in its aspirations as any Enlightenment view.

⁴⁹ Although Berlin did not espouse faith in any "universal civilization," insofar as Gray attributes to Berlin the view that liberalism is not superior to other political forms, he is probably in error. Berlin was a defender of variety in nations and cultures, but he was adamant in his view that liberalism was the most humane and decent regime in human history. Gray seems to overlook the Cold War side of Berlin's politics, which informed not only a rejection of Soviet communism as a violation of the common core of universal human values, but also a defense of liberalism as the best way of protecting the interests of free individuals under value pluralist conditions. Daniel Weinstock (1997) offers a similar critique of Gray's hermeneutic missteps.

Gray is unique among contemporary writers on the politics of value pluralism in that he at least seems to grasp and take seriously the priority problem. One of his arguments against liberalism is that it prioritizes a certain (autonomous) way of life⁵⁰ as superior to others, and that value pluralism disallows such a priority. Nonetheless, Gray's apparent insight here is ultimately abandoned in the course of his argument. I will argue that Gray departs from a view centered on the priority problem in at least two ways. First, Gray's reasons for attacking normative priorities turn out to be relativistic rather than value pluralist; not only does his interpretation of value pluralism collapse into relativism (despite his efforts to distinguish it), but his critique of liberalism ultimately relies on a relativist position, not a value pluralist one (4.4.1). Second, Gray does not, in the end, seem to take the priority problem all that seriously. His final, preferred political view—that political arrangements under pluralism must seek a *modus vivendi* among competing ways of life—involves the prioritization of Hobbesian goods of peace and stability. His list of prioritized goods may be thin compared to liberal views, but it is a priority nonetheless (4.4.2).

4.4.1: Gray and the Priority Problem

Gray's apparent embrace of the priority problem—and the reasons his view slides into relativism—can be best understood in relation to the way he understands his critical target. Gray's adoption of a value pluralist view, throughout the course of his

⁵⁰ As we saw in Chapter Two, Gray elides the distinction between goods and ways of life, and treats value pluralism as a theory encompassing both things. That is, he conflates the moral-practical and societal groupings theories of value pluralism. In fact, as I will show, his political arguments largely depend on a ways-of-life interpretation of value pluralism, even though he occasionally uses the language of goods.

development of his own interpretation of value pluralism, always coincided with his disillusionment with, and attack on, what he understood to be “liberal orthodoxy.”⁵¹ Gray’s claims about value pluralism, then, get some of their shape from the way he wants to use them as a weapon against a certain kind of enemy. What he takes this enemy to be, and particularly what he picks out as its worst sin, becomes highly determinative in forming his interpretation of value pluralism. Thus, I will examine Gray’s understanding of liberalism as a wedge for identifying how he understands what I have called the priority problem.

Gray’s relationship to liberalism has gone through a number of transformations throughout his career. In his early thought, Gray was a stalwart defender of “classical liberalism,” advocating a laissez-faire market system. Some of his earliest book-length works were sympathetic studies of Hayek (1984) and Mill (1983). At some point, around the early to mid-1980s, Gray seems to have begun to have doubts about the viability of all attempts to justify liberalism as a superior form of human organization by grounding it in some account of axial norms or fundamental human interests. Around the same time, Gray’s essays began to evince a sustained engagement with Isaiah Berlin’s thought, and he began to latch on to the idea of value pluralism. These two concerns were joined together such that value pluralism became both Gray’s main reason for rejecting universalist liberalism, and the basis of what he thought at that time could be an

⁵¹ Gray has a tendency to associate his opponents with an “orthodoxy,” implying that their positions are either unexamined articles of faith, or culpably engaged in propping up the status quo. This rhetorical move seems like an effort to discredit a position, although it sidesteps substantive criticism. One example of this pattern, though certainly not the only one, can be found in *Two Faces of Liberalism* (2000b, 12). Similarly, Gray has titled a recent collection of essays *Heresies* (2004), in order to suggest that his views bravely stand up against powerful currents of opinion.

alternative approach to defending liberal values and institutions, which he called “agonistic liberalism.” Gray’s views at this time are developed most fully in two books that appeared in the mid-1990s, *Enlightenment’s Wake* (1995a) and *Isaiah Berlin* (1996) (the latter is on its surface a study of Berlin’s thought, but it may be more plausibly read as an amalgam of exegesis and the projection of some of Gray’s views onto Berlin). Gray soon came to see agonistic liberalism as itself subject to the same critiques that he had leveled against other forms of liberalism, however. Most recently, he has advocated for a politics of *modus vivendi* as the approach most appropriate under conditions of value pluralism (2000b). While Gray asserts that this approach represents the recovery of an historically eclipsed variety of liberalism that starts from the problem of peaceful cohabitation in communities marked by religious diversity (as opposed to Enlightenment forms of liberalism he says are dominant today), his *modus vivendi* view instead seems to involve a repudiation of almost all substantive liberal ideals in favor of peace and stability, except in such cases where peace and stability are best furthered by a liberal settlement.

So Gray’s assessment of liberalism has undergone dramatic changes. Additionally, his understanding of what it is has also shifted, although here instead of total revision of his view he has simply narrowed his list of essential features from four to, ultimately, just one. In the mid-1980s, Gray published a brief book on liberalism as part of a series of introductions to key concepts in social and political theory. In this book, Gray proposes a set of four essential elements that characterize any liberal view:

It is *individualist*, in that it asserts the moral primacy of the person against the claims of any social collectivity; *egalitarian*, inasmuch

as it confers on all men the same moral status and denies the relevance to legal or political order of differences in moral worth among human beings; *universalist*, affirming the moral unity of the human species and according a secondary importance to specific historic associations and cultural forms; and *meliorist* in its affirmation of the corrigibility and improvability of all social institutions and political arrangements (Gray 1995b, orig. 1986).

Originally, Gray saw each of these features as a defining part of any liberal view, although he acknowledged that in different historical, national, and ideological contexts these points received different interpretations and specifications. By the time he adopted a more critical posture vis-à-vis liberalism, Gray revised his list, declaring that only the conditions of universalism and meliorism were in fact central to all liberal views.⁵²

Whatever the status of Gray's revised understanding in terms of its accuracy as an account of what liberalism is, his shift seems to be required for the specific criticisms he wishes to launch. It is universalism and meliorism that Gray wishes to attack, and so he (perhaps too conveniently) declares that these are the defining features of all liberal

⁵² Gray asserts the centrality of universalism and meliorism in a later postscript to *Liberalism* (1995b, 86). This seems to me a very odd view, and I would even say that Gray has latched onto the two items on his list that were most questionable in terms of their status as essential elements of any liberal view. While liberal thought was certainly universalist in its classical origins, many recent liberal thinkers have abandoned universalism, especially as a prescriptive claim. And while Gray seems here to define meliorism as belief in the possibility of social improvement (which most liberals would ascribe to), he often talks about this element as though it entailed a belief in a progressivist philosophy of history, which almost all contemporary thinkers (save perhaps Francis Fukuyama) reject. On the other hand, liberalism of any variety involves an emphasis on the inviolable moral status of the individual, and I know of no liberal view that does not specify this moral status in egalitarian terms (quite apart from whether egalitarianism in social outcomes is favored). Indeed, these two conditions would seem to carry a lot of the substantive moral content of liberalism (though Gray may be wrong that they, along with the other two, exhaustively specify it).

In defense of his move, Gray notes that many liberals end up putting different values at the core of their political conceptions. He cites the difference between forms of liberalism centered on equality like Dworkin's and those centered on liberty like Hayek's. The move is obtuse, in that Gray fails to register that Hayek's view *is* egalitarian in the relevant sense, which has to do with the moral status of individuals rather than social outcomes. Indeed, at least in its origins in social contract theory, liberalism has tended to understand freedom and equality as equally fundamental and mutually constitutive. On the liberal view, individuals are free in that they are not naturally subject to anybody, and their equality consists in the absence of natural relationships of hierarchy or authority. Thus, freedom and equality are understood as two dimensions of the same basic moral status (although this is not to say that they cannot conflict in any of their various specifications and contexts). The opening passages of Locke's *Second Treatise* clearly lay out this view (Locke 2003, 101ff.).

views. As he develops his criticisms, moreover, Gray ends up effectively paring down his understanding of liberalism even further, until it is essentially made up by just one of the original elements, universalism. Though I know of no place where Gray explicitly claims that meliorism is not a part of liberalism, his actual discussions of what is wrong with meliorism tend to collapse it into universalism. He tends to talk about meliorism as though it entailed belief in a philosophy of history along the lines of nineteenth century views of inevitable progress, such as Comtian positivism.⁵³ In these discussions, the feature of meliorism that Gray latches onto is the belief in ultimate convergence of all peoples on a single best social order. Thus, meliorism is morphed into simply a nuance on the central claim of universalism. Finally, in some of his most recent work on liberalism and value pluralism, Gray identifies the “dominant,” Enlightenment-based strand of liberal theory with the pursuit of “rational consensus” and “universal civilization” (2000b, 5, 21).

So Gray targets a certain conception of liberalism that is whittled down to a claim that certain institutions or values constitute a universal regime that everyone should adopt. How does Gray wield value pluralism as a critical weapon against this conception? As I have indicated, Gray seems to say at times that the main problem with liberal universalism is that it runs afoul of what I have called the priority problem. Along these lines, Gray has written that, according to his value pluralist position, “liberal practice enjoys no theoretical privileges” (1995a, 126). In fact, in another essay, he expresses

⁵³ It is never altogether clear who Gray thinks actually takes such a view seriously, although he often cites Fukuyama in these contexts (and his views are certainly an exception). In fact, I think Gray would be hard-pressed to find evidence of widespread adherence to a philosophy of history in contemporary liberal theory.

himself in a way that looks very much like what I have said under the heading of the priority problem, “from the truth of a plurality of incommensurable values the priority of one of them—liberty, autonomy, or choice-making, say—cannot follow. Value pluralism cannot entail, or ground, liberalism in any general, still less universal way” (1995a, 133).⁵⁴ More recently, he has put the point this way: “The impossibility of deriving the priority of negative liberty over other values from value-pluralism can be seen as a defeat for liberalism” (2000b, 32).

If Gray had stuck with and followed through this line of thinking, there may not ultimately have been much difference between his view of the *critical* force of value pluralism and my own (although the *constructive* views I develop in Chapter Five are quite different from Gray’s). However, closer examination of what Gray actually takes the problem with liberalism—and the significance of value pluralism—to be reveals that the priority problem as I’ve construed it is actually not his main concern. Even if the above quotations show that Gray may have hit on the priority problem, he has focused overwhelmingly on a different set of objections to liberalism, ones that suggest an underlying relativism rather than a truly value pluralist view.

So, what are these points? As I have said, Gray targets liberalism for its purported *universalist* pretensions. Accordingly, the problem he finds in it is not so much that it involves normative priorities but that it makes a claim that *everyone* should adopt those priorities. Liberalism’s fatal flaw, according to Gray, is thus that it purports to offer a *uniquely* rational ranking of values, not merely that it ranks values. Gray’s thinking here

⁵⁴ *Ibid.*, 133.

seems to be governed by a conflation of the societal groupings theory—the phenomenon that various people and groups have different beliefs about what *is* good—with the moral practical theory of value pluralism, which makes claims about how various goods relate to one another. On my interpretation, incommensurability kicks in not at the level of figuring out what should count as a good, but rather in how to compare various goods and decide between them when they conflict. That is, incommensurability is a relational property of goods, and we confront incommensurability directly when the question of what goods or values are at stake in a given situation is more or less settled. Different beliefs about what ought to be valued, or what counts as good, are in this sense not really the purview of value pluralist theory. This is not to say that value pluralism denies that people do in fact disagree about what should be valued or counted as a good, or that such questions are often difficult to settle, while such settlements we do arrive at remain contestable. These are familiar points and I do not pretend that they do not pick out important features of our moral and political experience. It is just that (the moral-practical version of) value pluralism is not a theory about them. Gray's critique of liberalism as a *universalist* creed often misses this point, and he ultimately rests his arguments more on disagreement than on incommensurability.

The main upshot of this confusion in Gray's critique is that he drifts away from an authentically value pluralist critique based on the priority problem, toward a more relativistic view. For Gray, liberalism is mistaken in attempting to arrive at a universalist prescription for the best regime *because people do not in fact, and should not be expected to, agree about what the best regime or way of life ought to be*. Thus the problem for

Gray is *not* that taking incommensurability seriously rules out deriving the kinds of priorities that a justification of liberalism must defend, but rather that liberalism insists that the same priorities should be held by all people, and that this is a fanciful aspiration.⁵⁵ Gray asserts that “the conflict of values arises in political life, most fundamentally, as the rivalry of *ways of life* that are mutually exclusive, even where they are also internally complex” (1995a, 79). Similarly, in a criticism of liberal views that strive for neutrality toward conceptions of the good, Gray argues that politics “cannot ... be insulated from controversy about the *content of human well-being or flourishing*” (1995a, 72). So Gray identifies the relevant political problem for liberalism as disagreement over what the good is, rather than incommensurability among goods. He also, erroneously, takes such disagreement to be part of what value pluralism is about. A series of three statements illustrates the point well:

The good is independent of our perspectives on it, but it is not the same for all. It is not just that different ways of life honour different goods and virtues. More, what one way of life praises another condemns.

[S]ome conflicts of value do arise from rival views of the good. They come not from rivalry among values that are universal but from the different goods that are honoured in particular ways of life. ... Today, as in the past, there are ways of life that do not celebrate [specific goods], or which condemn them.

[T]he virtues of some are the vices of others (2000b, 6, 8, 39).

⁵⁵ Importantly, the point here is not simply that arriving at consensus is a practical impossibility. Gray is saying instead that the expectation of consensus is based on a flawed understanding of how human groups are constituted—for Gray, we are not destined to converge on a best regime but are instead self-creating beings who will always exhibit a variety of cultural forms and ways of life. On Gray’s view, consensus is thus not even possible *in principle*. But whatever the reasons behind this philosophical anthropology, it cannot be said to be a consequence of incommensurability.

Here, as before, the problem with what Gray is saying is not that the observations he makes are incorrect—disagreements of this sort are well-known, and have long been discussed in political theory. The problem is rather that they are not identical to, nor implications of, the value pluralist theses of conflict and incommensurability. The key point comes where Gray emphasizes that one and the same action or habit may be judged good by some and evil by others (with the submerged premise that the context of each judgment is the same—for example, the problem is not that killing may be judged wrong in most circumstances but permissible against combatants in a just war, but that some groups think killing is not justified in war and some think it is). Gray is not simply observing that such divergent judgments take place, but arguing that they are legitimate because of incommensurability. But this claim relies on the conflation of goods and conceptions of the good (or the moral-practical and societal groupings theories) that I have repeatedly criticized in Gray and others. Incommensurability presents a special relationship between the goods or values at stake in given choices, namely that they cannot be translated into a common scale of measurement or referred to a general decision procedure. Now the alternatives in a given choice may involve goods or bads—incommensurability simply specifies the kind of relationship that obtains between them. But disagreement about whether something should *count as* good or bad is something

else.⁵⁶ Incommensurability makes it hard to choose, but it is not a source of contradictory judgments about whether a single consideration is good or bad in the first place.⁵⁷

Gray's case is no better off if it is referred to the pluralist claims that goods and values are plural and conflicting, rather than the claim of incommensurability. Here his claim is that, because there are many goods that cannot be accommodated within a single life (or cultural form), we necessarily make choices among them, and different people and cultures will end up with different constellations of goods.⁵⁸ I have already raised doubts about this view of the relationship between goods and cultures or ways of life as it is advanced by Galston, whose argument is very similar to Gray's. However, even if this argument were correct, it would not help Gray to arrive at his claims about disagreement over what *is* good. At best, this argument can arrive at the claim that different goods are central to different individual lives or different cultures (a banal enough observation).⁵⁹ The existence of such differences is an empirical fact, but it is not the point Gray seems to want to make. As evidenced in the quotations cited above, Gray thinks value pluralism entails that a single thing may be correctly labeled good by some and bad by others, that is, that one person's virtue is another's vice. But the value pluralist thesis of conflict

⁵⁶ Again, I do not wish to deny that this sort of disagreement exists, but merely that it is a phenomenon directly explained by value pluralism, when this is properly understood.

⁵⁷ As I argued in Chapter Three, incommensurability describes the relationship between various considerations attaching to a choice, and precludes dealing with them by means of some aggregative calculation. But it is an entirely different question whether the considerations of a choice are seen as good or bad in the first place. Incommensurability makes it difficult to choose inasmuch as certain simplifying devices (such as decision procedures) are rendered unavailable; however, it does not legitimate contradictory beliefs about whether a consideration is good or bad in the first place.

⁵⁸ Gray suggests such a view throughout the first chapter of *Two Faces of Liberalism* (2000b, 1-33). The most direct statement of it is "the many ways in which humans can live well embody different settlements among discordant universal values" (8).

⁵⁹ That is, if the picture is one of ways of life selecting and ordering various goods, then the result will be differences in which goods are chosen and how they are ordered. This is not the same as different groups valuing the same thing in opposite ways.

cannot lead to the conclusion that one and the same consideration may count as both a good and a bad in an aptly-formed judgment. The claim that goods may conflict may lead us to say that some goods must be foregone in instances where they conflict with others, but this is not the same as saying that the foregone goods were really bads or wrongs all along.⁶⁰ The point with respect to cultural difference is that an account of the outgrowth of divergent ways of life by way of alternative settlements and prioritizations of conflicting goods does not reach so far as to allow opposite answers to the question of whether something is a good, but merely allows different emphases among recognized goods. Even granting Gray his dubious case that different ways of life emerge from conflicting goods, we cannot arrive at the view that one and the same thing is a virtue for some and a vice for others.

To more clearly illustrate this point, imagine a world in which there are three goods, X, Y, and Z, which are characterized by conflict and incommensurability. Now imagine that there are two groups of people in this world, X-lovers and Z-lovers. For X-lovers, the goods are ranked $X > Y > Z$, whereas for Z-lovers, the goods are ranked $Z > Y > X$. So far, the illustration is an abstract example of Gray's general view on the relation between ways of life and the goods valued within them. But the most strongly relativistic conclusion Gray wishes to draw from this for his critique of liberalism—namely, that certain things are good according to some and bad according to others—does not follow

⁶⁰ In fact, this resembles the move that theories of commensuration like utilitarianism make, when for instance they say that choosing the alternative that leads to the greatest utility does not involve any loss of value, because the utility of the foregone alternative is compensated for. It is one of the major insights of value pluralism to insist on the reality of moral loss, which is expressed in the thesis of incommensurability. To legitimate the judgment that a foregone good is really a bad or a wrong is to abandon this key claim.

from this. For Z-lovers recognize X as a good, but merely disagree with X-lovers over its relative priority. This is a very different kind of disagreement than one in which, say, some third group, X-haters, came along and disputed whether X was a good at all. This sort of disagreement, about whether something should be counted as a good or as a bad, is certainly very real, but it is more properly the purview of a theory about disagreement among *conceptions* of the good, rather than (the moral practical version of) value pluralism, which is about plurality among *goods* themselves. And even given Gray's elision of this distinction, the explanation he proposes fails to generate a coherent explanation of opposite judgments of the same thing. If a more concrete example would help, let us imagine how these different types of disagreement might surface in a contemporary political controversy, say that over abortion in the U.S. One way of describing what's at stake in the abortion question is to say that there are several competing goods at stake, for instance the goods of life and its protection/nurturance,⁶¹ and the goods of personal autonomy and discretion over one's own body. On this account, the debate is over how to balance these goods, or perhaps over whether, as a matter of fact, all of these are really at stake (as with the debate over whether a fetus is a human being). Alternatively, the debate could be described as one where (some of) the conflicting parties attach opposite valuations to specific actions or patterns of behavior. Where one group claims that an autonomous life of self-direction is vitally important, another stresses heteronomous obedience to God's commands. Or where one group sees

⁶¹ It is arguable whether life *as such* really is a good, or whether it is better to say that a person's life is only good to the extent that it incorporates other goods (Griffin 1986, 334n21, with accompanying text at 67-68). For the purposes of this illustration, it is not important to decide this question, and I only mention here that the question has been raised.

an issue of personal reproductive choice, another sees a sinful rebellion against the will of God. It should be clear that these two descriptions showcase very different kinds of conflict and disagreement. Value pluralism is a theory about the first kind of conflict, but Gray again elides the distinction and makes claims about the latter kind. Gray confuses *moral* conflict between goods (as when liberty and equality conflict) with *social* conflict between groups with different beliefs (as when B disputes A's assertion of human equality with the claim that some people are naturally superior to others).

Thus, Gray's argument against liberalism relies primarily on the fact of difference or disagreement among various cultures or ways of life, rather than on the thesis of incommensurability that is central to value pluralism. As such, his critique does not actually hang on the priority problem. The main complaint Gray lodges against liberalism is that its universal pretensions run aground on disagreement about what is good, which he says cannot be resolved by reason. "When liberals set up one regime *as a standard of legitimacy for all the rest*, pluralists and liberals part company" (2000b, 20, emphasis added; see also 1998). As a result of these moves, Gray's politics tend to look more like an outgrowth of relativism rather than value pluralism. Indeed, in stating the main point of pluralism for political theory, Gray offers a formula that is difficult to distinguish from a relativist view that refers all moral and political judgments to the internal standards of a culture or tradition. "The central proposition of pluralist political theory ... is that different legal and political institutions are desirable and legitimate in different cultural

and historical milieu” (1995a, 139).⁶² Thus, Gray himself “parts company” with the theory of value pluralism in elaborating his critique of liberalism, which ultimately hangs on the relativistic view that the validity of normative judgments is culture-bound.

Before turning to the positive side of Gray’s pluralist politics—his *modus vivendi* approach—it is worth considering a likely response Gray might give to the above analysis of his critique of liberalism. Gray repeatedly attempts to distinguish his view from relativism, and he would probably resist the interpretation I’ve offered here by returning to these points. I have considered in Chapter Two some of the reasons why Gray’s efforts to differentiate his view and relativism are unsatisfying; I will return here only to one argument of Gray’s that is most relevant to the question of the evaluation of cultures. Gray frequently appeals to certain fundamental values that no society may legitimately threaten—sometimes he refers to “universal evils,” and sometimes he talks about a set of minimum goods that must be secured (see, e.g., 2000b, *passim*, esp. 8ff. and 106ff.).⁶³ This is a familiar interpretation of Berlin’s idea of a common “human horizon,” which is also deployed by Galston and Crowder. However, specifying a threshold level of decency that no one may rightly transgress does not do very much work in distinguishing value pluralism from relativism, and it arguably leaves the most

⁶² Pluralism of course does not deny that there are many goods and values that get their specific meaning and importance through the way they are specified and instantiated in actual social practices. For example, it is only possible to be a college professor, and thus to cultivate the virtues specific to that role, within a social context that contains the institution of colleges and universities (and similarly, the specific social function of the university in a given context informs what those virtues might be—it is no longer a primary function of most universities to train clergymen, as it had been in the past). Gray’s position here, however, is considerably stronger than simply the point that many goods and values have socially constituted meanings. It is instead the view that nothing apart from social and cultural beliefs has any bearing on the status of something as a good, which is to say that there is no possibility of error in moral judgments other than by non-conformity to a cultural form. Value pluralism denies that view.

⁶³ Gray is typically vague about what exactly these values are, although at times he appeals to some of the human rights recognized in U.N. documents.

important questions raised by the charge of relativism unanswered. What the “minimum standards” argument effectively does is to place limits on the *scope* of relativism. It is no longer the view that “anything goes” so long as it is locally accepted; rather, Gray is proposing a *bounded* relativism—“anything goes, up to a certain point.” Gray’s view says nothing to lead us to expect that moral judgments will not be relativized *within* the sphere of decency. As such, Gray leaves the most important question raised by the specter of relativism—that of whether or not moral judgments must be arbitrary—unanswered in a wide range of cases.

4.4.2: Gray’s Politics: *Modus Vivendi* and the Return of Priorities

It would be misleading to suggest that Gray is only out to smash the idols of Western, liberal-democratic intellectuals without offering up any constructive alternative view. To the contrary, Gray’s argument against liberalism is not merely that its universalism is wrong but also that it is not appropriate to contemporary practical realities. And, as I’ve indicated, the practical reality that Gray finds definitive of our times is cultural diversity. Gray thinks that the importance of value pluralism is not just that it shows liberalism to be false, but also that it can generate the right kind of politics for our own time. This is the politics of *modus vivendi*.

The use of the term *modus vivendi* to describe certain kinds of settlements in cases of moral disagreement is familiar from the work of John Rawls. Gray does not seem to depart from Rawls’s usage in any major ways, save perhaps that he does not accentuate the idea that a *modus vivendi* is a balance of forces and thus contingent for its acceptance

on the power-positions of the parties remaining stable. In fact, he may not even see the idea of a “balance of forces” as a defining characteristic of a *modus vivendi*, inasmuch as Gray thinks that *modi vivendi* are rightly revised not when one of the parties can exploit its position to extract an advantage or more favorable terms, but when the existing settlement no longer secures a livable peace for one or more of the parties.⁶⁴ The main difference between Gray and Rawls, though, consists in their opposite *assessments* of *modi vivendi*. Rawls, as is well-known, believes that *modi vivendi* are inherently unstable and that we should instead strive for the *principled* allegiance of citizens to the basic structure of society, which he expresses with the idea of an overlapping consensus (1996, esp. 144-150). Gray, on the other hand, thinks of a *modus vivendi* as a laudable achievement that secures the conditions of peace and stability that any way of life will need. Importantly, this is not simply the view that a *modus vivendi* is the best we can do, inasmuch as that suggests we should support it as a compromise position in view of regrettable practical constraints. To the contrary, Gray believes that *modus vivendi* is an ideal worth striving for, and his advocacy for it is not limited to urging a certain realism about the inescapable limitations of social life.⁶⁵

Gray offers two major arguments for his *modus vivendi* approach, both of which, I will argue, are unconvincing as value pluralist accounts. The first argument, which is in many ways similar to Galston and Crowder’s diversity arguments for liberalism, is that a

⁶⁴ Another way of expressing this would be to say that for Gray what matters about a *modus vivendi* settlement is that it secures peace and stability (2000b, 1-6), whereas Rawls highlights that it remains merely a *settlement*.

⁶⁵ On the other hand, Gray is certainly anti-utopian, and in this sense we should understand him as a “realist.” However, the point I am trying to make is that Gray wants to change the normative valence on the term “*modus vivendi*,” not simply to counsel resignation to it.

world of many different local *modi vivendi* is the best way to promote as many of the plural goods as possible. I will call this “the richness argument.” The second argument is that *modi vivendi* secure conditions of peace and stability among rival ways of life and conceptions of the good, thereby ensuring the minimum conditions of human well-being. I will call this “the peace argument.”

Gray’s richness argument is, of the two, more directly related to his interpretation of value pluralism. There are at least two levels of *modus vivendi* that Gray advocates on the basis of his richness argument.⁶⁶ The first is that *within* a given state, conflicting cultures or ways of life should seek a *modus vivendi* settlement that is acceptable to the various groups, given the actual contents of their ways of life and the context of their coexistence within a single territory. Gray plausibly claims that the wide variety of circumstances in which such settlements will be sought will generate a wide range of types of settlement, only some of which will be liberal. The second level of *modus vivendi* is an upshot of this claim. Here, Gray claims that a *modus vivendi* of sorts should also apply at an international scale, in that the variety of regimes that results from local settlements should also be respected. This is to say that illiberal regimes should be left alone by liberals who would like to see greater conformity to, say, human rights, so long as those regimes are the products of local *modi vivendi*. Gray attempts to support both of these levels of *modus vivendi* with his richness argument. The idea is that a world organized by *modus vivendi* will be one in which more cultures and ways of life, as well

⁶⁶ These are not always clearly distinguished by Gray, but they are nonetheless distinguishable. Gray argues for *modus vivendi* in many places (see, e.g., 2000b, 1-33, 105-139; 1995b, 18-30, 64-86, 131-143; 1996, 141-168).

as more of the plural elements of the human good, will be accommodated. As Gray puts it, “the human world will be still richer in value if it contains not only liberal societies but also illiberal regimes that shelter worthwhile forms of life that would otherwise perish” (1996, 152).

The problem with this argument is not primarily that it runs afoul of the priority problem or relies on a questionable interpretation of both value pluralism and the concept of a culture or way of life (although these are flaws with it, which are parallel to the problems I noted in Galston’s and Crowder’s views). Rather, the problem with it is that it relies on a rather perverse understanding of where the value of diversity in cultures and ways of life is located, which ought to be rejected from any point of view, not just a value pluralist one. Gray’s claim is that having a wide diversity of cultures and ways of life makes the world a richer place. But if we ask what this richness consists in, and how, or by whom, it may be appreciated, Gray’s view suggests the image of a detached spectator taking in the world’s diversity from a God-like perspective and being pleased with the richness of it.⁶⁷ What is striking about this view is that it values the mere existence of difference, without asking whether a given culture or way of life is good, or at least non-oppressive, for the people who live in it. Gray’s view would seem to imply that we should not interfere with conditions of oppression where these are either a part of, or necessary preconditions for, a specific culture or way of life, because alleviating the oppression might also snuff out the way of life. This effectively requires us to say to those who are oppressed by a given regime and its way of life, “you must suffer so that

⁶⁷ Daniel Weinstock (1997) makes a similar point.

there may be more diversity of ways of life in the world.” This is a strikingly disrespectful way of treating people, and I find it difficult to imagine how a person of conscience could countenance it.

Gray’s second argument for *modus vivendi*, the peace argument, aims to justify *modus vivendi* because it secures conditions of peace and stability. The main point here has already been touched on above. Because conflicting cultures and ways of life must often share a given territory or political space, Gray argues that seeking *modus vivendi* settlements between these ways of life is the best way of securing peace and security in a multicultural environment. Gray does not, however, limit his argument to the point that *modus vivendi* is a practical necessity. He also argues that peace and stability form an underlying base for the pursuit of any other values. We must have peace as a precondition for securing any other values, or for following a way of life. Thus, Gray argues that “nearly all ways of life have interests in common that make *modus vivendi* desirable for them” (2000b, 20). The basic interest Gray has in mind is the interest in not having civil war break out. By appealing to this Hobbesian consideration, Gray attempts to provide, if not a universal reason, then at least a very widely-shared and enduring reason for *modus vivendi*.

The objection I have to Gray’s peace argument for *modus vivendi* is that it, like the pluralist arguments for liberalism discussed above, seeks to derive a set of normative priorities in spite of an affirmation of incommensurability. Here the priorities are admittedly not as robust as those informing a liberal view, but they are priorities nonetheless. As should be clear from the above account, Gray’s peace argument for

modus vivendi is precisely a prioritization of the goods of peace and stability. It is unclear how exactly we could arrive at this priority if we take incommensurability seriously.⁶⁸ To be fair, Gray does admit in at least one place that incommensurability would seem to pose this obstacle to his account: “value-pluralism does not strictly entail *modus vivendi*. As a matter of logic, value-pluralism cannot entail any political project” (2000b, 135). Despite having made this point, Gray continues to argue that the goods of peace and stability should enjoy a priority. Perhaps he means to say that although value pluralism does not entail a *modus vivendi*, it nonetheless justifies it. If this is what he means, he still runs afoul of the priority problem, as the sort of priority-specifying argument I think the priority problem defeats very rarely involves strict entailment. We can see that Gray maintains an argument for priority, and thus that the above quote is not in fact a repudiation of his effort to prioritize peace and security, in the following passage, where Gray explains the status of his argument for *modus vivendi*: “the case for *modus vivendi* is not that it is some kind of transcendent value which all ways of life are bound to honour. It is that all or nearly all ways of life have interests that make peaceful coexistence worth pursuing” (2000b, 135). Gray’s claim here is that peace should be prioritized, and used as a standard of legitimacy, in nearly all contexts.⁶⁹ According to Gray, it is a fundamental human interest, and for that reason alone ought to govern our political goals. In this way, Gray attempts to establish that there is a “pluralist *standard of*

⁶⁸ It may be thought that Gray’s Hobbesian claim that peace is a precondition of other goods is an attempt to explain this. I will show shortly why this argument fails.

⁶⁹ It is not clear what point Gray is making by bringing up transcendence. Whether or not peace is a “transcendent” good has little bearing on whether it may be prioritized on value pluralist grounds. Gray’s argument that peace is a fundamental human interest, though it denies that peace is “transcendent,” is still an attempt at establishing its priority.

assessment” that views any regime as legitimate which “enables its subjects to coexist in a Hobbesian peace while renewing their distinctive forms of common life” (1995a, 140, emphasis added).

While it is clear that Gray’s peace argument proposes a set of normative priorities, one may wish to insist on his behalf that his argument that peace is a precondition of all other goods is in fact a warranted priority claim. That is, according to this defense, why should we push the idea of incommensurability so far that it precludes making a point that seems well-founded in common sense? Isn’t it the case that there can be no justice, or equality, or whatever else without peace? While there is surely some truth in the point that peace forms a precondition for the realization of other goods, this claim—and the prioritization it supports—actually obscures a wide range of important cases where according peace priority is not proper. For it is also true that maintaining peace can actually frustrate the realization of important goods. In conditions of oppression, tyranny, or serious injustice, it may be that we ought to break the peace in order to have a chance at liberation or a more just social order. If there is such a thing as justified rebellion, then it cannot be the case that civil peace ought to have the priority that Gray seeks for it. We may say, then, that in some contexts peace is not an overriding good, and, in fact, it sometimes may be an obstacle to achieving a better state of affairs.

To illustrate how problematic Gray’s view starts to look here, consider the example of African-Americans during the 400-year period of slavery in the United States and in the American colonies. Now it is demonstrably the case that enslaved African-Americans had a cultural life, and indeed many aspects of contemporary African-

American culture can be traced to some roots in these traditions (especially, for example, in the case of religious practices). It is possible to read Gray's *modus vivendi* criterion in such a way that, if it could be shown that the maintenance of the *way of life* of African-American slaves depended on the institution of slavery, then that institution could be seen as part of a legitimate *modus vivendi*. This example clearly pushes Gray's view to its limits, and he would probably want to say that slavery involves a violation of the basic minimum of human decency that he appeals to in other contexts. Nonetheless, there are certainly many less blatant forms of oppression and injustice that Gray's *modus vivendi* approach would seemingly allow.⁷⁰ Gray's prioritization of peace gives us very few resources for distinguishing between *modi vivendi* that are legitimate or at least tolerable, and those that inflict unjustifiable wrongs or harms. Here again taking incommensurability seriously would keep us from ending up with such a view—we would recognize that in many contexts peace may be in conflict with other important goods (or may in fact not properly be a good at all, as in, arguably, cases of tyranny), and we could refer to those goods in making judgments about what sorts of social arrangements may be legitimate. Gray's attempt to prioritize peace not only has no warrant on value pluralist grounds, but also obscures the reality of incommensurability and conflict.

⁷⁰ Gray often admits this openly—for example, he makes the following comment on the legitimacy of human rights violations in China because of cultural considerations: “[Western liberals] attack the current [1995] Chinese regime because it refuses—rightly, in my view—to accept Western norms and practices as authoritative in China” (1995a, 140). Gray also says that Chinese treatment of Tibet may be criticized because it threatens Tibetan culture, but rejects the criticism that China has violated Tibetans’ human rights. In doing so, he retains his commitment to peace and the preservation of cultural diversity at the expense of considerations of injustice and oppression, which he has dismissed in this case as ethnocentric and imperialist.

What Might Value Pluralist Political Philosophy Become?

If my arguments in this chapter have been successful, then it should be evident that the major extant attempts to find a value pluralist basis for some form of politics, liberal or otherwise, come up short. Moreover, we have strong general reasons, which I have labeled the priority problem, to doubt that any argument seeking priority-status for specific goods could be successful while starting from value pluralist premises. We might wonder, at this point, whether value pluralism really has any relevance to political theory at all. After all, if incommensurability seems to undercut any attempt to derive the priority of political norms, what can value pluralism have to offer our political thought?

The point I want to make here, and which I will develop at greater length in the next chapter, is that the priority problem does not rule out *any and all* sorts of political implications for value pluralism, but merely value pluralism's providing the basis for political theory argumentation *of a certain kind*. What the priority problem excludes is a value pluralist contribution to the specific form of priority-specifying argument I identified above—after all, it was with reference to this form of argumentation that the priority problem was characterized *as a problem*. So far, the major theorists of value pluralism have gone in for this form of argumentation, and their contributions have seemed underwhelming, at least from the perspective of whether they have a solid basis in value pluralism. I want to suggest that we may yet be able to practice an alternative mode of theorizing, one in which value pluralist considerations can contribute to an enrichment of our collective self-understanding.

The development and implementation of this approach is a task I take up in full detail in Chapter Five. Let me recap where the argument has gone and preview where it is going. Chapters Two and Three dealt with the content of value pluralism as a theory about value and practical choice. In Chapter Two, I first argued that the state of value pluralist theory currently involves widespread ambiguity, vagueness, and confusion over what the theory actually says. I showed that this involves, most significantly, the blending of two distinct themes in Berlin's thought, one pertaining to the differences among nations and cultures (the societal groupings theory), and another concerning plurality, conflict, and incommensurability among values (the moral-practical theory). I went on in Chapter Two to specify my own interpretation of value pluralism, detailing how I understand three of the four main claims of the theory (that there is a plurality of goods, that these goods may conflict, and that the goods have an "objective" status). The fourth claim, that goods are sometimes incommensurable, was particularly thorny and controversial, so I took it up at length in Chapter Three. There, I argued against other interpretations of incommensurability, such as incomparability and paradigm-incommensurability (or non-intertranslatability), and laid out my own definition in terms of the absence of a choice-determining common value element. I then mobilized this definition to address one of the persistent worries about incommensurability, that it disables reasoned practical choice. I sketched some ways in which practical reasoning may proceed in the face of incommensurable alternatives to cast doubt on this criticism. In this chapter, I have argued that the political views advanced by value pluralist theorists have not succeeded in securing a value pluralist ground. Broadly speaking, value

pluralist theorists face a “priority problem” because of incommensurability; any attempt to argue for a political view by specifying normative priorities must falter so long as value pluralist premises are maintained. In addition, I analyzed the specific arguments of Berlin, Galston, Crowder, and Gray, and found that each presented additional problems. Having registered these criticisms about the current lay of the land, I now turn to the exposition of my own views on the political implications of value pluralism. In Chapter Five, I will show how the conception of value pluralism I laid out can be put to work in spelling out some political prescriptions. I will argue for a new approach, different from the priority-specifying mode of argumentation, for thinking about a value pluralist political project. I will argue that a different avenue is open to value pluralists seeking a politics, namely, *giving incommensurability its due*. On this approach, a liberal-constitutional framework of rights and liberties can be defended as a necessary precondition enabling the recognition and appreciation of incommensurability in practical life. But the political implications of value pluralism do not stop there. In fact, a full appreciation of incommensurability and conflict should point us more in the direction of *democratic* modes of political life, in contrast to the preoccupation with liberalism that currently dominates the literature.

5: Giving Incommensurability Its Due: Toward a More Democratic Understanding of Value Pluralism

In this chapter, I advance a new argument about the political implications of value pluralism. We have seen that the dominant theme of the literature to date has been value pluralism's relation to liberalism, although different authors argue for different forms of liberalism. Thus, Berlin associates value pluralism with a certain form of liberalism defined by freedom of choice and toleration (1990, 1-48; 2001a, 25-79; 2002, 166-217; Berlin and Williams 1994). William Galston argues for a diversity-based liberalism of "maximum feasible accommodation" of various cultural and doctrinal groups (2002, 20ff., 48-64, 110-123), and George Crowder believes value pluralism points to the importance of autonomy, and thus a perfectionist liberalism geared toward fostering autonomy and its correlative virtues (2002, 185-257). And although John Gray offers a critique of liberalism in favor of *modus vivendi*, his value pluralist writings are framed by the same question inasmuch as their dominant theme is a value pluralist challenge to liberal universalism (1995a, 64-86, 131-184; 2000b).

I will argue here that value pluralists' preoccupation with liberalism is basically misguided, or, better, that it is severely one-sided and overlooks a more central dimension of the political meaning of value pluralism. This more central core of value pluralism is fundamentally *democratic*—value pluralism, properly understood, supports deliberative democratic institutions and practices. Moreover, the value pluralist approach to deliberative democracy does not merely echo the chorus of contemporary theorists of deliberative democracy. As I will argue, value pluralism provides a new understanding of

the purposes of deliberation that differs markedly from the mainstream emphasis on reciprocity, legitimacy, and respect. It also de-privileges consensus as the favored result of deliberative processes for principled theoretical reasons, as opposed to practical concessions in the face of non-ideal conditions.¹ My argument, then, will operate on two fronts: first, it will correct for some prominent mistaken interpretations of the political implications of value pluralism and turn attention to the theory's neglected democratic meaning, and, second, it will provide a new, distinctive version of deliberative democracy that offers a way around frequent objections to the literature's emphasis on consensus.

We have seen that failure to account for the priority problem has been a major flaw in value pluralist political theory. Berlin, Galston, Crowder, and Gray all profess the view that goods may be incommensurable, but each of them advances a priority-specifying argument in defending their political views. Each of them argues that value pluralism grants special status to certain goods, which then ground a political view (a variety of liberalism for Berlin, Galston, and Crowder, and an anti-liberal view for Gray). These moves, in effect, amount to an attempt to bypass incommensurability and exempt certain goods from it. It is difficult to see how such priorities can be maintained alongside value pluralist premises.

¹ I have associated these views with a "mainstream" version of deliberative democracy, but this claim needs some qualification. There are of course many accounts of deliberation in the literature that address different questions and defend deliberation on different normative grounds (Habermas is not the same as Gutmann & Thompson, who are not the same as Joshua Cohen, none of whom highlight the same concerns as James Fishkin, etc.). The "mainstream" tag is not meant to be a blanket generalization, although as I will show in my discussion of this literature, legitimacy and reciprocity are prevalent themes, and the emphasis on consensus is very widespread. Even though this "mainstream" conception is my main target, my approach is also quite different from other versions of deliberative democracy.

The challenge for arriving at a political view from a value pluralist starting point, then, is to figure out how to avoid violating the condition of incommensurability and running afoul of the priority problem. This is the guiding problem that will frame my argument in this chapter. I believe there is a strategy available to value pluralists for getting around the priority problem, and I will argue that it points to a politics of democratic deliberation. In what follows, I will set the stage for my own approach by first considering two unsatisfying responses to the priority problem: agonistic politics, and what I will call “ad hoc politics” (5.1). The deficiencies of these strategies, particularly the ad hoc approach, will help us see the appeal of my own strategy, which I call “giving incommensurability its due.” In §5.2, I will explain what giving incommensurability its due involves, and why this strategy is not a form of priority-specifying argument. My approach gives rise to two sets of complementary political implications, a set of “macro-level” implications, concerning institutional and structural features of a value pluralist polity, and a set of “micro-level” implications, concerning the features of value pluralist political life on the ground. The core institutions and practices—the macro-level implications—that follow from giving incommensurability its due will be specified in §§5.3-5.4. In §5.3, the focus is on a liberal-constitutional framework of basic rights and liberties, which provide enabling conditions for giving incommensurability its due. But incommensurability is *fully* given its due when this framework is supplemented by *democratic* practices of deliberation (5.4). My argument here highlights some important differences between my value pluralist approach to deliberation and some of the common themes of what I referred to above as the “mainstream” account of deliberative

democracy. I also give special attention to how my approach handles the twin issues of constraints on discourse and the ethics of citizenship, which have loomed large in debates on deliberative democracy. Finally, I illustrate how a political order that gives incommensurability its due might look on the ground—that is, in terms of its micro-level implications—by discussing issues of healthcare policy from this perspective (5.5). This discussion has two important functions: it illustrates and clarifies the micro-level *process* of value pluralist deliberation, and it suggests some contrasts with other deliberative theorists who have written about healthcare.²

5.1: Two Unsatisfying Responses to the Priority Problem

5.1.1: Agonism

One tempting strategy here might be to say that, since reason offers no guidance about how to adjudicate between systems of priorities, we ought to make politics an arena of open confrontation between various groups and views. I call this view agonism, and I associate it with contemporary adherents of left-Schmittianism such as Chantal Mouffe (Laclau and Mouffe 2001; Mouffe 1993; 2000), and left-Nietzscheanism, such as William Connolly (1991; 1995; 1999).³ A fundamental claim of this view is that political life is outside the domain of reason (or even that appeals to reason as such are merely

² My main interlocutors here will be Gutmann & Thompson (1996; 1997; 2004, 139-159) and Leonard Fleck (2009).

³ There is also an Arendtian variant of agonism, which seems to me less radical than Schmittian and Nietzschean views. In particular, I do not believe the Arendtian view is as dismissive of the role of reason in an agonistic politics (indeed, Arendt's later focus on judgment, as well as her work on thinking, suggest a much more hospitable view of reason). As such, Arendtian forms of agonism may not be quite as susceptible to the charge of irrationalism that I level below against other agonistic views, although my other criticism, that they fit better with the societal groupings understanding of value pluralism than my view, may also apply to Arendtians. At any rate, I do not consider the Arendtian variant further here. Dana Villa provides a good account of the specifically Arendtian form of agonism, and instructively differentiates it from Nietzschean views (2000).

ideological), and thus that politics not only is, but *should be*, an antagonistic confrontation of competing groups and views. Different agonistic authors offer different arguments about the desirability of agonism. In Connolly's case, agonism is a means by which socially marginal groups can push back against the psychic oppression of normalization exerted by dominant identity formations. For Mouffe, however, agonism embodies the fundamentally adversarial nature of "the political" as such.

There are two major flaws with this approach as a response to the priority problem. At a fundamental level, agonism seems to make better sense as a response to the societal groupings theory of value pluralism, rather than the moral-practical theory that is my subject. Agonism makes claims about how different social groups—whether understood in terms of identity formations or, even more broadly, as decisionistically demarcated adversaries—ought to engage or confront one another politically. The problematic that agonist theorists take themselves to be addressing has to do with the multiplicity of cultural, religious, ethnic, and ideological groups within a single polity. If there is a conception of incommensurability operative here, it is not the one I advanced in Chapter Three, which pertains to the considerations for and against alternatives in situations of choice or judgment. Rather, the Kuhnian idea of non-intertranslatability might be more appropriate to agonistic politics. Recall that, for Kuhn, scientific paradigms may be thought of as non-intertranslatable with respect to one another; they are radically different ways of organizing the world. In more socio-cultural terms, the idea might be applied to worldviews or ways of life. As I argued in Chapter Three, non-intertranslatability is clearly not the same as the idea of incommensurability proper to the

moral-practical theory of value pluralism. So, one significant problem with agonism as a response to the priority problem is that it gets its bearing from the wrong theoretical view. The priority problem arises for the moral-practical theory and the conception of incommensurability proper to it. Agonism, which might be a plausible approach from the point of view of the societal groupings theory, is out of place as a political interpretation of the moral-practical theory.

Putting this issue to one side, however, we can see an additional problem with the agonistic approach. The initial temptation of this approach had to do with the priority problem, which stated that incommensurability rules out finding reasons to give general priority to one good or another, abstractly conceived. Agonism would respond to this by banishing reasoning from political life altogether, and instead embracing an open confrontation of wills. But this misunderstands the nature of the priority problem and the specific limitations on the scope of reasoning that it involves. Recall that on my interpretation of incommensurability, particularist, context-driven modes of practical reasoning are available when incommensurable alternatives present themselves. The priority problem arises because these particularist reasons do not translate into general reasons for the priority of abstract goods. But agonism is a wholly irrationalist view; it throws out the baby of particularist reasoning with the bathwater of priority-specifying argumentation. On my interpretation of incommensurability, such a move is not warranted—there is plenty of scope for reasoning in practical life, and we need not abandon the project (or the hope) of making politics a more reason-oriented activity. In addition, the agonistic view seems to misread the priority problem as a problem for

politics generally, rather than as a problem for political theorizing. But this again misses the point. The priority problem puts an obstacle in the way of *justifying* a political system on the basis of value pluralist considerations. But this is not to say that we cannot reason about particular political choices and judgments. Reasoning in specific contexts of political life seems secure on the moral-practical theory; the problem is, rather, one for political theory. How can value pluralism justify the normative priorities that define a political view when incommensurability rules out priority-specifying argumentation?

5.1.2: “Ad Hoc” Politics

The second flaw of the agonistic response suggests a different alternative, which I will call “ad hoc” politics. This response recognizes that particularist modes of practical reasoning are indeed viable, and proposes to get around the priority problem by simply locating all political action and choice in specific contexts. An ad hoc approach responds to the impossibility of justifying an organizing *pattern* of political order on the basis of normative priorities by calling into question the need for patterns at all. If we cannot justify normative priorities, then why not abandon them and decide each context-specific question as it arises?

At first glance, this approach seems to fully embrace the phenomenon of incommensurability by giving free rein to particularist practical reasoning. On this view, we should decide each case on its own, on the basis of contextual reasons, and without reference to priority rules. But on further reflection, an ad hoc politics seems seriously problematic. The most basic issue here is that a wholly ad hoc politics poses a threat to

social coordination. Stable social patterns, given by rules and common understandings, are functionally crucial to the basic operation of any social system. They allow many individuals acting for diverse reasons to coordinate their behavior on the basis of shared expectations. This is one of the functions of laws, for example. So it would seem that the ordinary functioning of complex social systems depends on there being some more or less well-defined set of stable rules and principles that govern behavior and coordinate expectations. But this would seem to be at odds with the ad hoc approach to political life, according to which all decisions are to be made at a highly particular, contextual level, without reference to stable rules and principles. Ad hoc politics creates a highly anarchic political environment that is inhospitable to stable rules and principles. This approach, then, seems to undermine one of the central ingredients of social coordination, and therefore social life as such. This point need not be trumped up with some anxious vision of a war of all against all, or any other state of nature scenario. It is enough to say that our experience of social life seems to depend on there being stable rules, principles, and common understandings that coordinate expectations and minimize the frictions of social interaction and interdependence. We cannot imagine how society could function without these things. The ad hoc approach to politics, then, seems vulnerable to a highly damaging objection.

The force of this criticism can be underscored by clarifying just how extreme ad hoc politics is. One might be tempted to look for an analogue in early medieval English common law, which developed through somewhat particularistic decision-making by many judges over long periods of time. But even this system is a few steps removed from

what I mean by ad hoc politics—the principle of *stare decisis* is already a departure from the thorough particularism of the ad hoc approach. Furthermore, the technique of common law adjudication is to posit a general principle in deciding a given case, and adapt that principle over time; ad hoc politics does not posit or refer to general rules at all. My usage of “ad hoc politics” thus signifies an ideal type removed from empirical referents, which is difficult to imagine in practice because it is far more anarchic than anything we have experienced or could envision. Moreover, the fact that classical common law is already too orderly strengthens the criticism. Philosophers of law have criticized the classical common law system, as well as even more anarchic forms of customary society, for being too disordered, and thus for failing to facilitate social coordination by means of stable rules and principles, one of the principal functions of law. H. L. A. Hart, for example, argues that societies organized on the basis of customary rules, without clear authorities and procedures of adjudication, are static and marked by uncertainty, inefficiency, and the breakdown of social coordination (1994, 91-99). And even Friedrich Hayek, who generally valorizes the medieval common law system as an illustration of the salutary effects of *laissez-faire* and the possibilities for the unguided evolution of social norms, believes that the anarchic tendencies of common law must sometimes be corrected through the intentional designs of centralized legislation (1973, 72-93). The shortcomings of customary societies and of the medieval common law system reinforce the above criticisms of ad hoc politics, since an ad hoc system, which is even more anarchic, would amplify these problems and introduce others.

This line of reasoning points to the need to place some limits on the scope allowed, within a political order, to the particularist modes of practical reasoning favored by the moral-practical theory. These considerations of social order, however, have been presented as external to the theory; they are practical necessities that suggest that there are limits to the usefulness of the theory. However, there are also good value pluralist reasons for rejecting the ad hoc approach. So far, it has seemed that incommensurability unqualifiedly points to the desirability of particularist modes of practical reasoning. But there are considerations on the other side, which value pluralism is sensitive to because of the theory's attunement to plurality and conflict. From this perspective, the above considerations can be reinterpreted as presenting a conflict between the desirability of particularist practical reasoning and goods like comity and social coordination. Thinking of the problem this way reveals other conflicts as well. For example, rules promote the important goods of equity and fairness, which involve treating similar cases similarly. Although value pluralism highlights the importance of context and differences among cases, it does *not* insist that each particular case is so radically unique that the very idea of "treating similar cases similarly" becomes incoherent.

So the value pluralist approach itself reveals the inadequacies of the ad hoc approach, which drew its initial appeal from an apparent embrace of the value pluralist emphasis on particularist modes of reasoning. Value pluralism involves a commitment to particularist practical reasoning as an implication of incommensurability, but, viewed another way, it recognizes that other conflicting goods limit and condition the desirability of particularist reasoning. Conflicts emerge between particularist reasoning and very

important goods of social coordination, equity, and fairness. An appropriate value pluralist response to these conflicts involves recognizing the variety of considerations and giving each of them its due. So it turns out that not only does an ad hoc politics seem practically impossible, there are also good value pluralist reasons for rejecting it. An ad hoc politics misinterprets the value pluralist emphasis on particularist practical reasoning as requiring an unqualified, absolute application. In the next section, I will propose an alternative strategy, giving incommensurability its due, that corrects for this imbalance while still preserving the value pluralist insight into incommensurability and conflict.

5.2: Giving Incommensurability its Due

5.2.1: The Contours of the Strategy

The problems raised by the ad hoc approach suggest what the main task is for an effective strategy for getting around the priority problem and specifying a value pluralist politics. The initial appeal of the ad hoc approach was that it seemed to take incommensurability seriously. Particularist modes of practical reasoning are the appropriate approach for adjudicating the claims of incommensurable goods; a political order that institutes practices of particularist practical reasoning is therefore responsive to the condition of incommensurability. But making the operation of the political order ad hoc all the way down turns out to have serious problems; because of practical necessity and conflicts posed by important goods that are realized by non-particularist modes of reasoning, it seems clear that the scope for particularism in political decision-making must be limited. The project of value pluralist political theorizing seems to face a

dilemma, then—there are compelling reasons, internal to the theory, for both a broadly contextual form of political life, *and* significant limits to the scope of contextual decision-making, supplied by stable, general rules and principles.

Happily, the tension between these two poles does not force an “either/or” resolution. Because a political order is a complex system, rather than a simple, unitary object, it is possible for it to be partly shaped by stable rules and principles, and for other dimensions of decision-making to be carried out in particularist ways. Some balance can be struck between the two competing poles. More specifically, some rules and principles may themselves create and define domains in which particularist modes of reasoning are to operate; for example, procedural rules could set up some specifically particularist institutions and practices. The task for value pluralist political theorizing, then, is to discern how best to balance the commitment to particularist modes of reasoning with the important goods of social coordination and equity, which require the use of stable rules and principles.

I propose the strategy of “giving incommensurability its due” as the best way of handling the tension between particularism and the necessity of general rules. It also successfully gets around the priority problem and supplies a justification of a political order that does not violate the premise of incommensurability. Giving incommensurability its due identifies the broad institutional features of social orders that allow the greatest possible scope for particularist practical reasoning, in light of the important constraints required by the problems with the ad hoc approach. The guiding idea of giving incommensurability its due is *to identify institutions and practices that*

promote both the recognition of and engagement with incommensurability and conflict in public life. A political order that gives incommensurability its due is one in which citizens come to understand that incommensurability and conflict are important features of our experience of choice and judgment. Furthermore, they actively work to make choices and judgments that, first, are sensitive to incommensurability and conflict and, second, embody good-faith efforts to reason about how best to balance competing considerations.⁴

At the macro-level, I believe that the logic of giving incommensurability its due supports two broad institutional commitments that define a specific liberal-democratic political order. One set of implications points to the importance of a liberal-constitutional framework of protections for basic rights and liberties; this is the “liberal” component of liberal democracy. But the robust and vibrant core of value pluralist politics lies on the “democratic” end of the spectrum. As I will argue, a liberal-constitutional framework is merely a skeletal institutional arrangement that supplies the enabling conditions for giving incommensurability its due. Putting flesh on this skeleton points us in the direction of specifically *democratic* institutions and practices. The form of democratic politics favored by value pluralism is deliberative and participatory. Giving incommensurability its due suggests the importance of forums for deliberation on the choices and judgments that matter in public life; this deliberation is itself an exercise of the forms of practical

⁴ It is important to include engagement as well as recognition in order for incommensurability to be taken seriously. Recognition without engagement could mean simply that citizens acknowledge that alternatives are incommensurable and/or conflicting, but then merely vote their pre-reflective preferences without any serious effort to reason about what choice or judgment is most appropriate to the situation. Engagement with incommensurability means that citizens work toward discerning the proper balance among competing considerations, through the modes of particularist practical reasoning that enable this. I will say more below about what institutions and practices best promote this activity.

reasoning value pluralism favors. This interpretation of the political meaning of value pluralism departs significantly from the heavy emphasis on liberalism in the literature on value pluralism; although I believe giving incommensurability its due supports a liberal framework, I emphasize a democratic dimension of value pluralism that has been overlooked. My conception of value pluralist deliberative democracy also contributes a new argument for the importance of deliberation and offers a distinctive conception of the basic features of deliberative institutions and practices. As my argument below will make clear, deliberation geared toward giving incommensurability its due departs from common interpretations of the importance of deliberation that rely on considerations of reciprocity and legitimacy, and it provides theoretical reasons for de-privileging consensus as the favored outcome of deliberative processes. My account of deliberation also provides a unique take on the twin issues of constraints on discourse and duties of civility, which are basic themes of the closely related literatures on deliberative democracy and public justification. My argument will promote a highly open and unconstrained deliberative process, and will also supply a distinctive conception of the virtues appropriate to citizens within a polity that gives incommensurability its due.

In addition to these macro-level implications of value pluralism, there are also micro-level implications. These have to do with the features of well-functioning value pluralist deliberation *itself*, rather than the institutional structure of the political order in which such deliberation takes place. These implications specify what the “recognition and engagement” with incommensurability and conflict promoted by the strategy of giving incommensurability its due actually looks like.

Before specifying the politics of giving incommensurability its due in fuller detail, however, I need to say a bit more about the status of giving incommensurability its due as a strategy of justification. Specifically, I have put it forward as a way to get a political theory out of value pluralism without running afoul of the priority problem. But so far I have merely defined the strategy; I have not shown how it gets around the priority problem. In the next sub-section, then, I will address the issue of my strategy's status vis-à-vis the priority problem.

5.2.2: Why Giving Incommensurability its Due is not Crippled by the Priority Problem

The strategy of giving incommensurability its due, as I've described it so far, may be suspected of running afoul of the priority problem. To review, this problem rules out the justification of a political system by way of specifying general and abstract normative priorities, because doing so contradicts the premise of incommensurability. The suspicion arises largely because of the end result of the argument (as I have forecasted it)—I seem to be promoting a political system that involves precisely the sorts of normative priorities that, I argued, incommensurability rules out. If it does not do away with normative concerns altogether like agonism, or refer them entirely to contextual decision-making like ad hoc politics, then how can a political view be true to value pluralism and not run up against the priority problem? The suspicion might be given extra force considering the liberal-constitutionalist content of the political view I have advanced. The mainstream interpretation of rights considers them as especially strong presumptive normative priorities; in Dworkin's language, norms designated as rights "trump" collective goals in

instances of conflict (Dworkin 1977). The same thinking lies behind Rawls's critique of utilitarianism for failing to respect rights and thus the distinction between persons (Rawls 1999c, 19-24). If this is one of the central features of a politics that gives incommensurability its due, then how can that be a strategy for overcoming the priority problem?

There are three main lines of response to this objection. First, it is important to recognize that promoting recognition of and engagement with incommensurability and conflict does not reflect the prioritization of any specific goods or norms. This is because incommensurability is not itself a good, but is rather a metaethical, second-order condition common to all goods. The strategy of giving incommensurability its due turns our attention to a common property that goods share, rather than specifying which goods ought to have priority over others. Priority-specifying argument, by contrast, aims to justify giving certain specific norms priority and a precise ranking. Giving incommensurability its due, however, does not involve picking out certain goods as "higher" than others. The justification for liberal-constitutionalism and democratic deliberation hangs on their contribution to a social order in which incommensurability is recognized and engaged, rather than a claim that these institutions and practices promote high-priority goods such as autonomy, equality, or justice. So giving incommensurability its due operates at a different level than priority-specifying arguments; instead of giving

normative reasons for the priority status of specific goods, it focuses on the metaethical, second-order condition of incommensurability, which is common to all goods.⁵

A second line of response also points to a difference in the sort of argument that giving incommensurability its due relies on. As I've said, priority-specifying argument is explicitly normative; it looks to justify an order of priority among various goods. But giving incommensurability its due focuses on epistemic considerations. The promotion of a social order in which citizens recognize and engage incommensurable and conflicting goods has a markedly epistemic orientation. The argument begins from the conviction that the value pluralist account of choice and judgment is a persuasive and accurate one, and then crosses into political theory by looking for institutions and practices that promote the recognition of major value pluralist claims. The justification for these institutions and practices, then, is clearly epistemic—they are purported to facilitate citizens' recognition and engagement of incommensurability and conflict. So here is another sense in which giving incommensurability its due operates at a different level than priority-specifying argument; it is epistemic rather than normative.⁶ These first two responses to the objection show that giving incommensurability its due gets around the

⁵ By saying that incommensurability is "common to all goods," I am not claiming that all goods *are* incommensurable with one another. As I specified the concept in Chapter Three, incommensurability is best understood as obtaining some of the time, rather than always. We discern whether goods are in fact incommensurable based on the context of the choice or judgment before us. But the point that incommensurability is a condition common to goods stands—we do not know in advance when incommensurability will turn up. The condition is common in that it is an ever-present possibility that may attach to *any* good, depending on context.

⁶ I am not saying here that value pluralism is not concerned with normative considerations. Far from it (as what I've said about the theory should make clear). The point is rather that the *justification* for the political order that gives incommensurability its due focuses on epistemic and metaethical considerations. That the knowledge in question pertains to practical life does not negate the argument's epistemic focus.

priority problem because the form of argumentation (epistemic and metaethical rather than normative) is not one for which the priority problem arises.

These two lines of argument respond directly to the priority problem; the problem arose because incommensurability ruled out finding reasons to assign general priorities to abstract goods. Because the strategy does not advance any arguments of this kind, then it would seem to successfully avoid the priority problem. Nonetheless, a suspicion might remain inasmuch as the *outcome* of the strategy seems to be a system of normative priorities, since giving incommensurability its due justifies a liberal-democratic political order defined by rules and principles. Though the strategy may skirt the priority problem by “backing into” these priorities rather than directly justifying them through normative argumentation, there still seems to be a fundamental tension between the outcome of the strategy and its basic value pluralist orientation. So long as priorities emerge, it may seem as though value pluralism is at odds with the political order it is purported to justify, even if the form of argument for getting to that order does not violate the premise of incommensurability.

A third line of response addresses this source of residual concern. It should be evident that the source of the suspicion of my strategy is that the outcome of the argument is thought of as a system of substantive normative priorities. That is, the objection stems from interpreting the political order supported by giving incommensurability its due in a substantive way. If a liberal-democratic political order involves the prioritization of specific substantive goods, then it seems hard to square with the value pluralist commitment to incommensurability, even if the strategy does not

employ any priority-specifying argument. But this objection could be avoided if the political order that the strategy justifies were thought of differently; that is, perhaps the issue is fundamentally a matter of how the liberal-democratic order favored by value pluralism is *interpreted*. Giving incommensurability its due, however, suggests an alternative interpretation. The rules and principles defining the institutions and practices of value pluralist liberal democracy ought to be understood in *procedural* and *functional* terms, rather than in terms of the prioritization of substantive goods. This interpretation is given by the fact that the purpose of the institutions and practices selected by the theory is to promote the recognition and engagement of incommensurability and conflict. The rules and principles that define these institutions and practices specify the optimal procedures for furthering this purpose; their justification is functional with respect to the aim of giving incommensurability its due, rather than substantive. While it may be the case that these rules promote and protect substantive goods, this will be a by-product or side effect, rather than the purpose of the rule. For example, liberal rights and liberties may protect important goods like autonomy and privacy, and rights of democratic participation may promote equality. But these features of the rules are not their main purpose and justification within the value pluralist understanding of liberal democracy. Rather, the rules and principles are favored because they function well from a procedural point of view for promoting the recognition and engagement of incommensurability and conflict.

I believe the three responses to the priority problem objection given above decisively show that giving incommensurability its due is not vulnerable to the priority problem in the way that other value pluralist political theories have been. However,

despite the arguments offered here, there may be some who remain suspicious of giving incommensurability its due.⁷ For such a skeptic, giving incommensurability its due will seem to compromise on the value pluralist commitment to incommensurability, admitting limits on its scope for the sake of getting the project of value pluralist political theorizing moving. If this hypothetical skeptic has not been persuaded by the arguments I've given that the strategy does not compromise the commitment to incommensurability, then there is nothing more I can say that will shake the skeptic from this conclusion (however erroneous). The skeptic clings to unwarranted suspicion. But something can still be said in defense of the strategy, even to the skeptic who sees it as a compromise. Supposing that it is a compromise, we should at least be able to recognize that it is a necessary, inescapable one. The problem with ad hoc politics shows this. Some rules and principles are necessary for social life to operate. So some social order is necessary as a basic condition of possibility for *any* recognition and engagement of incommensurability; if this is interpreted as compromising the scope of the commitment to incommensurability, then it is a necessary compromise, done in order that some social recognition and engagement of incommensurability and conflict may be possible. So the skeptic may persist in calling it a compromise, but ought to recognize it as nonetheless inescapable. Moreover, it should be clear that the approach I have taken, because it is self-conscious about the priority problem, sticks more closely to the value pluralist commitment to incommensurability than other value pluralist political theorists have. So even if the

⁷ Perhaps this would be because they reject the procedure/substance distinction, or perhaps the epistemic/normative one.

skeptic remains unconvinced, he or she should still be satisfied that the alleged compromise on value pluralist commitments is necessary, and that the approach of giving incommensurability its due is preferable to its competitors within the value pluralist literature.

The strategy of giving incommensurability its due thus provides a compelling response to the priority problem. I have shown this by pointing out how the argument operates on an epistemic and metaethical level, as opposed to the normative level of priority-specifying argument, and by interpreting the rules and principles favored by value pluralism in procedural and functional, rather than substantive, terms. I have even shown how those who remain skeptical of these arguments may still be reconciled to the approach by appreciating its necessity and recognizing its greater honesty and directness, as compared to other value pluralist views, about the priority problem. Now that the way is cleared, and the strategy of giving incommensurability its due has been spelled out, it remains to elaborate on the actual positive content of value pluralist politics. As I have said, at the macro-level, there are two main sets of institutions and practices suggested by giving incommensurability its due: a liberal-constitutional framework of basic rights and liberties, and participatory forms of democratic deliberation. I will specify these two components in turn, treating the liberal-constitutional framework in §5.3, and democratic deliberation in §5.4. In §5.5, I will draw out the theory's micro-level implications concerning the features of value pluralist public deliberation. There, I will use the concrete example of deliberation over healthcare policy to fill out the micro-level implications.

5.3: A Liberal-Constitutional Framework

The first main macro-level component of the politics of value pluralism is a liberal-constitutional framework of basic rights and liberties. This framework is comprised of the standard set of personal and political freedoms and corresponds roughly to the list Rawls picks out with his first principle of justice (1999c). The most important for my purposes are freedom of speech and expression, freedom of assembly and of the press, freedom of conscience, freedom from arbitrary exercises of power, and political rights of voting and organization. These rights and liberties designate zones of individual inviolability that are afforded high levels of protection through being enshrined in the constitution of a society. On the value pluralist interpretation, they are procedural parameters that set certain limits on permissible state and individual activity, rather than substantively defended priority claims.

How does the liberal-constitutional framework that value pluralism is committed to contribute to giving incommensurability its due? Recall that giving incommensurability its due involves promoting recognition of and engagement with incommensurabilities and conflicts in the choices and judgments of public life. The relationship of the liberal-constitutional framework to this goal consists in the fact that this framework sets up the institutional preconditions for what Karl Popper called an open society (1971). An open society is one in which there is free exchange of ideas, beliefs, and opinions, and a vibrant social discourse through which this exchange is mediated. Incommensurability and conflict may be recognized and engaged in such a

setting because the openness of the conversation, as well as the sheer variety of views likely to be advanced when this openness is ensured, increases the likelihood that incommensurabilities and conflicts will come to light, when they exist. The idea here is that incommensurability and conflict are perceived when a choice or judgment is worked out in greater complexity; the more complex and varied the account of the choice situation is, the more likely it is that whatever incommensurabilities and conflicts are involved in it will be recognized as such. The openness of the liberal public conversation enables many different proposals and views to be advanced on various issues requiring public decision or judgment. As the variety of views increases, citizens are able to piece together a more complete understanding of the nature of the alternatives and what considerations there are on each side. If incommensurable or conflicting considerations are indeed at stake in a given decision, the liberal-constitutional framework sets citizens up to recognize and engage this fact.

Liberal protections for basic personal and political freedoms thus create a skeleton within which this sort of public conversation can play out. Moreover, arguments over specific issues or decisions are joined with a broader background of public discourse in which a variety of ideas and opinions about moral and political life are advanced. This background conversation both contributes resources to discussions of specific decisions, and itself promotes the perception and engagement of incommensurability and conflict. The ideal that value pluralism aims at here is something like Habermas's notion of a liberal public sphere, a lively arena of overlapping social discourses about political, ethical, and aesthetic matters (1989; 1992; 1996, 329-387). Giving incommensurability

its due requires liberal protections of basic rights and liberties so that a public conversation which promotes the recognition of incommensurability and conflict may take root.

Importantly, the liberal-constitutional framework creates a *public* medium for the exchange of proposals and views. A public discourse about these decisions is essential to recognizing the incommensurable character of the alternatives. While in principle it is possible for a single individual reasoner to perceive and consider each of the incommensurabilities and conflicts involved in the choice situation and come to a sound decision, the capacities of most of us are limited, and as a rule individuals will fail to see all the relevant considerations in a given choice situation.⁸ Increasing the number of arguments about what to do, however, raises the likelihood that more relevant factors will be brought to light, and that the pieced-together view of the situation that emerges will reflect the incommensurabilities and conflicts involved. So the publicity of the public conversation enabled by the liberal-constitutional framework is key to its function in giving incommensurability its due.

The argument behind the value pluralist endorsement of a liberal-constitutional framework illustrates some of the ways that giving incommensurability its due gets around the priority problem. First, as I have already indicated, the value pluralist interpretation of the liberal-constitutional framework is procedural, such that the rights and liberties that define the framework are understood as procedural constraints rather

⁸ We might say that someone who never erred in practical reasoning would be akin to Ronald Dworkin's "Judge Hercules," who relies on superhuman mental powers to perfectly apply the law (1977, 105ff.). (To be clear, Dworkin is a critic of value pluralism (2000; 2001; 2011)—I merely illustrate my own point here.)

than as substantive prioritizations. In this way, the priority problem is avoided because the political order justified by giving incommensurability its due is not understood as a system of normative priorities. Another key feature of the argument for a liberal-constitutional framework is that it is basically epistemic. The contribution of the liberal public sphere to giving incommensurability its due consists in its facilitation of arriving at a more complete picture of the considerations at stake in a decision, which reflects the incommensurabilities and conflicts involved. In this respect, the argument presented here for the protection of rights and liberties is akin to one of John Stuart Mill's arguments for liberty in thought and discussion in *On Liberty*. As Mill writes, giving free rein to the expression of opinions is important because any given opinion "may, and very commonly does, contain a portion of the truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied" (1998, 59).

These considerations show why a liberal-constitutional framework is an important part of giving incommensurability its due. But it is only one part of the account. We can see the need for further elaboration of a value pluralist politics if we recall that the liberal-constitutional framework provides merely a skeletal structure in which the free exchange of ideas and views can take place. The protection of basic rights and liberties provides the *enabling conditions* for the emergence of a vibrant public sphere. In this respect, the framework goes some way toward giving incommensurability its due. But it is possible to supplement the liberal-constitutional framework, thereby giving

incommensurability *more* of its due. It is in this spirit that the value pluralist political order turns to participatory institutions and practices of democratic deliberation.

5.4: A Value Pluralist Approach to Deliberative Democracy

5.4.1: Why Deliberation?

The second macro-level component of a value pluralist politics consists of formal and informal deliberative practices. This is the core democratic meaning of value pluralist politics. The institutional mechanisms recommended by giving incommensurability its due include many of the proposals frequently advanced by advocates of deliberative democracy, ranging from formal institutions within the state, to broader informal social practices.⁹ Formal institutions would include more deliberatively active parliaments, in which rules of procedure are organized such that opportunities for deliberation abound and participation cannot be closed off by powerful majorities. In addition, more participatory formal institutions might be instituted in the context of local government, on the model of town meetings or citizens' juries (with some degree of actual decision-making power or authoritative counsel). Furthermore, publically funded deliberative forums could be instituted at multiple levels of government for purposes of informing citizens about policy questions, developing citizens' views and relaying these views to officials, and instituting direct referenda following deliberative meetings. Intermediate

⁹ The deliberative democracy literature is, of course, quite vast. The institutional proposals briefly canvassed here are culled from many sources. Inspiration with respect to institutions has been drawn from Fishkin (1991; 2009), Ackerman and Fishkin (2004), Gutmann & Thompson (1996; 2004), Habermas (1984; 1989; 1992; 1996; 1998), Cohen (2009, 16-60, 154-222, 326-347), Dryzek (2000), Bohman (1996), and Mansbridge (1980). I will address some of the different specific arguments that have been advanced within this literature below, particularly those arguments that form the "mainstream" core of deliberative democratic theory.

institutions, which are less formal than these but still involved in policy-making in some ways, also play a role in public deliberation. Key intermediate institutions include deliberatively organized political parties, which develop policy platforms and positions by involving their members in broadly participatory deliberative processes. The importance of political parties suggests that representative institutions should be organized on the basis of proportional representation, because this multiplies the number of parties that both take part in public deliberation and serve as deliberative loci for their members.¹⁰ Other important intermediate institutions include civil associations, considered in their role of policy advocacy, which contribute in important ways to the diversity of views and proposals within the public conversation. Finally, a range of informal practices also contribute to a deliberative polity. This largely has to do with the development of a broadly deliberative public culture, in which both civil associations and organs of the press play key roles (see esp. Habermas 1984, 374-403; 1996, 287-387).

The appropriateness of deliberation for a value pluralist political order stems from its contribution to the project of giving incommensurability its due. Deliberation is a vehicle for promoting recognition of and engagement with incommensurable and conflicting goods in public life. The core of the argument here is, in large part, an extension of the epistemic argument in favor of the liberal-constitutional framework and the open public sphere. Deliberation promotes recognition and engagement of incommensurability and conflict because the variety of views and proposals expressed

¹⁰ Thomas Christiano (1996) has provided a similar argument for the desirability of proportional representation, claiming that having many parties makes deliberation more robust and contributes to the equal consideration of citizens' interests.

during deliberation about choices and judgments raises the odds that whatever incommensurabilities and conflicts are at play in a given case will come to light. Again, the idea is that citizens engaged in deliberation will form a more complex and complete understanding of the considerations at stake in a decision or judgment, and that acquiring this understanding will lead them to recognize and engage incommensurability and conflict when they arise. Deliberative democracy provides formal institutional settings in which incommensurability and conflict may be recognized and engaged.

A question naturally arises here as to why deliberative institutions and practices are necessary, above and beyond the basic liberal-constitutional framework. Why isn't an open society and public sphere sufficient for giving incommensurability its due? Part of the answer has already been suggested—deliberative democracy provides formal institutions, whereas an open public sphere is a diffuse societal process, and deliberative democracy represents a positive commitment to regular discussion, whereas the liberal-constitutional framework of basic rights and liberties merely supplies enabling conditions for discussion. In other words, a liberal-constitutional framework is essential for giving incommensurability its due because it makes recognizing and engaging incommensurability *possible*; however, deliberative democracy provides important additional steps toward giving incommensurability its due, because formal deliberative institutions make recognizing and engaging incommensurability a much more central part of public life, and therefore make it much more likely that citizens will come to recognize and engage incommensurability. Another reason for the value pluralist commitment to deliberative democracy is that deliberative practices put more emphasis on the

engagement half of giving incommensurability its due. Though a vibrant liberal public sphere helps citizens to become aware of and engage incommensurable and conflicting goods, these institutions, by themselves, can result in many passive citizens who do not take part in the conversation. Even if they pay attention, and thereby come to *recognize* incommensurability, they may not be committed to thinking about how decisions and judgments ought to go, and therefore fail to *engage* incommensurability. Deliberative democracy counters the possibility of passivity by providing avenues for participation in which incommensurable and conflicting goods are regularly engaged, and in which citizens feel they have a stake in the course of their collective life. Of course, participation in deliberation cannot be forced on people; institutions of deliberative democracy are open for all citizens to participate, but citizens may not be forced to do so. Requiring deliberation would infringe on citizens' basic right to be left alone, which is at the core of the liberal-constitutional framework to which value pluralism is committed. Nonetheless, institutions and practices of deliberation provide strong lures for civic engagement, and thereby facilitate giving incommensurability its due in public life.

Similar considerations provide an answer to another version of the question, "why deliberate?" The formal avenues for engagement that deliberation provides also show its superiority, from a value pluralist point of view, to aggregative forms of democracy. On an aggregative conception, citizens may just "soak up" whatever conversation takes place in the public sphere, and then vote on how they think the issue ought to be decided. But this is insufficient as a method of engaging incommensurable and conflicting goods. The claim here is that the process of deliberating itself is a key vehicle for citizens'

recognizing and engaging incommensurability. First of all, participation in deliberation is likely to increase exposure to various viewpoints, above and beyond what a citizen picks up from the public sphere. But more importantly, the common commitment to reach an apt decision pushes citizens to think more deeply and carefully about the competing considerations at stake in a choice or judgment. And, as I said above, giving incommensurability its due requires *engagement with*, not merely recognition of, incommensurable and conflicting goods. An aggregative approach could, at best, potentially allow for recognition, but engagement would not be promoted in such a system.¹¹ The deliberative process, understood as participative, thus is a better mechanism for giving incommensurability its due than aggregative democracy.

5.4.2: The Distinctiveness of the Value Pluralist Conception of Deliberative Democracy

Deliberative democracy is hardly a new idea, and one may legitimately wonder what my value pluralist approach contributes to this already vast literature. What is distinctive about the value pluralist conception of deliberation, as opposed to all the other accounts? From an institutional perspective, admittedly, the value pluralist approach closely resembles other views. The proposed institutional forums in which deliberation would take place are culled from some of the prominent discussions of the practice of deliberation in the literature. But the value pluralist conception differs significantly from other accounts in terms of the *role* deliberation plays in public life, and in terms of the reasons offered for why we ought to deliberate. There are two major axes that define the

¹¹ See also note 4 in this chapter.

differences between my account and others. First, there is the account of the *purpose* of deliberation, that is, the argument about the importance of deliberation, or the answer to the question “why deliberate?” Second, there is the conception of what the ideal outcome or result of the deliberative process is, which I will call the *target* of deliberation. The question here is how a deliberative process that goes well ought to conclude, or what deliberation ought to issue in.

There are large and important differences between the value pluralist conception of deliberative democracy and other accounts on these two axes. First, consider what I will call the “mainstream” conception of deliberative democracy.¹² The major contributors to this view in the literature are Gutmann & Thompson (1996; 2004), Rawls (1996; 1999b),¹³ and Joshua Cohen (2009).¹⁴ On the axis of “purpose,” each of these

¹² The appellation is somewhat problematic, as there are of course many different views and arguments within the deliberative democracy literature. I do not intend to ignore these, and in fact I will discuss several of the other views below. However, I think it is fair to characterize a certain set of views as “mainstream,” in the sense that political theorists tend to use the term “deliberative democracy” as a shorthand for designating this set, and when they mean a different view, the departure is often flagged. For an illustration, consider the essays compiled in Stephen Macedo’s edited volume, *Deliberative Politics* (1999). These are all essays about Gutmann & Thompson’s *Democracy and Disagreement* (a flagship work of the mainstream view), yet the authors customarily refer to deliberative democracy as such, rather than signaling that this is one view among many.

¹³ One might argue that Rawls does not belong on this list, that is, his political liberalism is not a theory of deliberation. I do not find this interpretation persuasive, and, as I will show, Rawls’s theory of public justification is very similar to the other mainstream views of deliberative democracy in all the most important respects. Differences in terminology should not blind us to the large areas of substantive overlap. Moreover, the terminological difference is not as significant as it would first seem. While Rawls initially describes the source of public reason in a “liberal principle of legitimacy” (1996, 137, 216ff.), he also uses the language of “democracy” to make the same point (1996, 217ff.). Finally, his restatement of his view in “The Idea of Public Reason Revisited,” written after *Democracy and Disagreement* appeared, explicitly claims that a well-ordered society is deliberative (1999b, 138ff.).

The non-deliberative interpretation of Rawls depends, it seems to me, on an implausible construal of the conditions of public reason as individual self-checks that are arrived at through a thought experiment about how reasons *would* fare in a deliberative process, rather than as constraints on actual deliberation. However, Rawls is quite clear that the principles of public reason constrain the reasons citizens *offer one another* for the use of coercive political power (1996, 212-254). This is clearest in his description of the “duty of civility,” which requires citizens to “*explain to one another ... how the principles and policies they advocate and vote for can be supported by ... public reason*” (1996, 217, emphasis added). Self-checking is a part of this (as it is also in other contributions to the mainstream view), but it is not a substitute for reason-giving. The misreading may involve a confusion of public reason with the original position, which *is* a “device of representation” that citizens enter privately, as a thought experiment, to test their intuitions about justice. This confusion may itself get some currency by way of a certain way of reading Habermas.

authors argues that deliberation is a crucial corollary to the basic democratic commitment to equal citizenship. The basic idea has to do with the legitimacy of coercive power exercised by equal citizens over each other. The question is how equal moral and political status is compatible with the coercive and authoritative power of the state. The mainstream view solves this problem by a modified version of the classical contractarian approach to legitimacy, the principle of consent. Coercive power is legitimate in a democracy comprised of equal citizens when the purposes for which it is exercised, or the principles governing its exercise, have been justified to all citizens on the basis of reasons they can (at least in principle) accept.

Along these lines, Gutmann and Thompson argue that “most fundamentally, deliberative democracy affirms the need to justify decisions made by citizens and their representatives. Both are expected to justify the laws they would impose on one another” (2004, 3). This commitment to justifying the exercise of coercive power gives rise to a reason-giving requirement that is governed by the cornerstone principle of Gutmann and

Habermas explicitly criticizes Rawls for relying too much on the thought experiment of the original position, whereas his conception of discourse ethics relies on an *actual* process of discourse (Habermas 1990, 66). This criticism was initially raised as part of Habermas’s theory of discourse ethics, which is a direct competitor to Rawls’s original position as a mechanism for *testing* impartiality and universalizability. The confusion is ushered in by way of inferring something about Rawls’s theory of public justification from Habermas’s political application of discourse ethics (or, rather, a political-legal variant thereof) in his conception of “deliberative politics” (1996). Habermas’s political view is still geared toward the discovery of valid norms, although here they are legal norms rather than moral norms. Rawls’s theory of public reason, however, is not an extension or application of the original position in this way. Rather, it responds to an altogether different problematic, that of how a society marked by reasonable pluralism may still allow for stable cooperation over time. Public reason aims at stability by targeting areas of political consensus that emerge from reasonable comprehensive doctrines, and leaving remaining disagreements to one side.

¹⁴ The 2009 citation is to a recent volume of collected essays, which have much earlier dates of original publication. The most significant essays in the development of Cohen’s view of deliberative democracy are “Deliberation and Democratic Legitimacy” (orig. 1989), “Moral Pluralism and Political Consensus” (orig. 1993), “Procedure and Substance in Deliberative Democracy” (orig. 1996), “Directly Deliberative Polyarchy” (with Charles Sabel, orig. 1997), and “Reflections on Deliberative Democracy” (orig. 2009).

Thompson's view, reciprocity. Reciprocity is a principle that gets its force from the equal status of citizens; because they are equals rather than superiors or inferiors, democratic citizens owe each other reasons for the laws and policies they would enact, since these depend on the exercise of power. Thus, Gutmann and Thompson write that reciprocity requires citizens to offer "reasons that can be accepted by others who are similarly motivated to find reasons that can be accepted by others" (1996, 53). Legitimate coercion among equals must proceed through a process of mutual, reciprocal reason-giving, according to reasons that are acceptable and accessible¹⁵ to all citizens.

Similarly, Rawls proposes the requirements of public reason as a solution to the problem of legitimate coercion among free¹⁶ and equal citizens. For Rawls, the main question to which political liberalism generally, and public reason in particular, gives an answer is "the question of the legitimacy of the general structure of authority" (1996, 136). Similarly, "seeing political power as the power of citizens as a collective body, we ask: when is that power appropriately exercised?" (1996, 137). Rawls summarizes his answer to these questions, the liberal principle of legitimacy, as follows:

¹⁵ The accessibility requirement is best understood, on my interpretation, as part of Gutmann and Thompson's principle of publicity. This is initially proposed, in *Democracy and Disagreement*, as another basic principle of deliberative democracy alongside reciprocity. However, some of the language in *Why Deliberative Democracy?* suggests that Gutmann and Thompson came to view publicity as an implication of reciprocity (see, e.g., 2004, 4ff.). At any rate, the accessibility requirement is problematic, both in general and from a value pluralist perspective, and I will address it as well as the constraint of mutual acceptability in the next sub-section.

¹⁶ The "free" part may seem to have been snuck in here—above I emphasized equality as the fundamental consideration. In fact, Gutmann and Thompson also use the language of "free and equal," whereas Cohen tends to emphasize only equality. This is not a major interpretive obstacle; it is merely a matter of what the theorist sees as the sources of the problem of legitimacy. For each of the three mainstream theorists, equality is fundamental. Rawls and Gutmann and Thompson also talk about freedom, which they use in the sense of Kantian autonomy (see, for instance, Rawls's interpretation of freedom and equality in terms of citizens' moral powers (1996, 29-35, 72-77)). That is, legitimate obligations are those that are self-imposed or self-authenticated. This is also a problem for democratic government, in that this use of freedom refers to the need for laws and policies (or the principles governing the use of state power) to be arrived at through a process of collective decision-making. Citizens must impose the law on themselves.

To this political liberalism says: our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason. This is the liberal principle of legitimacy. (1996, 137)

Again in Rawls we see that the purpose of deliberation (or public justification) is to satisfy criteria for the legitimate exercise of power by free and equal citizens over each other. Rawls puts the same requirements in terms of *democratic*, as opposed to liberal, legitimacy elsewhere in the text:

Democracy ... implies further an equal share in the coercive political power that citizens exercise over one another by voting and in other ways. As reasonable and rational, and knowing that they affirm a diversity of reasonable religious and philosophical doctrines, they should be ready to explain the basis of their actions to one another in terms each could reasonably expect that others might endorse as consistent with their freedom and equality. Trying to meet this condition is one of the tasks that this ideal of democratic politics asks of us. (1996, 217-218)

So Rawls's argument for the importance of public justification follows a similar course to that of the other mainstream views; it emphasizes the contribution deliberation makes to rendering democratic decisions legitimate for free and equal citizens. Though Rawls's discussion of "explaining" may seem to offer a less robust account of deliberation than others, the fact remains that his theory of public justification is indeed a theory about the importance of reason-giving in politics, and that it fits within the mainstream version of deliberative democratic theory.

Finally, Cohen's argument for deliberation also follows this pattern. For Cohen, "outcomes are democratically legitimate if and only if they could be the object of a free

and reasoned agreement among equals” (2009, 23). Elsewhere, Cohen explicitly casts this condition in terms of political power exercised by equals over each other. “The fundamental idea of democratic legitimacy is that the authorization to exercise state power must arise from the collective decisions of the members of a society who are governed by that power” (2009, 154). As in the other mainstream accounts, the purpose of deliberation in Cohen’s view is that it is a necessary condition for the legitimate exercise of coercion in a society of equal citizens. There is thus significant evidence for the convergence of these three mainstream views on a common argument about the *purpose* of deliberation.

The three theorists also converge on the second axis, the “target” of deliberative processes. For each of them, the ideal outcome of deliberation is a rational consensus on the appropriate decision, policy, or principle under discussion. The importance of consensus as the ideal outcome of deliberation is a direct implication of the mainstream view’s understanding of the purpose of deliberation in terms of democratic legitimacy. If justification to all citizens is necessary for the legitimacy of democratic coercion, then full consensus is a requirement for legitimacy. The commitment to consensus is thus a logical consequence of the purpose of deliberation in justifying coercion to free and equal citizens.

The criterion of offering mutually acceptable reasons for coercive policies in fact gives rise to two levels of consensus, consensus on which sorts of reasons count and consensus on particular decisions. Both levels of consensus are relevant to the process of deliberation; they may be considered as the antecedent and result, or the input and output,

of the deliberative process. The level of consensus on the sorts of reasons that count is simply another way of expressing the requirement that citizens offer one another reasons that are mutually acceptable. While mainstream deliberative democrats do not argue that the question of what reasons are acceptable should be completely settled in advance, their conception of deliberation relies on citizens having a shared background understanding of the range of views in the society and where the zones of likely agreement are. Citizens are to refer to this background understanding in the process of formulating the arguments they will offer to their fellow citizens; thus one area of consensus concerns the shared understanding citizens have of what sorts of reasons ought to count in the deliberative process. A second level of consensus in the mainstream conception of deliberative democracy concerns the outcome of the deliberative process. This is the fairly straightforward claim that deliberation should issue in agreement on the law or policy to be adopted, and that citizens should engage in deliberation with the common aim of reaching agreement. Both levels of consensus follow from the commitment to offering mutually acceptable reasons for coercive policies.

The three principal contributors to the mainstream conception of deliberation vary somewhat in the degree to which they insist on consensus. Each of them realizes that consensus is not always (or often) achievable in politics, and they take different positions on how deliberation should proceed in view of this constraint. The scope of consensus in Rawls's political liberalism is subject to several limitations. First, it is limited to the "domain of the political," which distinguishes it both from the social and from the deeper metaphysical elements of citizens' comprehensive doctrines (1996, 11-15, 154-158, 173-

176, 373-385). Second, within this sphere, consensus is only required on highly important constitutional essentials and matters of basic justice (i.e. the organization of the basic structure of society). Finally, Rawls is willing to admit that citizens need not share a consensus on justice as fairness, but rather on any conception of justice falling within a family of reasonable conceptions (1996, xlviiiiff.). However, within this circumscribed zone, full consensus among all reasonable citizens is absolutely essential for stability for the right reasons—majority thresholds will not do. Of course, all of this is subject to the further qualification that Rawls is operating in the mode of ideal theory, specifying how a well-ordered, realistically utopian society ought to be structured. Non-ideal limitations on consensus may be another matter altogether.

The distinction between the ideal and non-ideal is also central to the way Cohen massages the requirement of consensus. Cohen specifies an ideal procedure of deliberation that is free, reasoned, based on equality, and oriented toward a consensus result (2009, 21-25). This procedure lays out a fundamental ideal vision of democratic politics toward which all citizens, as part of their commitment to ideals of equality and self-rule, should strive. However, the consensus requirement merely serves as a lodestar for democratic politics; the actual conduct of democratic deliberation may not result in consensus, even though it is guided by the aspiration to consensus. As Cohen writes, “even under ideal conditions there is no promise that consensual reasons will be forthcoming. If they are not, then deliberation concludes with voting, subject to some form of majority rule” (2009, 25). Elsewhere, Cohen remarks that because deliberative democracy is a *normative* model, it does not necessarily imply that consensus will always

be the actual outcome. Along these lines, he writes that “no matter how deliberative the democracy gets, collective decisions will always be made through voting, under some form of majority rule” (2009, 331). For Cohen, then, consensus is part of a normative ideal model of deliberative procedure, though in practice we may not always achieve it.

Gutmann and Thompson believe that deliberation should always strive for consensus (or, in their terminology, agreement), but acknowledge that there will always be questions about which we will not reach consensus. On Gutmann and Thompson’s view, deliberative democracy is, at its best, a mechanism for resolving moral disagreements in political life. However, they also argue that persistent features of our psychology, our capacities for understanding, and the circumstances of our social life under conditions of limited scarcity make moral disagreement an enduring, ineliminable phenomenon (1996, 18-26). And unlike Rawls, they do not think that the zones of disagreement can be corralled off into the social and comprehensive domains—moral disagreements will surface *in politics*.¹⁷ Since Gutmann and Thompson fully expect moral disagreements to continue to be a part of political life, they temper the theory’s emphasis on consensus and agreement. Their move is to split the requirement of consensus into two different modes of deliberative conduct. On the one hand, deliberative democracy requires that we *seek* consensus/agreement on laws and policies whenever

¹⁷ One could argue that this conviction is due to the fact that Gutmann & Thompson take their bearings from contemporary political reality, and do not construct an ideal theory. It might be argued, then, that they would agree with Rawls about the possibility of an overlapping consensus in a *well-ordered* society, but that for the time being they see moral disagreement as a part of political life. Another possibility is that their concern goes beyond constitutional essentials and matters of basic justice, whereas Rawls limits his consensus requirement to these subjects. It is indeed possible that they might agree with Rawls on either of these points; however, I am merely explicating their approach to deliberative democracy, rather than puzzling out how much they agree with Rawls.

possible, offering each other mutually acceptable and accessible reasons in order to bring consensus about. However, when deliberation is tried and disagreement proves intractable, then we are bound by a principle of respect and should strive for an “economy of moral disagreement.” We should treat fellow citizens who disagree with us as equals and as basically reasonable people who happen to think differently than us on such and such matters. Decisions are then reached by majority vote, although citizens are committed to the provisionality of all democratic decisions and may wish to deliberate again in the future.

The mainstream conception of deliberative democracy, then, involves the following key claims: on the axis of purpose, deliberation is justified in terms of its contribution to the legitimation of coercive exercises of power by free and equal citizens over one another, and on the axis of target, deliberation aims, at least in the ideal case, at an outcome of broad consensus. What are the main differences between this mainstream conception and the value pluralist conception of deliberation that I defend?

On the axis of purpose, the value pluralist account of deliberative democracy does not emphasize democratic legitimacy and reciprocity. To the contrary, the value pluralist account does not emphasize substantive normative dimensions of deliberation at all, but rather relies on metaethical, epistemic, and procedural considerations. Value pluralism endorses deliberative procedures because they help shape a society that gives incommensurability its due. The purpose of deliberation is that it offers a setting in which citizens are especially likely to come to recognize and engage incommensurabilities and conflicts, when they emerge. This is not to say that value pluralism is necessarily

“against” the conceptions of equal citizenship, reciprocity, and legitimacy that define the mainstream conception. Deliberation may also promote these goods, but it is not *justified* in this way on the value pluralist conception. It is not philosophically problematic that deliberation serves such purposes; however, value pluralism does not *invoke* these purposes in advancing an argument for deliberation. Put differently, deliberation may have many salutary consequences above and beyond its function in giving incommensurability its due. But these are not the reasons value pluralism endorses deliberative institutions and practices; they may be thought of as side effects, which may be foreseeable but are not part of the justification of deliberation.¹⁸ Value pluralism instead focuses exclusively on deliberation’s function in promoting the recognition and engagement of incommensurability in public life, not on legitimacy and coercion.¹⁹

On the axis of the target of deliberation, the value pluralist approach departs significantly from the mainstream emphasis on consensus. First, the logic necessitating consensus does not apply to the value pluralist conception, because it is not grounded in the same problematic of legitimacy that defines the mainstream approach. More than this, however, the value pluralist conception of deliberation gives compelling *philosophical* reasons *not* to endorse consensus as a requirement of deliberative processes. This is

¹⁸ This treatment is analogous to the way I classified the substantive goods promoted by liberal-constitutional protections of basic rights and liberties above. It is not that the procedures and institutions of a polity that gives incommensurability its due may not, under a different point of view, have other functions and consequences. It is simply that the value pluralist *argument* for these institutions and practices looks at them from its own point of view.

¹⁹ The differences between the two views on the axis of purpose shed light on their differing approaches to participation in deliberation, as well. The mainstream view’s emphasis on legitimacy directly implies a very stringent participation requirement. In order for legitimacy to be secured, *all* citizens *must* come to rational agreement through a deliberative process (though mainstream theorists often include institutions of representation that temper this requirement). The value pluralist approach, however, simply *encourages*, rather than requires, participation, as a mechanism for improving the chances for recognition and engagement of incommensurability and conflict.

because incommensurability and conflict create difficult choices. Engaging incommensurability and conflict in practical reasoning is not a cut and dry matter; considerations that do not lend themselves to commensuration and reconciliation are difficult to balance against one another. This is not a situation where our ability to reason runs out altogether; however, different deliberators may legitimately reason their ways to different conclusions while still engaging in good-faith efforts to work through a problem involving incommensurability and conflict. Thus, disagreement at the end of a deliberative process will often be natural and legitimate, when the choice concerns incommensurable or conflicting considerations. Giving incommensurability its due requires, in part, *not* insisting on consensus as the ideal result of deliberation. Rather, citizens deliberate in a spirit of common concern, looking to arrive at a reasonable resolution of the issue under consideration, but they know that there may be reasonable disagreements about how that resolution ought to go. While there is a commitment to reaching a conclusion, as a prerequisite for action, the deck is not stacked in favor of full consensus, and deciding by majority vote is not seen as a second-best compromise. Furthermore, this understanding of the nature of deliberation deepens deliberative democracy's commitment to the basic provisionality and revisability of deliberative outcomes.

Importantly, the argument that value pluralist deliberators will often anticipate reasonable disagreement, and thus should not privilege consensus as the target of their deliberations, does not contradict the basic rationalism of my view, which I articulated in Chapter Three. There I argued that we often can reason about incommensurables, and

that decisions involving them can even be quite straightforward. But the fact remains that incommensurability results in a greater frequency of difficult choices, where considerations are hard to balance, than we find with commensurable alternatives. Indeed, because of incommensurability, we have reasons to anticipate disagreement and should not insist on consensus. This is not to say that we never agree about how a decision involving incommensurables should go; the possibility of reasoning about them means that we can, in principle, reach agreement. Moreover, agreement is taken as a good result when it happens. But the high incidence of difficult choices will multiply the occasions when agreement will be hard to reach, so the value pluralist approach to deliberation abandons the consensus requirement proposed by the mainstream view.²⁰

The value pluralist grounds for de-emphasizing consensus offered here imply two significant additional departures from the mainstream view that are worth underscoring. First, most critiques of the mainstream conception's focus on consensus, as well as the concessions offered by mainstream theorists on the severity of the consensus requirement, have been fundamentally *practical* in nature. That is, critics of deliberative democracy argue that aspiring to consensus is hopelessly unrealistic and naïve, and that few real-world processes of deliberation are likely to result in consensus (see, e.g., Shapiro 2003, 10-34). This is a fair and important point, but the value pluralist approach

²⁰ It is worth noting that the de-privileging of consensus also relates to the fact that value pluralism is not a contractarian view, like the mainstream views are. As such, it does not understand the basic nature of legitimacy or justice to be grounded in agreement under ideal conditions, and therefore does not start off with a need to find consensus. At any rate, we may also question the mainstream view's interpretation of the requirements of legitimacy, even on its own contractarian grounds. It is a more plausible interpretation of the practical requirements of legitimacy to say that consensus need only be secured for the institutions and procedures through which law and policies are enacted. If a law is validated through legitimate procedures that themselves enjoy consensus, then it will be legitimate, regardless of whether disagreement over the law persisted. The mainstream view of deliberation thus interprets legitimacy far more stringently than is required, even on contractarian grounds.

rejects consensus from a different point of view. The expectation of persistent disagreement based on incommensurability gives a *theoretical* reason for dethroning consensus from its privileged place within the mainstream conception of deliberative democracy.²¹ This move sheds important light on the inappropriateness of a consensus requirement that points beyond its lack of realism about political conflict.

Second, the value pluralist approach proposes a fundamentally different way of conceiving what sort of moral disagreement is central to deliberative democracy. The mainstream approach conceives of moral disagreement as an essentially *doctrinal* matter, that is, as rooted in citizens' deepest beliefs. The model for the sort of reasonable moral disagreement that mainstream deliberative democrats take themselves to be responding to is religious; they claim the ideal of religious toleration as an antecedent.²² The implicit claim is that moral disagreement is rooted in fundamental differences at the level of citizens' most deeply held (i.e. "comprehensive") beliefs and commitments. On this view, certain questions are beyond the power of reason to adjudicate, and thus are legitimately matters of faith or commitment; moreover, it is reasonable for people to hold these beliefs and for them to make commitments to different doctrines.²³ Though reason dare not wade into these depths, it recognizes as reasonable the various commitments that citizens make.

²¹ It might seem as though theorists of the mainstream conception, particularly Rawls with his "burdens of judgment," also offer a theoretical reason for moral disagreement, although they frame deliberation as a means of reducing that disagreement by reaching consensus, at least on some matters. This is partly right, although, inasmuch as moral disagreement is viewed as a social "fact," there is also a basically practical nature to the problematic of disagreement for these theorists. However, as I will argue below, the conception of moral disagreement that dominates the mainstream approach is markedly different from the one stemming from the value pluralist commitment to incommensurability.

²² For example, Rawls writes of the roots of the project of political liberalism in the liberal response to the Wars of Religion (1996, xxviii ff.). Similarly, Gutmann and Thompson acknowledge debts to the "Lockean argument" for toleration, though they also try to improve on certain of its shortcomings (2004, 66-78).

²³ In this respect, the conception of disagreement and difference found in the mainstream version of deliberative democracy resembles that of the societal groupings version of value pluralism.

For the value pluralist conception, by contrast, moral disagreement is not understood as rooted in incompatible doctrinal commitments, but rather as a particularistic phenomenon that stems from differing reasonable, good-faith responses to the same particular questions. That is, our disagreements are specific to the choices that give rise to them; we disagree *in particular instances* because incommensurability gives rise to difficult choices where the balance of reasons is not clear-cut. This presents a different model of how agreement and disagreement should figure into deliberation. In the mainstream view, we are faced with the fact of reasonable pluralism among the comprehensive doctrines that citizens adhere to. Deliberation and consensus are introduced as mechanisms for carving a range of agreement out of this fractured social landscape. Thus, each time we engage in deliberation, we should aim at consensus so that this zone of agreement can be enlarged or reinforced. The value pluralist conception of disagreement, by contrast, locates the possibility of disagreement in the nature of the choices that confront us. On this view, each process of deliberation is conditioned by the possibility that incommensurabilities and conflicts could surface among the considerations affecting the choice, and thus the process itself is not predicated on the aim of reaching consensus.²⁴

²⁴ It is somewhat curious that the explanation Rawls offers for why reasonable disagreement is possible, the “burdens of judgment” (1996, 54-58), suggests an understanding of disagreement more in keeping with the one I’ve advanced than with the doctrinal conception that otherwise dominates Rawls’s political liberalism. Rawls’s list of burdens tends to support the conclusion that we will often disagree about how to decide particular questions; however, it is not clear how this is supposed to link up to the idea of pluralism among *doctrines*. Perhaps Rawls imagines that doctrines form through the accretion of disagreements on particular questions, but this seems implausible both historically and theoretically.

In these ways, then, value pluralism offers a distinctive conception of deliberative democracy that departs from the mainstream view on both the purpose and the target of deliberation. Table 5 summarizes how the two approaches differ.

Table 5: Two Conceptions of Deliberation

	Purpose	Target
The Mainstream View	Securing legitimacy for the exercise of coercive power among equal citizens	Rationally motivated consensus
Value Pluralist Deliberation	Promoting the recognition and engagement of incommensurability and conflict	Consensus not required or privileged

Before turning to the issue of constraints on deliberation and the ethics of citizenship, though, I will sketch some of the differences between the value pluralist conception of deliberative democracy and some influential alternatives that are not part of the mainstream view that I've focused on so far. First of all, it is important to note that many views of deliberative democracy apart from the mainstream view also emphasize consensus as the ideal outcome of deliberation, and thus also differ sharply from the value pluralist view. Habermas's argument for deliberative politics is exemplary here. Habermas understands the purpose of deliberation differently from both the mainstream view and the value pluralist view. For him, the point of deliberation is to test the validity of proposed legal and political norms. To understand this, it is important to situate

Habermas's political theory within his broader program of discourse ethics, of which it is an outgrowth. In his discourse ethics, Habermas attempts to resuscitate a Kantian project of moral theory by specifying a procedure whose aim is to discover universal norms. Norms will be valid when they satisfy a principle of universalization, and discourse ethics proposes that the best procedure for discovering whether a proposed norm does in fact satisfy this principle is an open deliberative process to which all have access (Habermas 1990, 43-115). The idea is that only norms that can survive all possible objections, coming from all human beings, however situated, are truly universalizable. Deliberative politics takes this as a model for testing legal and political norms.²⁵ Consensus here need not extend to all of humanity—although some rights enshrined in a constitution could meet with fully universal consensus, many of the norms relevant to making law and policy will be, Habermas argues, localized to a community's self-understanding. In such cases (which we may classify as part of the good, as it is traditionally distinguished in deontological views from the right), consensus within the relevant political community is sufficient.

The value pluralist conception clearly differs significantly from the Habermasian view in terms of both the purpose of deliberation (testing the validity of norms) and its target (consensus). Moreover, a distinctive feature of Habermas's project of discourse ethics adds an important variation in the way he conceives of consensus, which is especially suspect from the value pluralist point of view. Part of Habermas's

²⁵ The picture of application that I'm sketching here is somewhat complicated by the relationship of legal and political norms to coercive power, which leads Habermas to characterize them as "between facticity and validity." However, this added level of complexity does not alter the basic purpose of deliberative politics, which aims at assessing the validity of proposed norms. On this issue, see especially *Between Facts and Norms* (1996, 1-41, 238-387)

transformation of the project of critical theory involves a rehabilitation and reconstruction of some of the core moral and political ideals of the Enlightenment, which had become an object of cynicism and disillusionment for earlier Frankfurt school theorists like Horkheimer and Adorno. The project of discourse ethics thus, in part, aims at the discovery of a core universalist morality that realizes the Enlightenment ideals of self-rule and self-realization. The process of discourse in which norms are tested, then, enacts a progressive realization of Enlightenment ideals that asymptotically approaches the goal of a fully justified morality. This philosophical commitment shapes the conception of consensus proper to Habermas's deliberative politics. Specifically, the target of consensus that deliberation aims at is not merely consensus on the proper course of action in such and such a situation of choice. Rather, Habermas's view suggests that, at any given time, there is a set of propositions that enjoy society-wide consensus. Deliberative politics aims at the progressive expansion of this set, that is, the desideratum is an ever-widening sphere of social consensus rather than just consensus on this or that question.²⁶

The value pluralist conception of deliberation rejects this image of expanding the background zone of consensus. This rejection reflects more than the fact that incommensurability engenders hard choices about which citizens may reasonably disagree. It relates more deeply to the particularist form of practical reasoning that we employ in choosing among incommensurables. As I have argued, in particularist modes of reasoning, the choiceworthiness of X over Y in situation Z is *context-dependent*; this

²⁶ Some of Gutmann and Thompson's language, particularly when they urge that citizens economize on moral disagreement, suggests a similar image.

means that similar considerations may relate differently in a different situation, and the local ranking that is expressed in a given choice does not reflect a general or global ranking of the goods involved. This means that agreement about how to decide a particular choice will not generally translate into agreement about how the goods that were involved in that choice ought to be ranked abstractly.²⁷ This feature of particularist practical reasoning precludes the goal of an ever-widening social consensus; the results of deliberative processes do not “add up” in this way. Even when full consensus results on a particular decision (and that decision involves incommensurables), there are no implications for the expansion of some overall background consensus.

Other deliberative democrats outside the mainstream view, besides Habermas, also encourage consensus, and thus provide further points of contrast with the value pluralist conception of deliberative democracy. For example, Jane Mansbridge’s conception of “unitary democracy,” a participatory and deliberative form of association that provided an important precursor and point of inspiration for later deliberative democrats, is also centered on consensus (Mansbridge 1980). For Mansbridge, unitary modes of democracy are an important supplement to adversarial modes, which are appropriate for situations where conflicting interests are in play. By contrast, the unitary form of democracy is centered on the Rousseauan ideal of discovering the common interests of the community. In Mansbridge’s view, deliberation is a mechanism for

²⁷ This disconnect between the availability of reasons that have force in a particular context and the unavailability of reasons for general and abstract rankings is precisely what gives rise to the priority problem.

discerning areas of common interest (its purpose), and, in such instances of unitary democracy, deliberation aims at consensus (its target).

Finally, one important conception of deliberative democracy neither fits the mainstream view nor emphasizes consensus. James Fishkin's work on deliberation is motivated by an entirely different problematic than the issues of moral disagreement that spur the mainstream view. For Fishkin, the main issue is the quality of democratic governance and lack of knowledge and sophistication among voters (Fishkin 1991; 2009; Ackerman and Fishkin 2004). Fishkin proposes a deliberative strategy for improving both voter knowledge and the way political elites actually govern. Perhaps the most realistic and pragmatic deliberative democrat in terms of the modesty and feasibility of his reform proposals, Fishkin advances the signature idea of the "deliberative poll." Deliberative polls gather a representative group of citizens chosen at random for a few days of discussion of some important policy issues. Opinion polling of the group before and after its deliberation measures how pre-reflective and largely uninformed attitudes are transformed through the process of deliberation. Because the deliberating group is randomly chosen and representative, the post-deliberation poll is meant to reflect how the public at large *would* think about given issues if all citizens participated in deliberation. These polls then can influence elite decisions and behavior toward more desirable democratic outcomes.

While Fishkin's version of deliberative democracy is concerned with different problems and thus offers a very different conception of the purposes and targets of deliberation than the mainstream view, it is also quite different from the value pluralist

view, and this difference reinforces the claim that giving incommensurability its due leads to a highly distinctive conception of deliberative democracy. Fishkin's conception of deliberative democracy can be mapped along the axes of purpose and target as well. The purpose of deliberation, on Fishkin's view, is to enhance the quality of democracy, both by correcting for lack of voter sophistication and a poorly informed electorate, and by influencing elites to enact more desirable policies by virtue of their attention to deliberatively formed public opinion. The target of deliberation is the outcome of the deliberative poll, that is, a more sophisticated measure of public opinion than conventional approaches that merely record pre-reflective preferences. Because the deliberative poll is not a *decision* procedure, it does not make sense to make consensus on the policy to be enacted the desideratum; instead, post-deliberation opinion polls may reflect whatever divisions a group happens to have at the end of a deliberative process. The differences between this view and the value pluralist approach to deliberative democracy are straightforward. The problematic for the value pluralist view concerns increasing public attention to incommensurability and conflict in choices and judgments; this is quite different from Fishkin's concern with the dysfunctions of current American electoral politics. And while Fishkin's deliberative polls do not privilege consensus, they do not align with the target of value pluralist deliberation, either. On the value pluralist view, deliberation aims at decisions or judgments that are sensitive to and colored by whatever incommensurabilities and conflicts come to light in a given situation. This is not the same as a measurement of public opinion that accounts for how discussing an issue in depth alters pre-reflective attitudes.

5.4.3: Constraints on Discourse and the Ethics of Citizenship

One set of features of the mainstream version of deliberative democracy deserve special consideration: the twin issues of constraints on discourse and the ethics of citizenship. These are enduring themes of the deliberative democracy literature, as well as the related literature on public justification. These themes are connected to the mainstream view's central normative concern of legitimacy, and they are logical corollaries of the requirement that citizens give each other mutually acceptable reasons for proposed coercive laws and policies. This requirement imposes a certain set of constraints on discourse—no one may offer reasons that their fellow citizens are likely to reject. In Rawls's conception of public reason, this means excluding all elements of citizens' comprehensive doctrines that are not included in an overlapping consensus on a political conception of justice. Gutmann and Thompson similarly restrict the sorts of reasons that may be offered in deliberation to those that are mutually acceptable to citizens (1996, 52-94), and also add the condition that reasons be "accessible" or comprehensible (2004, 4ff.). The flipside of these constraints on the content of discourse is a certain conception of the duties and virtues appropriate to citizens engaging in deliberation so constrained. In Rawls's work, this takes the form of a "duty of civility" that requires citizens to abide by the constraints on discourse and make good-faith efforts to explain their commitments and proposals in terms of mutually acceptable reasons (1996, 217ff.). Together, the two interlocked themes of constraints on discourse and a corresponding ethics of citizenship delineate a model of deliberation that Bruce Ackerman has called "constrained conversation" (1980).

The value pluralist conception of deliberative democracy that I am defending rejects the substantive content proposed by the mainstream view on both of these issues. In their place, it offers its own version of the proper scope of restrictions on discourse and the ethics of citizenship appropriate to deliberation. The constraints it favors are limited to procedural considerations, and imply a broadly open deliberative forum. Moreover, value pluralism advances a distinctive conception of citizens' ethics, focusing on a set of virtues that facilitate recognizing and engaging incommensurability and conflict.

Value pluralist deliberation is not burdened by the substantive constraints on discourse characteristic of the mainstream view. In particular, it rejects the criterion that reasons offered in deliberation must be mutually acceptable. This has to do with the logic according to which deliberation functions as a means of facilitating the recognition and engagement of incommensurability and conflict. Recall that the main reason for the value pluralist commitment to deliberation is that citizens are more likely to perceive and react to incommensurabilities and conflicts (when they exist) when they are exposed to a wide diversity of claims and arguments about a given choice or judgment. This means that narrowing the range of permissible claims to a sphere of reasons that enjoy consensus, or cannot be reasonably rejected, works counter to the purposes of value pluralist deliberation. Constraints on the content of discourse necessarily leave many points of view off the table. The value pluralist argument is not that these points of view necessarily have merit that the mutual acceptability requirement neglects, but rather that the requirement forecloses the possibility of citizens making a judgment about the merits of as many claims as possible. Nor is the claim that citizens should not be mindful of how

their arguments will be received by others; generally, the deliberative process depends on citizens advancing views and proposals that they find persuasive, and that they hope to persuade others of.²⁸ In order for citizens to recognize and engage incommensurability, however, the range of arguments that can be made should be as open as possible. The openness of the conversation provides for the diversity of the available claims, and the greater this diversity, the greater the likelihood that incommensurability and conflict will come to light, when they exist.

For these reasons, the value pluralist approach to deliberation does not involve substantive constraints on the content of discourse. For all that, however, value pluralist deliberation is not a “no holds barred” agonistic free-for-all. Value pluralism remains committed to *procedural* constraints on the deliberative process. Many of these constraints are contained in the liberal-constitutional framework, which forms the basic skeleton of a polity that gives incommensurability its due. The deliberative process may not involve violations of citizens’ basic rights and liberties. This means both that the institutional processes of deliberation cannot be set up in a way that violates these rights and liberties, and that citizens may not offer arguments that disregard others’ basic rights

²⁸ This touches on the additional requirement that reasons be “accessible,” which Gutmann and Thompson advance alongside the acceptability requirement. For the same reasons of openness and variety, value pluralism does not impose an accessibility requirement, though of course it is advisable as a prudential and pragmatic matter that citizens try to avoid giving incomprehensible arguments. More broadly, there are serious questions about the coherence and appropriateness of Gutmann and Thompson’s accessibility requirement. While it may be an important corrective to technical and jargon-heavy policy arguments, Gutmann and Thompson introduce it primarily as a way of excluding arguments that rely solely on religious reasons. The idea is that appeals to the word of God will be “inaccessible” to citizens who do not share the faith position of those who offer them. But do Gutmann and Thompson seriously mean to say that religious claims are *incomprehensible* to citizens who do not share the commitments that inform them? To the contrary, I think it is quite plain that secular citizens often understand what religious arguments mean, but tend not to accept them as valid—the real issue here is mutual acceptability. At best, viewing religious claims as incomprehensible involves a failure of moral imagination; at worst, it signals a profound disrespect for religious citizens, in that it implies that their deep convictions are only so much gibberish to sound-minded people.

or would, if implemented, involve their violation. In addition to the basic rights and liberties contained in the liberal-constitutional framework, there are also procedural constraints proper to the deliberative process itself. These constraints are put in place to guarantee the openness of the deliberative process, so that all those who wish to contribute to the discussion have a fair chance to say their piece. They might involve rights of participation that ensure that no one who wishes to participate in deliberation is excluded, as well as rules of order that allow turn-taking and prevent powerful individuals or majority blocs from preemptively silencing dissenting voices. These procedural limits are not, on the value pluralist view, grounded on norms of equality or fairness, but instead derive their force from the strategy of giving incommensurability its due. Because opportunities for recognizing and engaging incommensurability will be greatest when there is greater diversity of views and proposals, guaranteeing rights of equal participation and non-exclusion is essential to giving incommensurability its due. But beyond these procedural requirements, value pluralist deliberation is a broadly permissive process—citizens are free to offer a wide variety of arguments and are not constrained by substantive restrictions on content.

It might be argued that giving incommensurability its due should involve more than merely procedural constraints on deliberation. For example, why doesn't value pluralist deliberation prohibit substantive claims that deny the theoretical content of value pluralism? That is, shouldn't citizens be prohibited from making claims that assert that goods are never incommensurable and conflicting, or that there is a single ultimate human good to which all others may be reduced?

A value pluralist politics based on giving incommensurability its due rejects these substantive constraints as well. Requirements such as these misconstrue the basic logic of how deliberation contributes to the recognition and engagement of incommensurability and conflict. Again, the idea behind value pluralist deliberation is that exposure to and engagement with the many considerations involved in situations of choice and judgment tend to encourage recognition of incommensurability and conflict, when they are in play. A deliberative process that includes a large diversity of views and opinions is the vehicle for getting as many relevant considerations as possible on the table. The hope here is that the deliberative process itself, through which citizens are exposed to, and engage, a wide variety of claims, will effect recognition among citizens of incommensurability and conflict in situations where they arise. For this to happen, the actual content of the claims made in deliberation need not involve any positive affirmation of the theory of value pluralism. Arguments are not required to include the claim that goods may conflict and are sometimes incommensurable. Rather, it is hoped that by participating in deliberation and considering many different proposals, citizens will come to recognize incommensurability and conflict as the best account of their own experience. For these reasons, it is not necessary to include any substantive gag rules barring citizens from denying the claims of value pluralism, and doing so would not contribute to the process of giving incommensurability its due.

In addition to its permissively proceduralist account of the constraints on deliberation, value pluralism also offers its own take on the ethics of citizenship appropriate to its approach to deliberative democracy. Unlike in the mainstream account

of deliberative democracy, the ethics of citizenship are not primarily understood in terms of citizens' duty to conduct their deliberations in adherence with the substantive requirements of public reason. Rather, the value pluralist view favors a distinctive set of *virtues* that facilitate and enable citizens' capacities for recognizing and engaging incommensurability and conflict. They also contribute to the smoothness and cordiality of a deliberative process dealing with incommensurable alternatives. There are four specific virtues forming the value pluralist understanding of the ethics of citizenship: humility, openness, patience, and tolerance.

By humility I mean the willingness to regard one's own contributions to a process of deliberation as fallible, potentially incomplete, and possibly mistaken. As I indicated in discussing the need for *public* discussion of decisions,²⁹ individuals are rarely likely to be inerrant practical reasoners. Humility involves a tendency to regard one's own views and contributions non-dogmatically, such that one can accept the contributions of others to a deliberative process and be prepared for the likelihood that one's "first cut" at a problem will be challenged by incommensurable and conflicting goods.

The virtue of openness similarly orients citizens towards listening to others and preparing themselves for the possibility of seeing further dimensions of a case through the deliberative process. Here, one cultivates a willingness to receive the ideas and points of view offered by other participants during deliberation. One is open to hearing what others have to say about a case, even if these claims do not fit easily with one's own view of the matter. Attention to and engagement with incommensurability requires us to admit

²⁹ In §5.3, on the liberal-constitutional framework.

that some considerations may conflict with our own approach, yet still have merit.

Openness is a virtue geared toward allowing these conflicting considerations to come to light. In a sense, openness and humility can be seen as two sides of the same coin. The main difference is that humility is directed toward oneself, in moderating one's own conviction of correctness, whereas openness is directed toward others, in listening to the considerations they bring to the table.

The third pluralist virtue, patience, is key to the success of deliberation. Coming to terms with, and making reasoned choices about, incommensurable alternatives is a very difficult process. Doing it well requires careful reflection and attention, and even for a single individual the process will take time. A deliberating group therefore will often face challenging cases that require extensive examination and discussion before a decision can be reached. Citizens must exercise patience to carefully study the competing considerations involved in a case, and they must also display patience toward one another as the group works through its decisions. This virtue requires citizens to be willing to work with one another and hear each other out, and to forego the temptation of hastily speeding through a case, thereby circumventing the proper care that must be exercised in deliberation.

The final pluralist virtue, tolerance, may seem familiar to readers of Berlin, in that it is central to his version of liberalism. However, the conception of tolerance that stems from giving incommensurability its due is quite different from the traditional understanding of tolerance, and in this respect the virtue is transformed within the value

pluralist view.³⁰ The traditional conception of tolerance has to do with attitudes toward *doctrinal* difference; the idea is rooted in the liberal settlement of religious conflict after the Reformation.³¹ But the distinctive kind of reasonable disagreement generated by incommensurability leads to a different conception of tolerance. The sort of reasonable disagreement central to value pluralist deliberation is disagreement about how actual choices should be decided; accordingly, the virtue of tolerance does not pertain to attitudes towards those who do not adhere to one's own doctrines, but rather to one's comportment toward those who disagreed on this or that choice. Since fully unanimous decisions will probably be fairly rare in deliberations involving incommensurable goods, value pluralist politics encourages a virtue of tolerance towards those who disagree on a matter, coupled with a mutual commitment to the provisionality and future revisability of the decision. So value pluralism recommends a virtue of tolerance, but this is not to be understood as identical to the traditional notion of tolerance.

Note that the ethics of citizenship outlined here is not to be understood as a set of strict requirements that all citizens *must* adhere to. These are virtues of citizenship, not duties, and they accordingly delineate the features of a *good* citizen, rather than moral requirements that all citizens are *obligated* to fulfill. A polity committed to giving incommensurability its due will strive to inculcate these virtues in its citizens. This inculcation will take place primarily through programs of civic education that both

³⁰ In Chapter Two, I also suggested that Berlin's own endorsement of toleration could be rehabilitated through a similar shift in orientation. His argument, however, remains different because it is part of a priority-specifying approach, whereas my view aims at giving incommensurability its due.

³¹ This version of the virtue of toleration makes more sense as part of the societal groupings version of value pluralism, which other theorists have conflated with the moral-practical theory that I have focused on.

encourage the virtues themselves and reproduce the exposure to a variety of views and opinions that is the core benefit of deliberation for promoting recognition and engagement of incommensurability. The inculcation of these virtues will also, it is hoped, be part and parcel of the actual practice of deliberation itself. But throughout, the value pluralist ethics of citizenship understands its virtues *as virtues*, and not as obligatory duties. That is, they do not lay out a set of obligations that citizens are required and expected to fulfill, but rather specify the characteristics of a *good* citizen, which serves as a model for citizens to strive toward. This represents a departure from the mainstream conception of deliberative democracy, which conceives of the ethics of citizenship in terms of a duty to offer fellow citizens mutually acceptable reasons.³²

5.5: Value Pluralist Deliberation about Healthcare

5.5.1: Breaking the Monopoly of Cost-Benefit Thinking About Healthcare

In the following section, I turn to micro-level implications of the theory, illustrated through some value pluralist reflections on the issue of healthcare policy in the United States. This discussion will offer a sketch of how citizens' deliberations about healthcare policy questions might go; however, it is necessarily indeterminate and provisional, because the ultimate outcomes of deliberation should be determined by the

³² It might be argued that Rawls's "duty of civility" should in fact be understood in similar terms, i.e. as specifying an ideal rather than a set of obligations. This interpretation finds some support in Rawls's claim that the duty of civility is a "moral, not a legal, duty" (1996, 217, see also 253). However, I take Rawls to mean here that failure to abide by the duty of civility is not subject to legal sanction but is instead a moral obligation. It is not clear that the moral/legal distinction amounts to an ideal/obligation distinction. Rawls may have in mind here something like a Kantian imperfect duty, although Kant's use of this term for supererogation would seem to allow too much permission not to fulfill the duty to be compatible with Rawls's usage. At any rate, Rawls does not specify his use of "duty" in this way, so I think it is reasonable to assume he intends for the duty of civility to be understood as an obligation, though a moral rather than a legal one.

deliberations of citizens themselves. As such, the reflections offered here merely register some considerations that I take to be relevant to the issue, and illustrate how they might figure into a deliberation that gives incommensurability its due. My reflections could be thought of as a contribution to a hoped-for value pluralist deliberative process.

The purpose of this discussion within my overall argument is twofold. First, it complements the macro-level considerations about the institutional structure of a value pluralist polity with micro-level implications.³³ Here, the implications of value pluralism pertain to the ideal carrying out of public deliberation along value pluralist lines (i.e., deliberation in which incommensurability and conflict are recognized and engaged). The illustration of deliberation about healthcare helps to give a concrete example of how value pluralist deliberative democracy might look, which exhibits the forms of reasoning that value pluralist deliberation ideally employs. As I have suggested, value pluralist deliberation does not require that every citizen fully display the ideal of value pluralist reasoning. It rather aims for the collaborative efforts of the group as a whole to approximate this ideal. Along these lines, the following reflections on the case of healthcare illustrate some of the considerations that might be examined by whole deliberating groups, and not necessarily by each individual citizen severally.

A second important purpose of this discussion is that it helps to demonstrate, in concrete terms, some of the differences between my own approach and the mainstream conception of deliberative democracy. Gutmann and Thompson have offered their own account of how deliberative democracy, as they understand it, might handle the issue of

³³ To some degree, the foregoing discussion of citizens' virtues already begins a transition to micro-level implications.

healthcare (1997; 2004, 139-159). In sub-section 5.5.2, I will briefly highlight some areas where the value pluralist approach to deliberating about healthcare might differ from Gutmann and Thompson's.³⁴

The issue of healthcare has recently been a very hot topic in American public discourse. It's not my purpose to weigh in on this debate or to advocate for a specific proposal. However, I want to register the observation that much of the discussion of healthcare reform centered on issues of cost, cost-effectiveness, and efficiency. While Democratic proposals began with a twofold mission of expanding coverage and containing costs, they quickly morphed into predominantly cost-oriented pieces of legislation. In particular, the most substantial measure for expanding healthcare access to the roughly 47 million uninsured,³⁵ the so-called "public option," was backgrounded vis-à-vis the issue of cost, and eventually dropped from the compromise bill (see, generally, Herszenhorn 2010; Hunt 2010; Stolberg and Herszenhorn 2010).³⁶ And in the wake of the recent Republican wave of victories in the 2010 mid-term elections, former budget director Peter Orszag argued in a column that Republicans, if they are sincere about reducing the size of the federal budget, should not target the healthcare bill for repeal,

³⁴ Some of the arguments Gutmann and Thompson offer about healthcare serve to reiterate or elaborate their general principles, which I considered in my discussion of macro-level implications. This is because Gutmann and Thompson do not break their deliberative view down into macro-level and micro-level components, as I do. Nonetheless, considering their discussion of healthcare here helps illustrate the micro-level implications I want to draw, even if parts of it seem to repeat previously touched-on issues.

³⁵ According to the U.S. Census Bureau's estimate for 2006 (DeNavas-Walt, Proctor, and Smith 2007). The number probably increased between the publication of that estimate and the actual passage of the Patient Protection and Affordable Care Act, in 2010.

³⁶ To some degree, of course, the retreat from the public option was a defensive maneuver in response to widespread disapproval of the measure, spurred by hyperbolic conservative rhetoric about socialism and "death panels." However, the shift was also reflective of the overall priorities of the pro-reform politicians themselves.

because of its significant cost-saving measures (Orszag 2010).³⁷ Similarly, many of the seminal, debate-framing discussions of healthcare reform in national political magazines, such as Atul Gawande's series of pieces on cost control and innovation in *The New Yorker* (2009a; 2009b; 2009c) and David Goldhill's personal history in *The Atlantic* canvassing out-of-control costs and advocating market competition (2009), made cost the central issue. In some cases, advocates of cost-control even suggest that reining in costs can function as a panacea for the overall woes of the healthcare system, claiming that lowering costs will make expanding coverage affordable and will also improve the quality of care.³⁸

My point here is not to dismiss concerns over the size and growth rate of healthcare costs. To the contrary, the issue of cost is vitally important, and our current healthcare system is plainly unsustainable if current trends continue (for instance, the annual growth in healthcare costs has been, on average, 2.1% higher than growth in GDP, for the past 30 years (Emanuel 2008, 25f.)). In this context, concern with cost is entirely appropriate, and even quite urgent. However, the point with respect to value pluralism is that predominant or even exclusive focus on cost and efficiency is inadequate and one-sided. The problem is that fixation on the issue of cost, and, more generally, the preoccupation in policy thinking with considerations that can be entered into cost-benefit models (on this issue, see C. W. Anderson 1993), reflects a tendency to focus exclusively on commensurable considerations, and a corresponding failure to appreciate the full

³⁷ Orszag also notes that the reform process reflected a basic tension between those concerned with expanding coverage and those concerned with controlling costs, reflected in the differences between the earlier House bill and the later Senate versions. He characterizes the process as the ultimate victory of cost-saving concerns.

³⁸ This is certainly a claim of Goldhill's piece, and is at least suggested by Gawande.

variety of relevant goods, many of which are incommensurable with fiscal considerations. A more robust value pluralist approach to deliberation about healthcare would include considerations that are not easily apprehended within a cost-benefit metric.

Along these lines, I want to sketch some of the considerations I take to be relevant to the issue of healthcare in the United States. This is not meant to be an exhaustive list, and it is not meant to determine the outcome of deliberation—processes of deliberation themselves leave open both the range of considerations brought forth, as well as the direction of the decision. It is merely a discussion of some goods at stake in how we think about the provision of healthcare, as well as access to it, payment for it, its distribution, and its quality. I focus here on considerations other than cost and efficiency, although these are of course important matters and ought to have a place in value pluralist deliberating. Importantly, these considerations are examined in terms of their relevance to the *overall* healthcare question; I am not looking here at sub-questions about specific procedures and coverage priorities (though I will discuss the importance of deliberation at this more particular level below). The spirit of my discussion will be value pluralist—I aim to highlight some of the many goods at stake *on their own terms*; I will not try to bend the account to fit a particular moral theory, and it will be clear that the considerations I highlight will not all be susceptible to cost-benefit formulae.

A central moral consideration, at the heart of any case for universal and equal access to healthcare, is the issue of need, and healthcare's intimate connection to saving, prolonging, or improving human lives. The good of human flourishing is a fairly basic one, and it suggests the intuition that, when we have the ability and the opportunity to

save people from imminent death, or substantially improve their life expectancy or quality of life, we should, *prima facie*, act on it. Applied to healthcare, this suggests that those who stand in need of life-saving or substantially life-prolonging medical intervention have a claim to receive it. Of course, this is not a completely adequate intuition for the problem of healthcare provision. First of all, “need” is a fairly loose concept, and specifying what is and isn’t necessary in actual cases can be quite tricky. For example, suppose a woman needed a mastectomy on one of her breasts to treat her breast cancer, and subsequently sought reconstructive surgery to restore her missing breast. It’s a fairly sound intuition to think that such surgery ought to be covered by the woman’s insurance, even though it does not save her life and adds nothing to her life-expectancy (in fact, there may even be some health risks involved). The intuition is that post-mastectomy reconstructive surgery is not morally equivalent to cosmetic surgery, and that it is a reasonable use of resources to provide this treatment to cancer victims. Other limitations of a need principle can be seen in taking the imperative to save life to its logical extreme. For example, suppose someone had a terminal form of cancer, with a prognosis of about 6 weeks to live. Let us suppose further that an aggressive treatment was available that would extend the patient’s life-expectancy to about 6 months, but only at a very high cost (let us say \$300,000)³⁹ and with significant reduction in quality of life due to side-effects of the treatment. In such a case, it seems reasonable to conclude that the benefits associated with the treatment are too meager to warrant such a vast

³⁹ I am stipulating this figure (as well as the life-expectancies), but it is not unrealistic. For some helpful discussions of actual diseases and treatment procedures, as well as the costs associated with them, see Fleck (2009, esp. 3-11, 34-70).

expenditure. From a value pluralist perspective, these inadequacies of the need principle suggest that, though important, it is not the sole relevant consideration, nor could some refinement of the need principle serve as a comprehensive account of the morality of healthcare. Other considerations will often matter. In the case of the woman with the mastectomy, we may say that, among other reasons, compassion in the face of her misfortune in being diagnosed with breast cancer, and sympathy toward her reasonable desire to restore her life approximately to how it was before her cancer, supplement considerations of need in shaping our judgment. In the case of the terminal cancer patient, utilitarian considerations of balancing benefits against costs seem to temper the exigencies of need.

Another set of considerations relevant to healthcare policy concerns equality. Here, a basic egalitarian intuition that extreme inequalities of wealth and income are unjust and/or pernicious comes into play.⁴⁰ Considerations of equality thus support a *prima facie* commitment to reducing and mitigating inequalities of wealth and income, as well as their broader effects. As applied to healthcare, these considerations suggest that the inability of some citizens to secure access to basic, minimal healthcare cannot be justified alongside not only the ability of some other citizens to afford basic healthcare, but also their access to “luxury” treatments as well as their vast surplus of wealth beyond what they spend on necessities. While this intuition cannot support the total equalization of health outcomes (which both exceeds our scientific capacity and would be enormously

⁴⁰ My aim is not to defend an egalitarian understanding of social justice here, but merely to register that egalitarian considerations are relevant and have some force for our thinking about healthcare.

expensive), it does suggest that, *prima facie*, we ought to try to limit the extent to which people's access to needed care is determined by accidents of birth and social circumstance. Most importantly, egalitarian considerations point to the arbitrariness of distributing healthcare access on the basis of ability to pay (Singer 2009). So a value pluralist deliberation about healthcare policy must take into account the powerful considerations of equality.

Considerations of fairness in the distribution of healthcare access also arise. These considerations center on the intuition that the burdens and benefits of a healthcare system should not accrue disproportionately to any individuals or groups—everyone should contribute his or her share, and benefits should be neither concentrated disproportionately nor systematically denied to certain people. These considerations matter regardless of whether a healthcare system is structured as a single-payer government plan, or on a private insurance model, or even in a private system that involves direct payment of providers by patients. In the context of government systems, considerations of fairness suggest that the system should be financed through moderately progressive taxation, which all citizens are expected to contribute to in proportion to their means. Along these lines, Ezekiel Emanuel has proposed a dedicated value-added tax for paying for universal government healthcare (2008). If healthcare were, alternatively, to be provided through a reformed version of the current American system of employer-based private insurance (as will be the case when the 2010 Patient Protection and Affordable Care Act goes fully into effect), then this means that policy-holders should contribute equally to their insurance plans based on the coverage options they choose, and that no one should be denied

coverage, or forced to pay additional costs beyond the terms of their policy, if they turn out to have more health problems than others within the system. Such considerations of fairness, then, cut in two directions. First, they imply that the payment and allocation system for healthcare should distribute burdens and benefits in a fair way, proportionate to taxpayer/patient means. There ought to be neither free-riding along with full subsidization of poorer patients, nor disproportionately light burdens on wealthier patients. In another direction, fairness considerations suggest that those who do their part in contributing to paying the costs of healthcare provision ought to receive the full extent of benefits due to them.

A value pluralist deliberation about healthcare policy may also be attuned to considerations of individual responsibility. The intuition here is that individuals ought to be accountable for their choices and actions, and that it is fair, for the most part, for them to bear the consequences of those choices. In the context of healthcare provision, this consideration relates to the concern that many health problems are linked to specific lifestyle choices that tend to be, on average, linked to certain diseases. An obvious example would be the connection between smoking and lung cancer, but it might also be reasonably argued that lifestyle choices surrounding diet and exercise are linked to obesity and related conditions of heart disease and type-II diabetes. With respect to a collectivized or pooled form of healthcare provision, be it government-based or insurance-based, considerations of responsibility call into question any obligation for healthy individuals who have made good lifestyle choices to underwrite the treatment costs incurred by unhealthy individuals, whose diseases are attributable to their poor

lifestyle choices. However, although there is an intuitive appeal to these considerations of individual responsibility in the abstract, they seem unlikely to have much traction when it comes to applying them to individual cases. On the one hand, statistical findings support the claim that certain lifestyle choices correlate with higher incidences of certain health problems. But on the other, individual medical histories are often quite complex, and it is much more difficult to judge whether someone's health problem is wholly attributable to a particular habit, or even whether it is sufficiently attributable to it to warrant the worry about underwriting. More to the point, it is impossible to say that *every* heart attack was due to poor diet and exercise, so, as a matter of policy, one cannot base a decision to cover certain treatments solely on considerations of responsibility. For these reasons, considerations of responsibility may be more appropriately enshrined in positive efforts to alter lifestyle patterns, as opposed to denials of coverage for past decisions. Instead of punishing those who develop certain health problems, it may make more sense to incentivize healthy habits. Along these lines, many insurers now offer discounts or rebates on premium payments for policyholders who are able to document a certain number of gym visits each month, and employers provide financial incentives for employees' satisfying "wellness" benchmarks (Alderman 2009).

Finally, value pluralist deliberation about healthcare will take heed of important libertarian considerations surrounding individual choice in healthcare provision. The value of choice relates to important considerations of individual autonomy, self-rule, and self-determination. The idea here is that individuals ought to be able to exercise choice in the kinds of healthcare services they seek, the physicians they see, and the levels of

coverage they opt for. It may be added that such choices should, ideally, be made in light of all the relevant information and should be exercised over a range of meaningfully distinct alternatives.⁴¹ Preserving a fairly expansive sphere of individual autonomy within a system of healthcare provision is vitally important. After all, medical decisions concern that most private of domains—one’s own body. Whatever sort of healthcare system is endorsed by value pluralist deliberation, then, ought to include robust provisions for the protection of individual choice and autonomy. At least, this is a highly important set of considerations for value pluralist deliberation about healthcare policy to take into account.

These are only a few of the considerations that might figure into a vibrant value pluralist deliberation about healthcare policy, along with considerations of cost, effectiveness, and efficiency. An ideal value pluralist deliberation about healthcare policy would probably involve these considerations, as well as many others. How they are balanced against each other is a question that must be deferred to the actual deliberative process, although I hope to have provided a rough sense of their force here. Deciding how to balance these and other considerations will also depend heavily on exactly what

⁴¹ The issue of alternatives points to an important flaw in the rhetoric of choice that has been bandied about in critiques of Democratic reform proposals. Many commentators—rightly—point out that some single-payer models can limit the amount of choice available to patients in terms of which doctors they see and what services they can seek. The image here is a somewhat exaggerated version of the British NHS, involving lots of queuing and heavy loads of bureaucracy. But although it is appropriate to insist on a system that allows individuals to make their own choices, this is a rather poorly chosen strategy if the point is to defend the status quo in the American system (before the passage of the Patient Protection and Affordable Care Act). The employer-based system usually offers individuals very few options in choosing their insurance provider (it is rare to even have two companies to choose from), and coverage options are restricted to certain pre-defined “bundles.” Moreover, the regulation of the insurance industry is a matter of state law, so insurers are not forced to compete with out-of-state companies. Even physician choice is limited, as a practical matter, to “in-network” physicians, who can be seen, under most plans, at much less direct cost to the patient than their “out-of-network” counterparts. Robust individual choices, then, are already not a part of the American healthcare system, except perhaps for very wealthy individuals.

questions citizens are trying to address in their deliberations. We might imagine separate deliberations about the appropriate principles governing access to healthcare, on the one hand, and the fairest and most efficient mechanisms for financing the system, on the other. In each of these instances, the balance of considerations will be different, as a function of the specific aims of the deliberative process. Moreover, different, more fine-grained considerations may come to light in another important dimension of healthcare deliberation—choosing how to allocate resources among various treatment options. This is the thorny question of healthcare rationing, and deliberation about it is necessarily more particularized than what I have sketched here; it concerns policies about individual diseases and interventions, in contrast to the more general question of how to structure the overall healthcare system. I will give more direct attention to this level of decision-making below, in sub-section 5.5.3.

Before turning to issues of rationing, however, I want to highlight some differences between the value pluralist mode of deliberation and the mainstream conception, as each approaches the issue of healthcare. As I said, the purpose of my discussion of the issue of healthcare is twofold—first, it addresses micro-level implications concerning citizens’ reasoning through a concrete illustration of a value pluralist deliberation that encompasses many potentially conflicting and incommensurable considerations; second, it helps to show in more concrete terms how my version of deliberative democracy differs from that of mainstream deliberative democrats. To this latter end, I consider in sub-section 5.5.2 what Gutmann and Thompson have said about healthcare and deliberative democracy. While some of their

proposals are unobjectionable from a value-pluralist point of view, others are either unnecessary for value pluralist deliberation, or even might serve as obstructions to the process of giving incommensurability its due.

5.5.2: The Mainstream View's Approach to Deliberation about Healthcare

Gutmann and Thompson include a discussion of deliberation about healthcare in their 2004 restatement of their view, *Why Deliberative Democracy* (Gutmann and Thompson 2004, 139-159). Their discussion focuses on a set of principles that, they argue, should guide deliberation about healthcare, and although they use examples, their main effort is to defend basic principles rather than to illustrate how deliberation might go. The centerpiece of their approach is reciprocity, that is, the requirement that participants offer each other mutually acceptable reasons. Alongside the principle of reciprocity, they offer four sub-principles, which are taken to be further specifications of what reciprocity involves. The four principles may be summarized as follows: 1) reasons should be accessible; 2) reasons must be moral in form, i.e. general or generalizable; 3) participants should be respectful of one another; and 4) participants should be committed to the revisability of their decisions and the reasons they offer. Their central example in the chapter concerns whether an HMO, DesertHealth, should provide coverage for a new procedure, PUREPAP, a more technologically advanced variant of Pap testing for cervical cancer, which offers a modestly superior, though expensive, method of detecting false-negatives generated by the traditional test.

Though the value pluralist approach to deliberation diverges from the mainstream account, it does not reject every aspect of Gutmann and Thompson's proposals. Some of the principles Gutmann and Thompson defend are unobjectionable from a value pluralist point of view. First and foremost, the general emphasis on reason-giving characteristic of deliberation itself is common to both views. This is important to underscore, especially in the context of healthcare, where decisions are often made in the private sector rather than in democratic contexts. A reason-giving approach differs markedly from a structure of decision-making that is not transparent and participatory. It emphasizes that decisions should not be made solely with an eye to power or profit—deciding in common means that choices that only serve the interests of a few powerful people will not be seen as reasonable. Beyond this shared emphasis on reason-giving, the value pluralist approach to deliberation shares with the mainstream view a robust commitment to the revisability of democratic decisions. The rationale for this in the value pluralist approach looks to the fundamentally difficult nature of practical reasoning about incommensurables, which is not central to the mainstream view. Despite this difference in the justification for treating democratic decisions as provisional, though, value pluralism and the mainstream view of deliberation come together on the commitment to revisability. The rapidly changing landscape of healthcare technology, as well as improvements in our knowledge about disease and intervention, makes the commitment to revisability especially relevant in this context.

Similarly, the value pluralist approach and the mainstream approach display at least partial agreement on the principle of respect. From a value pluralist point of view,

there is nothing objectionable about the claim that citizens should be respectful of one another when they deliberate. Indeed, the virtues characteristic of the value pluralist approach—humility, openness, patience, and tolerance—could be characterized as related to respect. Thus, for instance, Gutmann and Thompson describe mutual respect in language similar to that I used in outlining the value pluralist virtues: “in a deliberative process characterized by mutual respect, participants recognize the moral merit in their opponents’ claims (insofar as they have merit)” (2004, 153). At a certain level of generality, then, there is agreement between the mainstream and value pluralist views. However, Gutmann and Thompson’s *specification* of the principle of mutual respect tends toward a set of requirements that are alien to the value pluralist view. As Gutmann and Thompson interpret respect, it requires an economy of moral disagreement, such that citizens avoid, so far as possible, using reasons that other citizens might reject. As I have specified it, the value pluralist view rejects such constraints. The aim of giving incommensurability its due requires that the conversation be as open as possible, so that many relevant considerations come to light, and citizens are able to perceive and respond to incommensurability and conflict, when they arise. The imperative to economize on moral disagreement may often obstruct this process, if citizens employ a “method of avoidance” in the face of controversial questions. The principle of respect, then, is partly compatible with value pluralist deliberation. Insofar as it expresses the value pluralist virtues of citizenship, it has a place in pluralist deliberations. But it cannot involve the imperative to economize on moral disagreement.

The remaining principles proposed by Gutmann and Thompson, requiring that reasons be moral and accessible, are somewhat more problematic from a value pluralist perspective. Value pluralism rejects the *requirement* that reasons offered in deliberation be moral, in the sense that term has for Gutmann and Thompson. They take the Kantian view that the moral character of a reason consists in its generality. While there is certainly nothing objectionable about citizens using general or moral reasons in value pluralist deliberations, the logic of giving incommensurability its due implies that there can be no requirement on participants to use *only* moral reasons. There are two main reasons for this. First, because value pluralism supports a particularist understanding of practical reasoning, the theory implies that the question of what considerations matter to a choice or judgment is only answerable in view of the concrete features of the choice situation itself. This implies that we cannot know in advance that all relevant or appropriate considerations will have a certain form, such as generality. Whether moral or non-moral reasons are appropriate can only be discovered in the context of a choice. And because value pluralism offers an account of *practical* reason, which is, broadly, reasoning about what to do (or judging how a decision ought to go), it is not limited to merely a moral domain, whether construed in Kantian terms or otherwise. Non-moral considerations, which, for example, may pertain to the particular, non-generalizable interests of some stakeholders, or may be matters of prudence, are not ruled out in advance. In the context of deliberating about healthcare, it may often be the case that the medical judgment of individual physicians about the needs of their patients ought to be

accorded a certain weight vis-à-vis general rules about how to handle patients of such and such a class.⁴²

A second reason for value pluralist skepticism about the requirement that reasons be moral stems from the logic of giving incommensurability its due. On this view, the purpose of deliberation is to provide a forum for the exchange of many various ideas and proposals, such that any incommensurabilities and conflicts that are at play in a choice situation may be recognized and engaged. The animating spirit behind value pluralist deliberation thus suggests that deliberation should be as open as possible, and that only minimal procedural constraints that function as enabling conditions for the project of giving incommensurability its due should be placed on the deliberative process. Gutmann and Thompson's requirement that only moral reasons should be offered in deliberation appears, from this point of view, as an unnecessary constraint that may potentially obstruct the tendency of the deliberative process to promote recognition and engagement of incommensurability. On the value pluralist view, many proposals, whether they are moral or non-moral (i.e. general or not), may be advanced, and it is up to the participants to discern whether a given reason has force or relevance. Of course, this is not to say that moral reasons are *excluded*; clearly value pluralist deliberation has plenty of space for offering moral reasons. Rather, value pluralist deliberation also repudiates the exclusion of non-moral reasons implicit in Gutmann and Thompson's requirement.

⁴² This point is somewhat complicated in the American fee-for-service system, in which physicians have financial incentives to offer more, and more expensive, treatments than are necessary. In such a system, "medical judgment" may sometimes function as a cover for more self-interested motives. The point I am making should be considered apart from this institutional context, and if it is indeed true that physicians' judgment should matter, then we ought to design institutions in such a way that judgment is not swayed by pecuniary incentives.

The final principle Gutmann and Thompson offer as appropriate to deliberation about healthcare, that reasons should be accessible, is also rather suspect from a value pluralist point of view. In this case, too, the requirement of accessibility seems to be an unnecessary requirement that may unduly limit the scope of citizens' deliberations. In this case, the principle is rejected only insofar as it is meant as a *requirement*; more broadly, though, value pluralism does not object to the claim that it would be wise for citizens to make comprehensible arguments. The objection only comes from the worry that imposing a requirement might lead to a reduction in the number of ideas and proposals that are floated in deliberation, since citizens may feel sufficiently burdened by the requirement to avoid making arguments that they might otherwise have made. If there is merit to an argument, it is for the deliberative process itself to identify it. Citizens of course may be well-advised to put their arguments in comprehensible or accessible terms, if only so that others may be more readily persuaded of their merit, but, *contra* Gutmann and Thompson, this advice does not amount to a requirement imposed on deliberation.

The accessibility requirement raises a particularly thorny issue in the context of deliberating about healthcare—the place of technical expertise. This is thorny inasmuch as deliberation is meant to be an open, inclusive, and participatory process, and the relevance of technical knowledge to decisions about healthcare risks instituting an exclusion of non-experts. For Gutmann and Thompson's view, the accessibility requirement adds to this worry about exclusion because expert knowledge may violate the principle by being too technical and jargon-heavy. This is somewhat embarrassing for Gutmann and Thompson, who introduced the principle of accessibility as a way of

excluding arguments that rely exclusively on religious presuppositions that cannot be verified or tested by those who do not share in them. But Gutmann and Thompson are much more comfortable with admitting an expansive role to scientific experts in policy-making, so they are forced to massage their accessibility principle in the context of healthcare, in which technical knowledge is highly relevant (their example concerns technical estimates of the cost-effectiveness of the PUREPAP screening). To this end, they point to the submission of scientific conclusions to peer evaluation. They also argue that trust in experts should be critical rather than blind, which happens when two conditions hold: experts can be seen to be trustworthy on some independent basis, such as a record of reliability, and experts can explain their reasoning in relatively straightforward terms. From an institutional perspective, they also suggest that experts making medical judgments for HMO coverage decisions should be made accountable to representatives of patients (2004, 145-147).

While the value pluralist conception of deliberation does not insist on an accessibility requirement, the issue of technical expertise does arise for it, and these reflections on deliberating about healthcare provide an opportunity to address it. Value pluralism insists that citizens should engage in practical reasoning about public matters, and questions requiring technical expertise may present obstacles to their ability to do so. Insofar as technical knowledge is required for certain choices, value pluralist deliberation must involve experts in decision-making, and their recommendations will necessarily carry some authority. Here, value pluralism welcomes the recommendations of Gutmann and Thompson—experts who are given a privileged role in decision-making must be

demonstrably reliable, must explain their reasoning in plain language, and must be accountable to all citizens. Moreover, experts cannot be given unilateral discretion to make decisions according to their own lights; their role is to provide important arguments for the deliberative process, which carry the weight of their expertise, but not to take over the decision itself. To these conditions on the involvement of experts, value pluralism adds the requirement that experts' recommendations must themselves be arrived at deliberatively. That is, when seeking experts' recommendations, citizens should require that *groups* of qualified experts deliberate about what the appropriate application of technical knowledge is in that case. This goes above and beyond the normal process of peer evaluation and replication characteristic of the ordinary mechanisms of knowledge-production within scientific communities. It also means that experts should be brought together to deliberate about how the findings of science should be applied in various policy matters. Experts' deliberations with one another would then increase the likelihood that the inputs citizens receive from them would be compatible with the overall deliberative commitments of a value pluralist polity.

5.5.3: The Problem of Rationing

While the focus of my discussion in sub-section 5.5.1 was on the structure of the overall healthcare system, many morally pressing decisions about healthcare operate on a different level. This concerns the provision of specific types of medical interventions, and policies governing their provision, as opposed to more general questions about overall access and institutional design. Indeed, much of the discussion of healthcare in the

deliberative democracy literature itself pertains to decisions at this level, and both Gutmann and Thompson (2004, 139-159) and Norman Daniels (1999) have applied deliberative principles to the coverage decisions of HMOs. The background for these sorts of decisions concerns the basic limits on our resources for fulfilling all medical needs. Especially as healthcare costs grow, people live longer, and newer, high-tech treatments are discovered, our resources as a society will not be adequate to treat every health problem in every patient. This gives rise to a problem of rationing—questions of how to allocate scarce resources in the provision of healthcare.⁴³

The issue of rationing has the curious feature of being simultaneously both an especially good example of the relevance of the value pluralist view *and* a particularly difficult issue to address in a value pluralist spirit. Rationing exemplifies the relevance of value pluralism precisely because the fundamental question centers on conflicting and incommensurable considerations. Rationing arises *as a problem* because we face conflicts between basic moral and practical intuitions. On the one hand, we believe that everyone who needs medical care should be able to get it; human life, or more specifically human functioning, is of basic value, and we recognize the *prima facie* desirability of doing what we can to preserve, protect, and promote it. On the other hand, though, we are faced with the simple fact that our resources for addressing medical needs

⁴³ The term “rationing” is a rather fraught one in American political discourse, and it tends to have very negative connotations of heartless denial of needed treatments only to save money. All I mean by it, though, is the inescapable need to choose what to pay for, when we cannot pay for everything. Along these lines, the constant refrain in the American conversation over healthcare reform that “government care” will “lead to” rationing is nonsensical—there is plenty of rationing already going on in the US, and the only scenario that would not involve rationing is the fantastic case where every possible need is provided for (i.e. there is no scarcity of resources). In fact, rationing on the basis of ability to pay, which is the *de facto* system in the US (Singer 2009), is one of the most arbitrary approaches imaginable, inferior even to a pure lottery system.

are limited, as well as the intuition that the distribution of these limited resources ought to be fair and equitable. There are conflicting and possibly incommensurable considerations at the heart of the problem, and rationing seems like an issue ripe for a value pluralist approach. But it is also especially tricky for value pluralist deliberations about healthcare, since rationing decisions, if they are at all systematic, involve setting priorities that steer resources in one direction or another. But, as we have seen, the particularist nature of value pluralist practical reasoning should lead to suspicion of priority rules. So if priority-setting is necessary for rationing, then value pluralist deliberation needs to find some way of arriving at a system on a reasonable basis, without abandoning its commitment to giving incommensurability its due.

Leonard Fleck's recent book, *Just Caring* (2009), offers an admirably forthright discussion of the issue of rationing in healthcare provision, and proposes a deliberative democratic approach for addressing it. Fleck's approach to the ethics and politics of healthcare is distinctive in that he centers his entire analysis on the rationing problem. Fleck frames rationing issues in terms of what he calls the "just caring" problem—how can a society navigate conflicting commitments to caring, i.e. providing members with needed medical care, and justice, i.e. distributing scarce healthcare resources in a fair and impartial way? His basic frame thus captures the central conflict of rationing that makes a value pluralist approach attractive. He proposes a strategy of deliberative democratic decision-making as the optimal way for societies to work out solutions to the just caring problem. Much of his book consists in his own efforts to sketch in specific terms what he

takes to be important rationing problems for deliberation to address, as well as some paths deliberation might take with respect to them.⁴⁴

Although Fleck adopts many of the commitments (and much of the language) of what I have called the mainstream view of deliberative democracy, drawing heavily on Rawls and also on Gutmann and Thompson, many of his substantive conclusions about how deliberation about healthcare should go are in keeping with my value pluralist approach.⁴⁵ For example, Fleck argues that no single philosophical approach to healthcare justice is adequate to the complex considerations that are at play in many healthcare decisions. This is relevant to value pluralism because each of the philosophical approaches Fleck has in mind proposes a single value consideration as the organizing principle of healthcare justice. Fleck considers libertarian views, utilitarian views, Norman Daniels's fair equality of opportunity approach (1985), strict egalitarian views like Robert Veatch's (1986), and moderate egalitarian views like Rawls's and Ronald Dworkin's (2000). Fleck argues that each of these views contributes important insights and captures relevant intuitions for our thinking about healthcare justice. But they also come up against limitations where they conflict with each other, or with other important considerations. In this respect, Fleck argues, our approach must be pluralistic, using appropriate principles that respond to the salient features of our choice situations. As

⁴⁴ Those readers interested in examining specific rationing problems in detail, with much more discussion of particular medical procedures than I offer here, will find Fleck's book especially useful. Fleck casts his discussions of just caring against an admirably rich backdrop of medical facts, presenting rationing decisions in concrete terms of which procedures to choose, and which to deny in order to cover them.

⁴⁵ The presence of both sets of ideas, however, is a basic tension in his account, and does not comprise evidence for their compatibility. I would argue that Fleck's deeper intuitions lie in his value pluralist commitments—his substantive claims tend to emphasize pluralistic considerations—and that he could improve his view by reconsidering his commitments to the mainstream view. Pursuing this reading, however, is beyond my scope here.

Fleck argues, “no single conception of justice can adequately address the very complex heterogeneous problems of health care rationing that are integral to our health care system in the United States. What we need to commit to is a pluralistic conception of health care justice that will have an overall moderately egalitarian cast to it” (2009, 101).

In addition to his pluralistic approach to the considerations relevant to healthcare decisions, Fleck’s conception of democratic deliberation also dovetails with the value pluralist conception in several ways. First, Fleck argues that awakening a sense of internal conflict in deliberators is key to the success of deliberation, in that it helps spark a common commitment to problem-solving rather than an unyielding back-and-forth of set ideological positions. Fleck’s contention here aligns with giving incommensurability its due, and he writes that “to my mind this [participants finding themselves internally conflicted] is the single most important touchstone for a fair and effective democratic deliberative process” (2009, 195). Along similar lines, Fleck offers another criterion for evaluating the success of deliberation: “Are dialogue participants recognizing the **numerous values** that have a bearing on the particular problem under discussion?” (2009, 196-197, emphasis in the original). His conception of democratic deliberation also agrees with the value pluralist one on the epistemic dimension of deliberative engagement; for Fleck, deliberation “is an *educative* process. Participants educate one another; [sic] in effect, improving the quality of our judgment individually and collectively” (2009, 159, emphasis in the original). Finally, Fleck embraces an approach to deliberation in which citizens confront the complexity and uncertainty involved in

choice and judgment and develop greater toleration for one another's choices, in keeping with value pluralist deliberative virtues (2009, 198-199).

Although in these respects Fleck's approach to deliberation overlaps in substantial ways with the value pluralist approach, many other features of his approach to the problem of rationing are at odds with the value pluralist view. A major point of divergence is Fleck's adoption of many core commitments of the mainstream view of deliberative democracy; he situates his approach as part of a project guided by Rawls and Gutmann and Thompson, and he embraces principles of public reason and reciprocity (2009, 140-201). Although the value pluralist elements of Fleck's view outlined above temper this dimension of his approach somewhat, the fact remains that he shares many points in common with the mainstream view, and to this extent diverges from a value pluralist approach to deliberating about healthcare. But much more importantly, Fleck emphasizes that for all the uncertainty and tension involved in these decisions, rationing problems ultimately force us to choose priority rules that govern how particular allocations of healthcare resources are to be made. The task for deliberators when deciding issues of rationing is to choose which procedures are to be covered and which denied when distributing scarce healthcare resources. As Fleck describes the aims of his conception of deliberation, "we want to elicit 'considered judgments of health care justice' of suitable specificity that represent a sort of rule that would be used to fairly prioritize similar sorts of health care needs and treatment options" (2009, 177-178). The necessity of setting priorities marks an important difficulty for the value pluralist

approach, precisely because incommensurability requires particularistic sorts of practical reasoning that allow only case-specific, rather than general, priorities.

There seems to be no way to avoid setting some priorities when making decisions about healthcare rationing. Not only is choosing priorities precisely what the nature of the problem requires, it is also unavoidable in a very practical sense, in that the only alternative would seem to be making each and every healthcare allocation decision individually, without having some background rules or principles that can at least guide the decision. This alternative would have all the weaknesses, from both a practical and substantive standpoint, as the ad hoc politics described above. And it is especially problematic given the importance of fairness and equality as considerations in shaping a healthcare system—ad hoc decision-making threatens too much arbitrariness, and could result in wild variations in access to care that patients would have reason to complain about. So choosing priorities at some greater level of generality than a fully particularist approach would seem to be required in healthcare rationing. Moreover, the case of rationing is instructive for other issue areas, and suggests a need for further refinement and specification of the value pluralist approach to deliberation. For it is not merely in cases of healthcare rationing that priorities must be set—many other domains of law and policy will call for setting *some* rules, if only because we cannot feasibly deliberate about every single decision, but must instead make decisions that govern classes of cases. These rules go beyond those specified in the general institutional framework implied by giving incommensurability its due; they are the outcomes of deliberative processes rather than the procedural background in which deliberation takes place. The challenge for the

theory, then, is to articulate a framework in which these sorts of rules can be decided on, while still maintaining an environment in which incommensurability is given its due.

In the face of this dilemma, I propose a twofold strategy of multiplication and disaggregation. The idea is that the tendency of rule-setting to run counter to the capacity of institutions to promote the recognition and engagement of incommensurability can be mitigated by both multiplying the sites and levels of deliberative engagement, and by breaking down the occasions for rule-setting into more micro-level components. The first prong of the strategy, multiplication, mitigates the adverse effects of necessary rule-setting by instituting many forums for deliberative decision-making at various levels. This means that there will be more opportunities for conflicts and incommensurabilities to come to light, and for rules to be modified in light of them, because deliberation will occur often and in different locations and levels of government. The second prong, disaggregation, is even more essential for maintaining institutions that give incommensurability its due in spite of the necessity of rule-setting. Here, the effort is to maintain a certain degree of concreteness in rule-setting deliberations. Instead of setting rules at the highest levels of generality, and then applying them across diverse cases, value pluralist deliberation aims to disaggregate decisions into their component parts. Value pluralist deliberators will make many decisions, each of them applying to a relatively small class of cases. In this way, the reasoning deliberators engage in can be made particularistic without being entirely unfeasible. Disaggregation thus preserves significant room for giving incommensurability its due, while still issuing in the sorts of rules necessary for law and policy.

Applied to the problem of rationing, this strategy offers the best way of addressing the issue in the spirit of giving incommensurability its due. We might imagine multiple levels and sites of deliberation about rationing decisions. Already deliberation about rationing is somewhat concrete and particular—it is after all a discrete issue area with clearly identifiable considerations applying at an overall level. So citizens might deliberate about rationing overall, mapping a set of relevant considerations to the general issue of rationing and setting some rough and ready guidelines for which sorts of procedures ought to take priority. To borrow a few illustrations from Fleck’s account, our intuitions are fairly clear-cut about certain rationing provisions, even at a general level. Appendectomy surgeries are highly necessary and effective interventions that resolve a life-threatening medical problem, and ought to be covered. On the other extreme, it is hard to justify spending resources on life-support technologies for anencephalic infants, who are born without a brain and have no chance of developing into healthy adults. As Fleck argues, these easy cases represent considered judgments that can guide us in some of the grayer areas of rationing (2009, 171-173). But citizens who recognize and engage incommensurability will appreciate that these guidelines will need to be refined or altered in the face of more specific and concrete rationing decisions. For example, suppose a certain form of cancer treatment is judged by deliberators to be worth covering. But what if a patient in need of this treatment also has an advanced form of Alzheimer’s syndrome, such that his or her quality of life and life expectancy after the treatment would be quite low? More broadly, should considerations of the age of the patient, and thus the number of life-years (or quality-adjusted life-years, QALYs) saved be brought to bear in making

rationing decisions? Citizens can engage the incommensurabilities and conflicts posed in these more concrete cases by disaggregating decision-making and refining rules as rationing choices are made in more concrete contexts. This represents what might be termed “practical particularism”—citizens use rules in law and policy because they are unavoidable, but they maintain a commitment to particularist practical reasoning and giving incommensurability its due by keeping these rules fairly close to the ground.

Beyond this additional strategy of multiplication and disaggregation, it is important to reiterate here the overall value pluralist commitment to the provisionality or revisability of deliberative decisions. Giving incommensurability its due despite the practical necessity of using rules may also be furthered by maintaining an open-ended deliberative environment in which citizens regularly revisit and revise the decisions they came to in light of subsequent experience. The adjustment of rules to whatever conflicts and incommensurabilities are uncovered in practical life is an ongoing process that requires that deliberative engagement is provisional rather than once-and-for-all.

The interpretation of value pluralist politics I’ve offered here avoids the central pitfalls that have marred the work of other value pluralist theorists, and also uncovers a neglected democratic dimension of the political meaning of value pluralism. I have maintained a focus on the moral-practical theory of value pluralism, and avoided conflating it with the societal groupings theory. Moreover, I have articulated a strategy for justifying a value pluralist politics that does not run up against the priority problem or end up abandoning the thesis of incommensurability. My strategy of giving

incommensurability its due does not focus on generating priorities for specific goods, but rather focuses on metaethical, epistemic, and procedural considerations. At the macro-level, this approach informs both a background liberal-constitutional framework that protects basic rights and liberties, and robust institutions and practices of democratic deliberation that further the recognition and engagement of incommensurability and conflict. And at a micro-level, it suggests an ideal of good value pluralist reasoning about practical cases that actual deliberation should approximate.

In many ways, the reflections offered here form an ideal theory—they specify the optimal form of a political order that gives incommensurability its due, and are not directly concerned with the non-ideal circumstances of contemporary political life. But for an ideal theory, value pluralist deliberative democracy has a good dose of realism. In a Berlinian spirit, it eschews the philosophical aspiration to tame political life, settling matters in advance by referring them to tidy principles and categories. The value pluralist conception of deliberative democracy is very open-ended and leaves much of the messiness of political life intact. And the particularism about practical reasoning favored by value pluralism makes its approach to deliberation even more open-ended than its competitors. The repudiation of the consensus requirement also contributes to the fundamental realism of the value pluralist approach. In these ways, then, the value pluralist politics I have offered specifies an ideal within reach.

6: Conclusion

In the course of my argument, I have analyzed sources of ambiguity and confusion in contemporary discussions of value pluralism; defended a specific interpretation of the moral-practical version of the theory, along with a definition of incommensurability that is compatible with ordinary practical reasoning; identified flaws in extant value pluralist political theories, as well as the basic stumbling block of the priority problem; and argued for both macro-level and micro-level political implications of my own understanding of value pluralism that highlight its distinctive democratic potentialities. In conclusion, I would like to briefly recapitulate the main points of my argument, and to underscore the principal sources of its importance.

In Chapter Two, I first uncovered the four main claims of value pluralism from an analysis of Berlin's essays. First, goods are qualitatively plural; second, conflict between goods is a permanent possibility; third, goods are in some sense real or objective; and fourth, some goods are incommensurable with one another. It turned out, however, that there was a significant range of interpretations over the specification of these four claims within the value pluralist literature. I picked out one major source of ambiguity and confusion as a fundamental key to charting these differences: the conflation of the "two versions" of value pluralism originally contained in Berlin's text, the moral-practical and societal groupings theories. The moral-practical theory makes claims about goods and the relationships between them, whereas the societal groupings theory describes phenomena of cultural, doctrinal, or other group difference in society. The persistent conflation of

these two versions of the theory was shown to be a basic source of ambiguity in each of the four main value pluralist political theorists: Berlin, Galston, Gray, and Crowder. I also identified two further loci of ambiguity, one pertaining to the scope of incommensurability and whether there are any limits on value pluralist conditions, and another pertaining to the question of the compatibility of incommensurability with practical reasoning.

In the second half of Chapter Two, I advanced my own interpretation of three of the four main claims of value pluralism, and took a positive stance in favor of the moral-practical theory of value pluralism. (The remaining central claim and the other two sources of ambiguity were treated through my discussions of incommensurability in Chapter Three.) In this context, I specified my use of the term “good” to denote the things we aim at in action or judgment, and further broke the notion down to focus on “considerations” attaching to concrete alternatives in situations of choice or judgment (a term more fully developed in Chapter Three). I also identified the relevant sources of conflict in value pluralism as being both conceptual (i.e. necessary) and practical (i.e. contingent). Finally, I offered a brief classification of possible metaethical views in order to parse the claim that goods are objective. I settled on a cognitivist constructivist position as the proper interpretation of the objectivity of goods.

In Chapter Three, I focused on the thorny concept of incommensurability, hoping to shed light on its basic meaning, as well as its implications for the possibility of practical reasoning. I began with a basic challenge to the viability of value pluralism, which grew out of some prominent interpretations of what practical reasoning requires.

The worry here was that incommensurability dissolves the necessary preconditions of practical reasoning, which (on this view) requires commensurable alternatives in order to form rational comparisons. Considering this problem was an important prolegomenon to furthering the project of a value pluralist political theory; if practical reasoning as such were disabled under value pluralism, then it is hard to see how the theory could be put to work in normative political theorizing. I addressed this problem in two stages. First, I specified my own definition of incommensurability, which was more hospitable to practical reasoning than some alternative definitions. I approached the issue by first considering and ruling out two competitors that would in fact unsettle practical reasoning: Kuhnian non-intertranslatability (or paradigm incommensurability), and the concept of incomparability. I then specified my own definition in terms of the absence of a choice-determining common value element; whereas the competitor definitions were not hospitable to practical reasoning, my approach allowed for non-maximizing and particularistic modes of reasoning. I completed this stage of the argument by examining some of the evidence that incommensurability is a real phenomenon, focusing on arguments about irreplaceability and the plurality of goods. This second argument gave rise to a presumption in favor of incommensurability whenever different goods were at stake, thereby knocking out one of the main presuppositions of the commensurabilist objection—namely, that commensurability is the baseline and incommensurability a kind of breakdown.

In the second stage of my argument in Chapter Three, I pursued some intuitions about practical reasoning, with the aim of showing ways in which incommensurability is

compatible with reasoning. The core intuition here was that the ability to give an account of why we choose in the ways that we do is a basic mark of engaging in practical reasoning. I argued that our choices among incommensurable goods are susceptible to giving accounts in this way, no less so than our choices among commensurable goods (although the accounts might look quite different across these two classes). I filled out this intuition a bit with the concept of a “consideration,” which I use to denote the basic units of practical reasoning. Considerations attach to the alternatives in practical reasoning, and the task of choosing between two or more options is a matter of identifying the considerations in play and sorting through their impact on the choice or judgment. This sorting process involves identifications of the relevance (or responsiveness) and the force of the various considerations attaching to the options. As I specified this concept, it is fundamentally *considerations*, rather than options or abstract goods, that carry incommensurability. With these intuitions on the table, I sketched some familiar uses of practical reasoning that illustrate its compatibility with incommensurability. I closed the chapter with some speculations about the sources of the resiliency of the commensurabilist bias in interpreting practical reasoning. This bias seemed puzzling in light of my arguments, which suggested that incommensurability is both common and basically compatible with practical reasoning.

In Chapter Four, I presented critiques of each of the four main value pluralist authors’ attempts to derive a political view from value pluralism. I began by elucidating a fundamental stumbling block that seems to infect all value pluralist political theorizing, the priority problem. The priority problem arises because of a logical disconnect between

the sorts of particularist reasons available when dealing with incommensurability, and the general reasons that would seem to be necessary for justifying a political view. If the normative priorities that define a political system are to be defended philosophically, then we would seem to need general and abstract normative priorities. But in the face of incommensurability and the particularist reasoning proper to it, only local priorities, specific to the concrete context of individual decisions, are available. Although the argument of Chapter Three cleared one obstacle to value pluralist political theorizing, the priority problem seemed equally likely to derail such a project. In light of this problem, the arguments of the four main value pluralist political theorists to justify a political view on the basis of value pluralism seem meager at best. In the course of the chapter, I identified ways in which each author ran up against the priority problem, drew unwarranted inferences about the politics of value pluralism because of an underlying conflation of the moral-practical and societal groupings theory, or otherwise advanced faulty arguments. Berlin's arguments from choice and from toleration, Galston's discussions of diversity and reasonable disagreement, Crowder's different arguments from these two issues as well as his argument from autonomy, and Gray's advocacy of a *modus vivendi* politics were all found wanting.

In Chapter Five, I turned to my own constructive specification of the political implications of value pluralism, having cleared significant ground in relation to the basic meaning of the theory and the obstacles to constructing a political argument on its foundation. Here, the priority problem sets a basic challenge, namely, to develop a strategy for working out a political view on value pluralist grounds without running afoul

of it. I first considered two possible candidates for accomplishing this: agonism and “ad hoc politics.” Neither view held much promise for a workable value pluralist politics, but the problems with them pointed the way to my own approach, giving incommensurability its due. The strategy of giving incommensurability its due seeks to identify institutions and practices that promote the recognition of and engagement with incommensurability and conflict in public life. This approach sidesteps the priority problem because it does not advance claims about the priority or ranking of substantive normative goods. Instead, it relies on metaethical (or second-order), epistemic, and procedural/functional considerations.

Pursuing the strategy of giving incommensurability its due led to both macro-level and micro-level political implications. At the macro-level, two core sets of institutional or structural features of a value pluralist polity came to light. First, giving incommensurability its due supported a liberal-constitutional framework of basic rights and liberties that forms the enabling conditions for the recognition and engagement of incommensurability. The liberal-constitutional framework functions in support of giving incommensurability its due through a Millian dynamic, in which unconstrained discourse in the public sphere has epistemic benefits. This dynamic may be bolstered through the second set of institutional structures, a system of formal and informal practices of democratic deliberation. Deliberative democracy represents the core political meaning of value pluralism, as I understand it. In specifying the value pluralist approach to deliberation, I carefully distinguished it from “mainstream” conceptions of deliberative

democracy, in terms of both the purpose and target of deliberative practices, as well as the twin issues of constraints on discourse and the ethics of citizenship.

In addition to these macro-level implications, I drew out some micro-level implications of value pluralism, which highlight the ideal forms of reasoning that groups deliberating in a value pluralist way employ. Here, the effort was to specify what “recognizing and engaging” incommensurability and conflict in public life tends to look like. I used the concrete case study of deliberation about healthcare policy and problems of rationing to flesh out these micro-level implications. Together, the macro-level and micro-level implications of giving incommensurability its due form a uniquely democratic conception of value pluralist politics.

The interventions I made in this dissertation mark important contributions to our understanding of value pluralism and its political implications. First, the conceptual and definitional work of Chapter Two carries out the important “underlaborer” task of helping to sort out the core concepts of value pluralism. As I showed, there is significant ambiguity and confusion in the literature on value pluralism, leading to wide variation in the interpretation of the theory and the arguments about its political importance. In particular, I believe my identification of the basic conflation of the moral-practical and societal groupings theories sheds light on a centrally important and heretofore underappreciated problem in the usage of value pluralist concepts.

My discussion of the obstacles in the way of value pluralist political theorizing in Chapters Three and Four clarifies what sorts of claims are and are not permissible once one has adopted value pluralist premises. My sketches of the compatibility of

incommensurability with practical reasoning were designed to undercut baseless alarmism about the impossibility of reasoning about incommensurables, and I hope the considerations I advanced can help to settle this persistently controversial issue. However, my discussion of the priority problem exposed a fundamental barrier to value pluralist political theorizing that has crippled previous efforts to ground a political theory in value pluralism. My reflections here should encourage future practitioners of value pluralist political theory to be forthright and honest about the difficulties facing this project. Moreover, they lay out some basic “ground rules” for how value pluralist political theorizing may proceed.

Finally, my constructive contribution to value pluralist political theory takes us several steps forward vis-à-vis previous attempts at value pluralist theory. First, my strategy of giving incommensurability its due contains a number of advantages. It takes seriously the basic challenge posed by the priority problem, and thus takes seriously incommensurability itself. Furthermore, it offers us the best way forward in the face of the priority problem, creatively sidestepping the difficulties associated with specifying substantive normative priorities by focusing on metaethical, epistemic, and procedural/functional justifications. Second, my approach breathes fresh life into the question of value pluralist politics by reorienting the theory away from past preoccupations with liberalism and towards its deeper, more central democratic aspects. Up to now, value pluralist political theorists have focused exclusively on the relationship of value pluralism to liberalism, ignoring its more intuitive connection to democratic deliberation. Since value pluralism is a theory describing our experience of practical

choice and judgment, public deliberation seems to be a natural political application of the theory. My novel democratic approach thus highlights political implications of value pluralism that are both more closely tied to the theory's core claims, and unduly neglected by previous theorists.

The democratic turn I take in value pluralist political theorizing also has a certain “spillover” importance vis-à-vis the literature on deliberative democracy. In addition to improving our understanding of the politics of value pluralism, my approach contributes a new understanding of the purposes and practices of democratic deliberation. In particular, value pluralism offers a striking alternative to mainstream accounts of deliberative democracy. Its distinctiveness consists in its eschewal of the criteria of legitimacy in favor of the epistemic goals of recognition and engagement of incommensurability, and, importantly, its rejection of the consensus requirement as a governing principle for the conduct of deliberation. These spillover contributions illustrate how debates over the political implications of value pluralism are not merely “in house.”

Throughout, my arguments have been animated by a fundamental conviction of the correctness of the value pluralist account of our practical life. This conviction was born in an encounter with Isaiah Berlin's pregnant suggestions, but it has survived my critical analysis of Berlin's formulations and arguments and has been re-inscribed in my own reconstructive account of the meaning of value pluralism. I hope that my arguments here will instill a similar conviction in many of my readers. The value pluralist politics that I have put forth is unabashedly open about its own basic commitments, and realizing

the political hopes laid out here would depend on persuading others to take up those commitments. There is no “method of avoidance” in a value pluralist democracy. I hope that this dissertation itself, in its own small way, begins to carry forth the ideal of giving incommensurability its due. If I have been successful, then my readers will have begun to recognize the reality of incommensurable and conflicting goods, and to engage with them in their personal and political lives.

Appendix A: Goods and Conceptions of the Good

The question of the proper relationship between goods and conceptions of the good has been a lurking presence throughout my argument. My distinction between the moral-practical and societal groupings versions of value pluralism has required treating the two ideas separately, and I have focused on goods throughout as the proper subject of the theory of value pluralism. I have also argued that the attempts of other value pluralist theorists to posit a simple, straightforward relationship between goods and conceptions of the good generally fail, and that the conflation of the two generates an unwarranted focus on liberalism as the sole political implication of value pluralism. Despite all this, it might reasonably be insisted that *some* relationship or other must exist between goods and the conceptions of the good people adhere to. Isn't there a connection between what goods are and the beliefs people have about them? In this appendix, I offer some brief reflections about how my interpretation of value pluralism parses this issue, acknowledging the intuition that some relationship exists without abandoning the strong distinction that has been a hallmark of my argument.

The main point to insist on here is that the relationship between goods and conceptions of the good must not be construed reductively. The answer to the question "what is good?" cannot be referred *solely* to whatever beliefs people happen to have about what counts as a good, stemming from their particular conceptions. This sort of reductionism would contradict the cognitivism of value pluralism. If conceptions of the good themselves are the only source for identifying what counts as a good, then

independent criteria for judging claims about the good as either correct or incorrect vanish. We need a non-reductive construal of the relationship between goods and conceptions of the good in order to maintain the basic claims of the moral-practical theory.

The constructivism of the theory, however, suggests the best way of understanding the relationship. Here, value pluralism recognizes that many goods, or practical considerations more broadly, are the products of human social organization. They are thus embedded in the contingent and changing flow of human history and social forms. The language of a “construct” is somewhat misleading here, in that it suggests that there is some agent or agents doing the constructing, such that norms are “invented” through discrete acts of will at identifiable times. This sort of constructivism would generate the same problems for cognitivism as the reductionist interpretation of the relationship does, since the recognition of goods would be subject to the wills of individual agents or groups. The value pluralist approach proposes a more sophisticated constructivism, where goods and norms are understood (much more plausibly) as gradually emerging through patterns of social behavior and shared understandings. On this interpretation, historical changes in the nature of goods happen slowly, more or less imperceptibly to those experiencing them (though discernible retrospectively). Agents thus confront goods as objective elements of a reality outside themselves, rather than as dependent on their own voluntaristic decisions.

This constructivism helps us understand how what a good is can sometimes be rooted in a historical formation of beliefs and practices, such as a conception of the good.

Some goods and norms refer to specific institutions or practices that are not historically universal. For example, in most advanced industrial democracies, the five-day work week and the eight-hour work day are considered to be basic components of fair labor practices. But this is a historically recent idea, and it emerged in response to the grueling, difficult labor conditions of industrial production. In pre-industrial, agricultural contexts, longer working days and weeks, as well as seasonal variations in labor activity, were not seen as unwarranted, and indeed were part of the demands of survival. Similarly, roles that emerge in specific social formations may have corresponding virtues, such that the conception of a “good” exemplar of that role is only available within those formations. To illustrate, consider the idea of Christian saintliness, which prescribes a certain set of virtues as constituting the ideal comportment of a devoted believer. To be a saint is to practice, in a perfect way, the virtues of faith, hope, and charity. But before the advent of Christianity, these specific virtues were not lauded, and the correlative concept of a “saint” was unavailable. The transformation of these norms surrounding labor and production, as well as variations in the ideal social roles available in a given place and time, serves to illustrate how changes in what counts as a good can be related to underlying shifts in the beliefs and conceptions that people hold about the good, and in the institutions and practices that shape them.

In these ways, we can see how a conception of the good may stand, to some degree, as a frame for our understanding and recognition of goods themselves. But the fact that the interpretation relies on a sophisticated constructivism, and the relationship is not construed as reductionist, serves to maintain the importance of drawing a strong

distinction between goods and conceptions of the good. For what a good is is not simply a matter of whatever beliefs people happen to have on the matter. Instead, goods present themselves as objective, external things, rather than subjective creations of the will, and, as such, they may enter into cognitive judgments. The fact that goods are embedded in contingent and changing social and historical formations does not diminish their cognitive force.

Appendix B: The Right, the Good, and Justifications for Liberalism

In this appendix, I want to explain why I have not opted what may seem to some like an available strategy for defending liberalism alongside value pluralism—namely, using a distinction between the right and the good to promote the priority of liberal norms. This strategy would echo the approach of political liberals like Rawls (1996) and Larmore (1996), who argue that consensus on liberal principles of right can be achieved despite reasonable disagreement about the good. It may seem as though, since I often talk about goods under the aegis of the moral-practical theory, it might be open to me to opt for the prioritization of the right, and to justify liberalism in this way.

My avoidance of this strategy, and my preference for giving incommensurability its due, can be explained by reiterating and clarifying what value pluralism says about the right/good distinction. First of all, as I said in Chapters Two and Three, the language of goods does not indicate an exclusive focus on “the good” as traditionally defined. To the contrary, I typically use the word “good” as a shorthand, when in fact the moral-practical theory covers practical considerations of whatever sort. The terminology, then, does not signify that the conditions of incommensurability and conflict only apply to the good, or that the right could somehow be cordoned off and prioritized without any trouble.

Beyond the fact that value pluralism applies to both the right and the good, I should also register a generalized skepticism about the plausibility of the distinction itself, or, more precisely, skepticism about the deployment of the distinction in deontological views. No doubt we often mean different things by the words “right” and

“good,” and these differences in meaning generally signify different operative concepts. But it is far from self-evident that this conceptual distinction can ground the sharp division of the two into separate moral classes, *the right* and *the good*. Still more dubiously, deontologists typically assert the priority of the right over the good. Even granting that the sharp division makes sense, it is hard to see why that should lead to the elevation of the right. Whatever criteria are used to define the right, such as universality, it is not obvious that they reflect moral intuitions that are deeper and more basic than considerations of the good.

Beyond this, it is not even clear that we can specify what makes something right without referring to considerations of the good at some point. Though the direct use of the concept “right” suggests a distinction at some level, addressing the question of why the concept is properly applied in this or that instance—that is, what makes such and such a right action—will tend to force us into the language of goods. Even formalistic approaches to defining the right come up against this problem. For instance, Habermas’s account of the validity of the norms arrived at through the program of discourse ethics points to the fact that they embody universal *interests* (1990, 43-115; 1993, 1-112). So even a staunchly Kantian theorist like Habermas ends up introducing the language of goods into his account of the right.

So, first and foremost, it is incorrect to construe value pluralism as a theory that only applies to the good. Value pluralist conditions like conflict and incommensurability apply to practical considerations of all kinds; we cannot save a justification for liberalism from the priority problem by recourse to the distinction between the right and the good.

In addition to this point about the scope of the theory, we might add that the deontological approach to the right/good distinction seems to be on somewhat shaky ground anyway. The sharp division between the two categories and the elevation of the right does not seem to follow from the distinct meanings that the words “right” and “good” have. Even more damagingly, it is not clear that we can arrive at an account of what *makes* something right without introducing considerations of the good into the picture.

References

- Ackerman, Bruce A. 1980. *Social Justice in the Liberal State*. New Haven: Yale University Press.
- Ackerman, Bruce A., and James S. Fishkin. 2004. *Deliberation Day*. New Haven: Yale University Press.
- Alderman, Lesley. 2009. "Getting Healthy, With a Little Help From the Boss." *The New York Times*, May 23, 2009, B6.
- Anderson, Charles W. 1993. "Recommending a Scheme of Reason: Political Theory, Policy Science, and Democracy." *Policy Sciences* 26 (3): 215-227.
- Anderson, Elizabeth. 1993. *Value in Ethics and Economics*. Cambridge, Mass.: Harvard University Press.
- Aquinas, St. Thomas. 2006. *Summa Theologiæ: Latin Text and English Translation, Introductions, Notes, Appendices and Glossaries*. 61 vols. Cambridge: Cambridge University Press.
- Arrow, Kenneth Joseph. 1963. *Social Choice and Individual Values*. 2d ed. New York: Wiley.
- Ayer, A. J. 1952. *Language, Truth, and Logic*. Mineola, NY: Dover Publications.
- Berlin, Isaiah. 1990. *The Crooked Timber of Humanity: Chapters in the History of Ideas*. Edited by H. Hardy. Princeton: Princeton University Press.
- . 2000a. *The Power of Ideas*. Edited by H. Hardy. Princeton: Princeton University Press.
- . 2000b. *Three Critics of the Enlightenment: Vico, Hamann, Herder*. Edited by H. Hardy. Princeton: Princeton University Press.
- . 2001a. *Against the Current: Essays in the History of Ideas*. Edited by H. Hardy. Princeton: Princeton University Press.
- . 2001b. *The Roots of Romanticism*. Edited by H. Hardy. Princeton: Princeton University Press.
- . 2002. *Liberty*. Edited by H. Hardy. Oxford: Oxford University Press.
- . 2006. *Political Ideas in the Romantic Age: Their Rise and Influence on Modern Thought*. Edited by H. Hardy. Princeton: Princeton University Press.

- Berlin, Isaiah, and Ramin Jahanbegloo. 1991. *Conversations with Isaiah Berlin: Recollections of a Historian of Ideas*. New York: Charles Scribner's Sons.
- Berlin, Isaiah, and Bernard Williams. 1994. "Pluralism and Liberalism: A Reply." *Political Studies* 42: 306-309.
- Bohman, James. 1996. *Public Deliberation: Pluralism, Complexity, and Democracy*. Cambridge, Mass.: MIT Press.
- Brink, David Owen. 1989. *Moral Realism and the Foundations of Ethics*. Cambridge: Cambridge University Press.
- Broome, John. 1991. *Weighing Goods: Equality, Uncertainty, and Time*. Cambridge, Mass.: Basil Blackwell.
- . 1997. "Is Incommensurability Vagueness?" In *Incommensurability, Incomparability, and Practical Reasoning*, ed. R. Chang. Cambridge, Mass.: Harvard University Press, 67-89.
- Brown, Wendy. 2006. *Regulating Aversion: Tolerance in the Age of Identity and Empire*. Princeton: Princeton University Press.
- Chang, Ruth. 1997a. "Introduction." In *Incommensurability, Incomparability, and Practical Reason*, ed. R. Chang. Cambridge, Mass.: Harvard University Press.
- . 2002. *Making Comparisons Count*. New York: Routledge.
- , ed. 1997b. *Incommensurability, Incomparability, and Practical Reason*. Cambridge, Mass.: Harvard University Press.
- Christiano, Thomas. 1996. *The Rule of the Many: Fundamental Issues in Democratic Theory*. Boulder, Colo.: Westview Press.
- Cohen, Joshua. 2009. *Philosophy, Politics, Democracy: Selected Essays*. Cambridge, Mass.: Harvard University Press.
- Connolly, William E. 1991. *Identity \ Difference: Democratic Negotiations of Political Paradox*. Ithaca, N.Y.: Cornell University Press.
- . 1995. *The Ethos of Pluralization*. Minneapolis: University of Minnesota Press.
- . 1999. *Why I am not a Secularist*. Minneapolis: University of Minnesota Press.
- Crowder, George. 1994. "Pluralism and Liberalism." *Political Studies* 42 (2): 293-305.

- . 1996. "Communications: Isaiah Berlin and Bernard Williams, "Pluralism and Liberalism: a Reply"." *Political Studies* 44: 649-651.
- . 1998. "John Gray's Pluralist Critique of Liberalism." *Journal of Applied Philosophy* 15 (3): 287-298.
- . 1999. "From Value Pluralism to Liberalism." In *Pluralism and Liberal Neutrality*, ed. R. Bellamy and M. Hollis. London: Frank Cass.
- . 2002. *Liberalism and Value Pluralism*. London: Continuum.
- . 2004. *Isaiah Berlin: Liberty and Pluralism*. Cambridge: Polity.
- . 2007a. "Two Concepts of Liberal Pluralism." *Political Theory* 35 (2): 121-146.
- . 2007b. "Value Pluralism and Liberalism: Berlin and Beyond." In *The One and the Many: Reading Isaiah Berlin*, ed. G. Crowder and H. Hardy. Amherst, NY: Prometheus Books.
- . 2009a. "Pluralism, Liberalism, and Distributive Justice." *San Diego Law Review* 46 (4): 773-802.
- . 2009b. "Thunder versus Enlightenment: A Response to Thunder." *Political Theory* 37 (1): 161-166.
- Dancy, Jonathan. 1993. *Moral Reasons*. Cambridge, Mass.: Blackwell.
- . 2004. *Ethics without Principles*. Oxford: Clarendon Press of Oxford University Press.
- Daniels, Norman. 1985. *Just Health Care*. Cambridge: Cambridge University Press.
- . 1999. "Enabling Democratic Decisions: How Managed Care Organizations Ought to Make Decisions about Coverage for New Technologies." In *Deliberative Politics*, ed. S. Macedo. Oxford: Oxford University Press, 198-210.
- Davenport, John J., and Anthony Rudd, eds. 2001. *Kierkegaard after MacIntyre: Essays on Freedom, Narrative, and Virtue*. Chicago: Open Court.
- Davidson, Donald. 1973. "On the Very Idea of a Conceptual Scheme." *Proceedings and Addresses of the American Philosophical Association* 47: 5-20.
- DeNavas-Walt, Carmen, Bernadette D. Proctor, and Jessica Smith. 2007. *Income, Poverty, and Health Insurance Coverage in the United States: 2006*. Current

- Population Reports, P60-233. United States Census Bureau. Washington, DC: U.S. Government Printing Office.
- Descartes, René. 1993. "Discourse on Method." In *Discourse on Method and Meditations on First Philosophy*. Indianapolis: Hackett.
- Dryzek, John S. 2000. *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*. Oxford: Oxford University Press.
- Dworkin, Ronald. 1977. *Taking Rights Seriously*. Cambridge, Mass.: Harvard University Press.
- . 2000. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge, Mass.: Harvard University Press.
- . 2001. "Do Liberal Values Conflict?" In *The Legacy of Isaiah Berlin*, ed. M. Lilla, R. Dworkin and R. B. Silvers. New York: The New York Review of Books.
- . 2011. *Justice for Hedgehogs*. Cambridge, Mass.: Harvard University Press.
- Emanuel, Ezekiel J. 2008. *Healthcare, Guaranteed: A Simple, Secure Solution for America*. 1st ed. New York: PublicAffairs.
- Feyerabend, Paul. 1981. *Philosophical Papers*. 3 vols. Cambridge: Cambridge University Press.
- . 1987. *Farewell to Reason*. London: Verso.
- Finnis, John. 1980. *Natural Law and Natural Rights*. Oxford: Clarendon Press of Oxford University Press.
- Fishkin, James S. 1991. *Democracy and Deliberation: New Directions for Democratic Reform*. New Haven: Yale University Press.
- . 2009. *When the People Speak: Deliberative Democracy and Public Consultation*. Oxford: Oxford University Press.
- Fleck, Leonard M. 2009. *Just Caring: Health Care Rationing and Democratic Deliberation*. Oxford: Oxford University Press.
- Foot, Philippa. 2002. *Virtues and Vices and Other Essays in Moral Philosophy*. Oxford: Clarendon Press of Oxford University Press.
- Foucault, Michel. 1984. *The Foucault Reader*. Edited by P. Rabinow. 1st ed. New York: Pantheon Books.

- Galeotti, Anna E. 2002. *Toleration as Recognition*. Cambridge: Cambridge University Press.
- Galston, William A. 1995. "Two Concepts of Liberalism." *Ethics* 105 (3): 516-534.
- . 1999a. "Expressive Liberty, Moral Pluralism, Political Pluralism: Three Sources of Liberal Theory." *The William and Mary Law Review* 40 (3): 869-907.
- . 1999b. "Value Pluralism and Liberal Political Theory." *American Political Science Review* 93 (4): 769-778.
- . 2002. *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*. Cambridge: Cambridge University Press.
- . 2005. *The Practice of Liberal Pluralism*. Cambridge: Cambridge University Press.
- . 2009. "What Value Pluralism Means for Legal-Constitutional Orders." *San Diego Law Review* 46 (4): 803-818.
- . 2010. "Realism in Political Theory." *European Journal of Political Theory* 9 (4): 385-411.
- Gawande, Atul. 2009a. "The Cost Conundrum." *The New Yorker*, June 1, 2009, 36ff.
- . 2009b. "Getting There from Here." *The New Yorker*, January 26, 2009, 26ff.
- . 2009c. "Testing, Testing." *The New Yorker*, December 14, 2009, 34ff.
- George, Robert P. 1995. *Making Men Moral: Civil Liberties and Public Morality*. Oxford: Clarendon Press of Oxford University Press.
- . 1999. *In Defense of Natural Law*. Oxford: Clarendon Press of Oxford University Press.
- Goldhill, David. 2009. "How American Health Care Killed My Father." *The Atlantic*, September, 2009, 38-55.
- Gray, John. 1983. *Mill on Liberty: A Defence*. London: Routledge.
- . 1984. *Hayek on Liberty*. Oxford: Basil Blackwell.
- . 1993. *Post-Liberalism: Studies in Political Thought*. London: Routledge.
- . 1995a. *Enlightenment's Wake: Politics and Culture at the Close of the Modern Age*. London: Routledge.

- . 1995b. *Liberalism*. 2nd ed. Minneapolis: University of Minnesota Press.
- . 1996. *Isaiah Berlin*. Princeton: Princeton University Press.
- . 1998. "Where Pluralists and Liberals Part Company." *International Journal of Philosophical Studies* 6 (1): 17-36.
- . 2000a. "Pluralism and Toleration in Contemporary Political Philosophy." *Political Studies* 48: 323-333.
- . 2000b. *Two Faces of Liberalism*. New York: The New Press.
- . 2004. *Heresies: Against Progress and Other Illusions*. London: Granta Books.
- Griffin, James. 1986. *Well-being: Its Meaning, Measurement, and Moral Importance*. Oxford: Oxford University Press.
- . 1997. "Incommensurability: What's the Problem?" In *Incommensurability, Incomparability, and Practical Reason*, ed. R. Chang. Cambridge, Mass.: Harvard University Press.
- Gutmann, Amy, and Dennis F. Thompson. 1996. *Democracy and Disagreement*. Cambridge, Mass.: Belknap Press of Harvard University Press.
- . 1997. "Deliberating about Bioethics." *The Hastings Center Report* 27 (3): 38-41.
- . 2004. *Why Deliberative Democracy?* Princeton: Princeton University Press.
- Habermas, Jürgen. 1984. *The Theory of Communicative Action. Volume Two: Lifeworld and System*. Translated by T. McCarthy. 2 vols. Vol. 2. Boston: Beacon Press.
- . 1989. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Translated by T. Burger and F. Lawrence. Cambridge, Mass.: MIT Press.
- . 1990. *Moral Consciousness and Communicative Action*. Translated by C. Lenhardt and S. W. Nicholson. Cambridge, Mass.: MIT Press.
- . 1992. "Further Reflections on the Public Sphere." In *Habermas and the Public Sphere*, ed. C. Calhoun. Cambridge, Mass.: MIT Press.
- . 1993. *Justification and Application: Remarks on Discourse Ethics*. Translated by C. Cronin. Cambridge, Mass.: MIT Press.
- . 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Translated by W. Rehg. Cambridge, Mass.: MIT Press.

- . 1998. *The Inclusion of the Other: Studies in Political Theory*. Edited by C. Cronin and P. De Greiff. Cambridge, Mass.: MIT Press.
- Hampshire, Stuart. 1983. *Morality and Conflict*. Oxford: Blackwell.
- Hart, H. L. A. 1994. *The Concept of Law*. 2nd ed. Oxford: Clarendon Press of Oxford University Press.
- Hayek, Friedrich A. 1973. *Law, Legislation and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy. Volume One: Rules and Order*. 3 vols. Chicago: University of Chicago Press.
- Herszenhorn, David M. 2010. "House Democrats to Pursue Health Bill Changes." *The New York Times*, January 5, 2010, A14.
- Hunt, Albert R. 2010. "Cutting Costs is Real Issue in Health Care Overhaul." *The New York Times*, January 10, 2010, <http://www.nytimes.com/2010/01/11/us/11iht-letter.html>.
- Kekes, John. 1993. *The Morality of Pluralism*. Princeton: Princeton University Press.
- . 1997. *Against Liberalism*. Ithaca: Cornell University Press.
- . 1998. *A Case for Conservatism*. Ithaca: Cornell University Press.
- . 2000. *Pluralism in Philosophy: Changing the Subject*. Ithaca: Cornell University Press.
- Kierkegaard, Søren. 1987. *Either/Or*. Edited by H. V. Hong and E. H. Hong. 2 vols. Princeton: Princeton University Press.
- . 1988. *Stages on Life's Way: Studies by Various Persons*. Edited by H. V. Hong and E. H. Hong. Princeton: Princeton University Press.
- Kuhn, Thomas S. 1977. *The Essential Tension: Selected Studies in Scientific Tradition and Change*. Chicago: University of Chicago Press.
- . 1996. *The Structure of Scientific Revolutions*. 3rd ed. Chicago: University of Chicago Press.
- . 2000. *The Road Since Structure: Philosophical Essays, 1970-1993, with an Autobiographical Interview*. Chicago: University of Chicago Press.
- Kukathas, Chandran. 2003. *The Liberal Archipelago: A Theory of Diversity and Freedom*. Oxford: Oxford University Press.

- Kymlicka, Will. 1992. "The Rights of Minority Cultures: Reply to Kukathas." *Political Theory* 20 (1): 140-146.
- . 1995. *Multicultural Citizenship*. Oxford: Clarendon Press of Oxford University Press.
- Laclau, Ernesto, and Chantal Mouffe. 2001. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. 2nd ed. London; New York: Verso.
- Larmore, Charles. 1987. *Patterns of Moral Complexity*. Cambridge: Cambridge University Press.
- . 1996. *The Morals of Modernity*. Cambridge: Cambridge University Press.
- . 2008. *The Autonomy of Morality*. Cambridge: Cambridge University Press.
- Levy, Jacob T. 2000. *The Multiculturalism of Fear*. Oxford: Oxford University Press.
- Locke, John. 2003. "The Second Treatise: An Essay Concerning the True Original, Extent, and End of Civil Government." In *Two Treatises of Government and a Letter Concerning Toleration*, ed. I. Shapiro. New Haven: Yale University Press, 100-209.
- Lukes, Steven. 1991. *Moral Conflict and Politics*. Oxford: Clarendon Press of Oxford University Press.
- . 1994. "The Singular and the Plural: On the Distinctive Liberalism of Isaiah Berlin." *Social Research* 61 (3): 687-717.
- . 1997. "Comparing the Incomparable: Trade-offs and Sacrifices." In *Incommensurability, Incomparability, and Practical Reason*, ed. R. Chang. Cambridge, Mass.: Harvard University Press, 184-195.
- Macedo, Stephen, ed. 1999. *Deliberative Politics: Essays on Democracy and Disagreement*. Oxford: Oxford University Press.
- MacIntyre, Alasdair. 1967. "Kierkegaard, Søren Aabye." In *The Encyclopedia of Philosophy*, ed. D. M. Borchert. Detroit: Macmillan Reference USA, vol. 5 of 10, 61-66.
- . 1984. *After Virtue*. 2nd ed. South Bend: University of Notre Dame Press.
- . 1988. *Whose Justice? Which Rationality?* South Bend: University of Notre Dame Press.

- . 1990. *Three Rival Versions of Moral Inquiry: Encyclopaedia, Genealogy, and Tradition*. South Bend: University of Notre Dame Press.
- . 1998. *A Short History of Ethics: A History of Moral Philosophy from the Homeric Age to the Twentieth Century*. 2nd ed. South Bend: University of Notre Dame Press.
- Mackie, J. L. 1977. *Ethics: Inventing Right and Wrong*. New York: Penguin.
- Mansbridge, Jane J. 1980. *Beyond Adversary Democracy*. New York: Basic Books.
- Mill, John Stuart. 1998. *On Liberty and Other Essays*. Edited by J. Gray. Oxford: Oxford University Press.
- Millgram, Elijah. 1997. "Incommensurability and Practical Reasoning." In *Incommensurability, Incomparability, and Practical Reason*, ed. R. Chang. Cambridge, Mass.: Harvard University Press.
- . 2002. "Commensurability in Perspective." *Topoi* 21: 217-226.
- . 2005. *Ethics Done Right: Practical Reasoning as a Foundation for Moral Theory*. Cambridge: Cambridge University Press.
- Momigliano, Arnaldo. 1976. "On the Pioneer Trail." *The New York Review of Books* 23 (18).
- Moore, G. E. 2004. *Principia Ethica*. Mineola, NY: Dover.
- Mouffe, Chantal. 1993. *The Return of the Political*. London: Verso.
- . 2000. *The Democratic Paradox*. London: Verso.
- Nagel, Thomas. 1979. "The Fragmentation of Value." In *Mortal Questions*. Cambridge: Cambridge University Press.
- Neal, Patrick. 2006. "Value Pluralism and Liberal Political Order: The Diversity Argument." Paper read at Annual Meeting of the American Political Science Association, at Marriott, Loews Philadelphia, and the Pennsylvania Convention Center, Philadelphia, PA.
- Nietzsche, Friedrich. 2000. *The Basic Writings*. Translated by W. Kaufmann. New York: The Modern Library.
- Nussbaum, Martha C. 1986. *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*. Cambridge: Cambridge University Press.

- . 1990a. "The Discernment of Perception: An Aristotelian Conception of Private and Public Rationality." In *Love's Knowledge: Essays on Philosophy and Literature*. Oxford: Oxford University Press.
- . 1990b. *Love's Knowledge: Essays on Philosophy and Literature*. Oxford: Oxford University Press.
- . 2000. "The Costs of Tragedy: Some Moral Limits of Cost-Benefit Analysis." *Journal of Legal Studies* 29 (2): 1005-1036.
- Orszag, Peter. 2010. "To Save Money, Save the Health Care Act." *The New York Times*, November 3, 2010, A29.
- Parekh, Bhikhu C. 2000. *Rethinking Multiculturalism: Cultural Diversity and Political Theory*. Cambridge, Mass.: Harvard University Press.
- Popper, Karl R. 1971. *The Open Society and its Enemies*. 5th ed. 2 vols. Princeton: Princeton University Press.
- Putnam, Hilary. 1990. *Realism with a Human Face*. Cambridge, Mass.: Harvard University Press.
- . 1994. *Words and Life*. Cambridge, Mass.: Harvard University Press.
- . 2002. *The Collapse of the Fact/Value Dichotomy and Other Essays*. Cambridge, Mass.: Harvard University Press.
- . 2004. *Ethics without Ontology*. Cambridge, Mass.: Harvard University Press.
- Rawls, John. 1996. *Political Liberalism*. Pbk. ed. New York: Columbia University Press.
- . 1999a. *Collected papers*. Edited by S. R. Freeman. Cambridge, Mass.: Harvard University Press.
- . 1999b. "The Idea of Public Reason Revisited." In *The Law of Peoples*. Cambridge, Mass.: Harvard University Press, 129-180.
- . 1999c. *A Theory of Justice*. Rev. ed. Cambridge, Mass.: Belknap Press of Harvard University Press.
- Raz, Joseph. 1986. *The Morality of Freedom*. Oxford: Clarendon Press of Oxford University Press.
- . 1994. *Ethics in the Public Domain: Essays in the Morality of Law and Politics*. Oxford: Clarendon Press of Oxford University Press.

- . 1999. *Engaging Reason: On the Theory of Value and Action*. Oxford: Oxford University Press.
- . 2003. *The Practice of Value*. Oxford: Clarendon Press of Oxford University Press.
- Regan, Donald. 1988. "Authority and Value: Reflections on Raz's *Morality of Freedom*." *Southern California Law Review* 62: 995-1095.
- . 1997. "Value, Comparability, and Choice." In *Incommensurability, Incomparability, and Practical Reason*, ed. R. Chang. Cambridge, Mass.: Harvard University Press.
- Richardson, Henry S. 1994. *Practical Reasoning about Final Ends*. Cambridge: Cambridge University Press.
- . 2000. "The Stupidity of the Cost-Benefit Standard." *Journal of Legal Studies* 29 (2): 971-1003.
- . 2002. *Democratic Autonomy: Public Reasoning about the Ends of Policy*. Oxford: Oxford University Press.
- Riley, Jonathan. 2001. "Interpreting Berlin's Liberalism." *American Political Science Review* 95 (2): 283-295.
- Sen, Amartya. 1984. *Collective Choice and Social Welfare*. Amsterdam: North-Holland.
- Shafer-Landau, Russ. 2003. *Moral Realism: A Defence*. Oxford: Clarendon Press of Oxford University Press.
- Shapiro, Ian. 2003. *The State of Democratic Theory*. Princeton: Princeton University Press.
- Shklar, Judith N. 1984. *Ordinary Vices*. Cambridge, Mass.: Belknap Press of Harvard University Press.
- . 1989. "The Liberalism of Fear." In *Liberalism and the Moral Life*, ed. N. L. Rosenblum. Cambridge, Mass.: Harvard University Press, 21-38.
- Singer, Peter. 2009. "Why We Must Ration Health Care." *New York Times Magazine*, July 19, 2009.
- Stevenson, Charles L. 1944. *Ethics and Language*. New Haven: Yale University Press.

- Stocker, Michael. 1990. *Plural and Conflicting Values*. Oxford: Clarendon Press of Oxford University Press.
- . 1997. "Abstract and Concrete Value: Plurality, Conflict, and Maximization." In *Incommensurability, Incomparability, and Practical Reason*, ed. R. Chang. Cambridge, Mass.: Harvard University Press, 196-214.
- Stolberg, Sheryl Gay, and David M. Herszenhorn. 2010. "Obama Lays Out His Health Plan." *The New York Times*, February 23, 2010, A19.
- Strauss, Leo. 1989. "Relativism." In *The Rebirth of Classical Political Rationalism: An Introduction to the Thought of Leo Strauss*, ed. T. L. Pangle. Chicago: University of Chicago Press.
- Sunstein, Cass. 1994. "Incommensurability and Valuation in Law." *Michigan Law Review* 92: 779-861.
- Taylor, Charles. 1985. "The Diversity of Goods." In *Philosophy and the Human Sciences: Philosophical Papers Vol. 2*. Cambridge: Cambridge University Press.
- . 1997. "Leading a Life." In *Incommensurability, Incomparability, and Practical Reason*, ed. R. Chang. Cambridge, Mass.: Harvard University Press.
- Thunder, David. 2009. "Why Value Pluralism Does Not Support the State's Enforcement of Liberal Autonomy: A Response to Crowder." *Political Theory* 37 (1): 154-160.
- Veatch, Robert M. 1986. *The Foundations of Justice: Why the Retarded and the Rest of Us Have Claims to Equality*. Oxford: Oxford University Press.
- Villa, Dana R. 2000. "Democratizing the *Agon*: Nietzsche, Arendt, and the Agonistic Tendency in Recent Political Theory." In *Why Nietzsche Still?: Reflections on Drama, Culture, and Politics*, ed. A. D. Schrift. Berkeley, CA: University of California Press, 224-246.
- Weber, Max. 1958. "Science as a Vocation." In *From Max Weber: Essays in Sociology*, ed. H. H. Gerth and C. W. Mills. Oxford: Oxford University Press, 129-156.
- Weinstock, Daniel M. 1997. "The Graying of Berlin." *Critical Review: A Journal of Politics and Society* 11 (4): 481-501.
- Wiggins, David. 1979. "Weakness of Will, Commensurability, and the Objects of Deliberation and Desire." *Proceedings of the Aristotelian Society* 79: 251-277.

- . 1997. "Incommensurability: Four Proposals." In *Incommensurability, Incomparability, and Practical Reason*, ed. R. Chang. Cambridge, Mass.: Harvard University Press.
- . 1998. *Needs, Values, Truth: Essays in the Philosophy of Value*. 3rd ed. Oxford: Clarendon Press of Oxford University Press.
- Williams, Bernard. 1978. *Descartes: The Project of Pure Enquiry*. New York: Penguin.
- . 1981. *Moral Luck: Philosophical Papers 1973-1980*. Cambridge: Cambridge University Press.
- . 1985. *Ethics and the Limits of Philosophy*. Cambridge, Mass.: Harvard University Press.
- . 1993. *Shame and Necessity*. Berkeley: University of California Press.
- . 1995. *Making Sense of Humanity and Other Philosophical Papers, 1982-1993*. Cambridge: Cambridge University Press.
- . 1999. "Introduction" to I. Berlin, *Concepts and Categories*, ed. H. Hardy. Princeton: Princeton University Press, xiii-xx.
- . 2001. "Liberalism and Loss." In *The Legacy of Isaiah Berlin*, ed. M. Lilla, R. Dworkin and R. B. Silvers. New York: New York Review of Books.
- . 2005. *In the Beginning was the Deed: Realism and Moralism in Political Argument*. Edited by G. Hawthorn. Princeton: Princeton University Press.
- . 2006. *Philosophy as a Humanistic Discipline*. Edited by A. W. Moore. Princeton: Princeton University Press.

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