To Infer Liberalism from Value Pluralism

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ABSTRACT. Robert Talisse charges as doomed the Berlinian effort to infer liberal politics from value pluralism, based on the observation that it unavoidably violates Hume's law and that the two in fact clash in their basic logic. In arriving at this diagnosis, however, Talisse relies on several problematic assumptions about practical reasoning as well as about value pluralism and liberalism. As a result, he fails to appreciate the practical nature of practical reasoning and also fails to see the negative aspects of value pluralism and of liberalism. Once these misconceptions get straightened out there is an increased opportunity for the Berlinian inference to succeed.

KEYWORDS. Hume's law, practical inference, value pluralism, defensive liberalism

I. INTRODUCTION

As is well known, the fact of value/moral pluralism[1] has led Rawls to reject all comprehensive forms of liberalism – i.e. liberalism based on comprehensive moral, philosophical or religious doctrines – and the reason is rather straightforward: none of these comprehensive doctrines can expect to be accepted by all citizens of a pluralistic society. Rawls thus replaces them with an alternative 'political' liberalism, which stands free from these comprehensive doctrines (1985; 1996). While in a better position to accommodate pluralism, political liberalism lacks the philosophical robustness that characterizes comprehensive liberalism, hence it can be viewed by some as rather 'uninspired' (Talisse 2010, 304). There then arises a conundrum: "[...] although Rawls's criticism of comprehensive liberalism seems correct, it is not clear that there is an acceptable alternative theory" (Talisse 2010, 305). Such an alternative theory must recognize

the truth and reasonableness of pluralism on the one hand and defend liberal politics in a robust, i.e. comprehensive manner on the other. Liberal pluralism[2] advocated by Isaiah Berlin and some of his followers provides exactly such an alternative to Rawlsian political liberalism. To be precise, liberal pluralists seek to infer liberal politics from value pluralism. This can evidently be a source of great relief for those trapped in the Rawlsian conundrum.

This Berlinian inference, however, is diagnosed by some critics as utterly impossible since no necessary connection exists between value pluralism and liberalism.[3] Whereas value pluralism is a 'factual' description of our life world, liberalism is, by contrast, a 'normative' prescription on how this life world should be politically arranged. As a result, value pluralism is "prescriptively barren" (Talisse 2012, 29) and no necessary – i.e. logical – connection exists between the two. At best there can be a psychological connection between them (Talisse 2010, 309). Circularity of argument naturally ensues, i.e. the Berlinian inference unavoidably "[...] embed[s] in its premises a liberal conception of [state] legitimacy" before moving towards the liberal conclusion (Talisse 2010, 309; 313). This result is unsurprising, since value pluralism is, as a matter of fact, "[...] a false friend to liberalism." Whereas the latter needs to appeal to some "first virtue of social institutions" the former rejects any comprehensive rank-ordering of values (Talisse 2010, 307-308; 320). Consequently, any attempt to infer liberal politics from value pluralism is "doomed from the start" (Talisse 2010, 320).

These objections to the Berlinian inference are shared by many critics, yet Talisse provides the most explicit and most meticulous presentation thereof. Besides criticizing particular attempts to implement the Berlinian inference, Talisse also tries to provide a sweeping, philosophical refutation of the whole project. He expects to demonstrate that (i) its basic methodology is mistaken and (ii) its premise and conclusion clash in the first place. If he can succeed in this endeavour, there is no prospect for any future attempt to infer liberalism from value pluralism. The Rawlsian

conundrum will thus continue to haunt. This, of course, is very bad news for those trapped in it. If they want to break away from it, they have firstly to engage and refute Talisse's seemingly devastating challenge. This article aims to provide such a rebuttal. I want to show that the Berlinian inference, or at least some variation of it, can survive Talisse's attack. Consequently, this inference becomes at least partially defensible.

Talisse's objection to the Berlinian inference consists mainly of the following diagnoses: (i) it unavoidably violates Hume's law (commits the is-ought error) (2010, 309; 313; 318-319), (ii) its argument is circular in nature (2010, 309; 313), and (iii) value pluralism and liberalism are in fact "false friend[s]", i.e. they clash with each other in their basic logic (2010, 307-308). These diagnoses are closely related to each other: (i) provides the basis for (ii) while (iii) offers an additional explanation for (i) and adds extra weight to the overall objection.

The violation of Hume's law is unavoidable (i) since value pluralism and liberalism belong to two categorically different domains, the former descriptive, the latter prescriptive. According to Hume's law it is impossible to close the gap between these two categories. There is no 'ought' that singularly corresponds to any particular 'is'. Instead, an 'is' can be consistent with many different 'oughts'. In our present case "[value] pluralism is consistent with a range of political orders, not only liberal ones" (Talisse 2010, 310). There is hence no necessary – i.e. logical – connection between the two; at best some psychological connection may be found. In the end, value pluralism proves merely a "bystander" to liberalism (Arneson 2009, 939).

Circularity in argument (ii) ensues as a natural consequence of this gap. As value pluralism is compatible with many different political orders, Berlinian liberal pluralists have to embed "characteristically liberal conception[s]" (Talisse 2010, 309) into the premises of their 'inference' of liberalism. Those who do not already have these commitments can see value pluralism in totally different lights. A Stalinist regime, for instance, can regard the fact of pluralism as necessitating not liberal

but illiberal politics, because in its view a liberal political order would induce many great evils under the condition of pluralism (Arneson 2009, 932).

The clash between value pluralism and liberalism (iii) provides an additional explanation of the gap between them (i). Liberalism typically elevates some core value like liberty, autonomy, or justice, granting it lexical priority to other values (Talisse 2010, 307); and this is at odds with the central tenet of value pluralism, i.e. its firm resistance against any such rank-ordering. With this deep conflict in their basic logic they can hardly make a "lovely couple" (Talisse 2010, 306). As an instance of this clash, a sharp contrast exists between their permitted ranges of ways of life: "[...] certain kinds of good lives cannot be realized within a liberal state, and those who aim to live a life of that sort would be justified in supporting an illiberal political order" (Talisse 2010, 307).

In arriving at these diagnoses Talisse makes use of several obvious but crucial assumptions: (a) the gap between fact and value is strictly unbridgeable, (b) value pluralism is a strictly value-free, descriptive fact, and (c) liberalism is a strictly fact-insensitive, normative commitment. These assumptions are rather straightforward, given that Talisse's objection ultimately relies on the rigidity of Hume's law: (a) stands for Hume's law itself, while (b) and (c) qualify liberalism and value pluralism as an appropriate pair of 'fact' and 'value' for the law to apply. Two extra, less obvious assumptions are also at work: (d) liberalism is necessarily of the kind that entrenches some core value as lexically prior and is therefore restrictive on the permissible range of ways of life, and (e) value pluralism necessarily stands for an unrestrained, radical doctrine, i.e. as extensible to or at least close to relativism.[4] As will soon become clear (d) and (e) are indispensable for the diagnosis of value pluralism as liberalism's false friend. This diagnosis, in turn, helps to substantiate the alleged gap between them (i).

Clearly, Talisse takes the above assumptions as obvious and uncontroversial since he provides no explicit demonstration of their validity.

The problem is that upon close scrutiny each of them turns out to be problematic. When unpacked, they reveal that Talisse fails to understand practical inference properly and seriously misunderstands the nature of value pluralism and liberalism. As Talisse puts so much emphasis on necessary/logical connection between premise and conclusion in practical reasoning, he neglects its 'practical' nature.[5] Relatedly, as he understands value pluralism and liberalism exclusively in the positive/offensive light he unduly neglects their negative/defensive aspects. Since these misconceptions are not uncommon among critics of the Berlinian inference, and given their grounding significance to this inference, they merit close scrutiny.

Section II engages assumption (a) to expose the problem of uncritically using Hume's law to assess practical reasoning. That Hume's law can be a general norm of practical reasoning is difficult to establish. Even if it can be such a general norm it remains unclear if it can legitimately apply to the Berlinian inference. Section III thus examines assumptions (b) and (c) to see whether value pluralism and liberalism indeed form an appropriate pair of fact and value to which Hume's law can apply. It turns out that value pluralism is not normatively trivial nor is liberalism fact-insensitive. As a result, they are not separated by any unbridgeable gap. Section IV engages assumptions (d) and (e) to examine Talisse's third charge, namely that value pluralism clashes with liberalism in its basic logic. Understood properly, value pluralism is a restrained rather than radical thesis, hence it permits only a restrained rather than unlimited range of ways of life; the liberal order, on the other hand, can be defensive rather than offensive in nature, hence it can permit a rather wide range of ways of life. The contrast between the two is thus diminished on this front. More importantly, defensive liberalism needs not to elevate any value to lexical priority, hence not contradicting value pluralism. This is sufficient to negatively refute Talisse's attack on the Berlinian inference; to positively make its case, however, more needs to be said. Section V thus explicitates one distinctive strategy to carry out the Berlinian inference

that is nonetheless not well understood. With the basic norm of practical reasoning and the nature of value pluralism and liberalism clarified above, this negative and practical strategy can provide a vigorous defence for the Berlinian inference.

II. Hume's Law and Practical Inference

Hume's law occupies a central place in Talisse's challenge to the Berlinian inference. Despite its other complexities, this law offers a simple message: it is impossible to establish a necessary, i.e. logical connection between fact and value, no matter how intuitive this connection may appear. Although this law is widely taken for granted, it is not uncontroversial upon close scrutiny.[6] But even if it is indeed a legitimate norm of practical reasoning, it remains unclear whether it can apply to the particular case of the Berlinian inference. Without sufficiently demonstrating this applicability, Talisse's claim that it violates Hume's law is precarious.

To decide the validity of Hume's law and its scope of application, we can start with a concrete case of practical reasoning. Imagine, for instance, that you are walking by a pond and see a child drowning in it; imagine also that you are the only passer-by and you can swim, what is your response? You will feel – supposing you are normal and sensible – naturally obliged to go to the child's rescue. A case of practical reasoning is now complete: starting with a descriptive fact (of the drowning child) you arrive at a normative conclusion (that you ought to rescue the child). Intuitively we find this inference sound, but clearly it violates Hume's law since it amounts to a jump from 'is' to 'ought'. Something must be wrong. But is it our intuition, or Hume's law?

Let us first look at Hume's law. Although seemingly counterintuitive, it reveals some important but often obscured features of our practical reasoning. In the above case, for instance, the conclusion (ought) is not, strictly speaking, necessitated by the premise (is). The same premise is, as a matter of fact, 'logically' consistent with many different conclusions.

Besides the option to rescue the child, it is also consistent with the option (i) to neglect the fact of the drowning child and simply walk away, or even (ii) to throw some stones at the child, accelerating the drowning, etc. The mere fact of a drowning child, it turns out, does not bind us to any particular course of action. Hume's law thus highlights the 'logical' gap between the premise and conclusion of practical reasoning.

How should we deal with this logical gap? Should the felt obligation (to go to the child's rescue) be denied validity in the presence of other logically consistent options, or should we grant all these options equal (in)validity? As any sensible human being can testify, only one option, i.e. to rescue the child, is morally acceptable; all the other options, even as mere thought, deeply disturb our moral conscience. The question is, again, why do we feel disturbed by these options? There is, after all, no 'logical' connection between them and our sensing them as disturbing. The answer lies clearly not in logic; instead it is our moral psychological makeup that 'translates' the thought of these options into disturbances in our moral conscience. Going back to our initial case, it is also our moral psychology that translates the fact of a drowning child into our felt obligation toward the child's rescue. In this way we have made a practical inference via the mediation of our (moral) psychology.

Although intuitively sound, psychologically mediated inference may reflect our "immaturity of everyday practical reasoning" (Talisse 2011, 95). But is it indeed immature? Caution is surely a much-needed virtue in making important decisions. The question is, however, is logic the only or the single most important criterion in deciding the soundness of practical reasoning? The mere observation that facts can be taken as of (no) value recommends answering in the negative. As purposeful human agents we can 'construct' values from facts and this ability to construct values is crucial for our practical life. In typical cases of practical reasoning, we evaluate possible outcomes of (in)actions based on facts we are faced with. This is to say that we attribute values to (estimated) states of affairs, as worthwhile (or not) or as detestable (or not), etc.[7] With

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this act of evaluation, the gap between fact and value is thus removed, at least within our internal perspectives. In this process it is our purposeful human agency instead of logic that serves to bind fact and value together.

The fact that we all possess purposeful human agency may help us break away from the straightjacket of Hume's law. To see this, we need to introduce an internalist methodology according to which 'ought' can be inferred from 'is' when we take the 'is' as the whole 'structured context' rather than any particular fact within it.[8] When this structured context meets certain requirements: (i) it is definitely structured, i.e. it leaves no more than one course of action as viable, and (ii) it allows no more than one interpretation[9], it is believed that one single 'ought' is necessitated by the context. Following this methodology, Gewirth selects our generic human agency as the 'structured context' and seeks to derive from it the obligation to respect others' freedom (1973). Clearly this structured context meets the above requirements: as a 'generic' context, it is both singular and definitely structured, i.e. it leaves no access to alternative contexts (except via death) and it leaves no option other than generic freedom (in order to act at all). In this way, Gewirth claims to have broken Hume's law.

In short, his argument proceeds in three steps:[10]

1. An agent A does X for purpose E. The agent necessarily regards his purpose as good. He necessarily regards his freedom as also good.
2. He necessarily thinks of himself as having a right to freedom.
3. To be logically consistent, he must think of all persons as having a right to freedom. Therefore, he is logically required to conclude that he ought not to interfere with the freedom of others (Allen 1982, 214).

It is not difficult to notice that this argument proceeds exclusively within the agent's first person perspective. As a result, it establishes at best a subjective instead of objective obligation. An objective obligation is an

obligation that one not only subjectively accepts but also objectively has (Allen 1982, 222). Hence, to really bridge the gap between fact and value Gewirth's argument is still incomplete, but this is only a minor problem for us. What is more important is its emphatic stress on logical necessities. Gewirth makes repeated use of notions like 'necessarily' (i, ii) and 'logically consistent' (iii), which make the argument seemingly meet the logical rigor required by Hume's law. Gewirth believes that he has rigorously established several necessary connections, i.e. logic connections. But this is an illusion. The necessity of a right to freedom (ii), for instance, cannot be derived via logic alone from the fact that the agent regards freedom as good (i). The notion of right is meaningful only within certain types of moral/political community of which the agent is a member. As this matter is rather complex it merits separate treatment. For now it suffices to note that logic says nothing about the shape of this community. This is also the case with the other seemingly 'logical necessities' in Gewirth's argument.

All these seemingly logical necessities, however, ultimately feed upon non-logical considerations. The necessity of freedom for a purposeful agent, for instance, cannot be established without consulting his or her underlying intention/end to maintain his or her status as purposeful human agent. The necessity of granting others equal rights, similarly, requires his or her intention/end to regard others as his or her equals to be established. Without these underlying intentions/ends, the alleged necessities cannot be established. To explain: strictly speaking, a logical gap exists between having a purpose and regarding freedom as necessary. Admittedly, in order for some purpose to be meaningful and to be realized the agent should possess freedom (in order to act at all), but this is not a matter of logic. Having a purpose is no 'logical' equivalent to having this purpose realized. Instead it is active human agency – essentially the intention to realize purposes – that serves to connect the two. Similarly, it is not a matter of logical consistency that we grant others equal moral/political status; instead it is the result of our

intention/end to establish and maintain certain (egalitarian) moral/ political community in which we expect to be members. As a result, Gewirth's rather limited (subjective) inference of 'ought' from 'is' still fails in the strict, i.e. logical, sense.

What should we learn from this failure? After all, Gewirth's argument captures some of our deepest moral intuitions, e.g. that we intuitively tend to maintain our status as purposeful agents and to treat others as equals. Similarly, in our initial case of the drowning child another deep moral intuition is present, namely that we intend to maintain our status as sensible, responsible human beings. Although these intuitions are rarely challenged, they are not logical necessities in nature. Those who regard human beings as passive recipients of divine will or those who regard human society as inherently hierarchical, for instance, may have different opinions about them. Gewirth's failure reminds us of the insufficiency of our moral intuitions in the face of Hume's law. As we are generally driven by these deep intuitions, we then need to know if our reliance on them is problematic, or alternatively, if Hume's law is an illegitimate norm of our practical reasoning.

Suppose that some 'ought' can indeed be inferred from 'is' in line with Hume's law. This is to say that in the course of inferring the 'ought' no intention/end is ever consulted. It then represents a categorical 'ought', in contrast to a hypothetical one, the inference of which, as repeatedly observed above, relies on some underlying intention/end of the agent. The empirical question is: is our practical reasoning generally directed at categorical 'oughts' or at hypothetical 'oughts'? To answer this question, we need to first decide if any categorical 'ought' exists, but this is a difficult matter and it is beyond the scope of the present article. It suffices for us to note that most of our actual practical reasoning involves hypothetical 'oughts', in the inference of which we typically look for the best means to secure or promote the end in question. The assessment of practical reasoning, it now becomes clear, is better conducted if we focus on the relation between the underlying end and the recommended means

for its protection or promotion. Fixation on the 'logical' relation between 'is' and 'ought' reveals little if anything. Hume's law, with its exclusive focus on this logical connection, becomes irrelevant for most of our practical reasoning.

This being said, determined defenders of Hume's law can appear rather absurd in their insistence on the logical gap between fact and value. Talisse, for instance, although conceding that a pluralist's goods may be "[...] most easily achieved or most securely enjoyed in a liberal society," still stresses the lack of (logical) "*derivation* of liberal commitments from value pluralism" (2010, 310; italics original). In doing so, he literally asks the absurd question: "why the best?" Although not an unintelligible question for logicians, it has little meaning for purposeful human agents who are concerned with the realization of their ends.

Now it is clear that although Hume's law may be strict and rigid as a logical norm it does not bind practical inferences indiscriminately. It becomes simply irrelevant when practical reasoning takes the shape of inferring hypothetical 'oughts', i.e. recommending the best means to secure or further certain underlying ends. Since certain core ends are indispensable we can safely omit them in inferring hypothetical 'oughts'. From outside it may seem that inference from fact to value is possible. This may be the paradigmatic case of practical inference that attracts critics carrying the flag of Hume's law. But even this case of practical inference is not directed at any categorical 'ought' but instead only at some hypothetical 'ought'. As a result, Hume's law is beside the point in most cases of practical reasoning, since in real life it is rarely if ever directed at categorical 'oughts'.

With the straightjacket of Hume's law thus relaxed, we can see why it presents no trouble to the Berlinian inference. To begin with, we should note that liberalism issues only a hypothetical rather than categorical obligation for the state, namely its authority depends on the latter's ends, most importantly, its aspiration to be legitimate. With some such ends given, if it can be proved that under the condition of

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pluralism they are indeed best served by a liberal arrangement, then liberalism is, following the logic of hypothetical 'oughts', necessitated by the fact of pluralism. In the above process of reasoning, Hume's law is simply irrelevant.

III. Pluralism as Fact and Liberalism as Value

Before entering into the substance of the Berlinian inference I now turn to another formal aspect of Talisse's objection, namely his characterization of value pluralism and liberalism as an appropriate pair of fact and value for Hume's law to apply. This is presented in assumptions (b) that value pluralism is strictly value-free and (c) that liberalism is strictly fact-insensitive. As demonstrated in the previous section, Hume's law becomes irrelevant if the practical inference in question is directed at a hypothetical 'ought'. So even if value pluralism and liberalism do form such an appropriate pair of fact and value, the Berlinian inference is untroubled by Hume's law. But they form no such a pair in the first place. As a result, even if Hume's law legitimately binds practical reasoning generally – including that directed as hypothetical 'oughts' – it still presents no trouble to the Berlinian inference, since this inference contains no pair of pure fact and value to which Hume's law can apply.

Let us start with value pluralism. Although it is primarily a factual description of the life world, value pluralism nonetheless is not normatively trivial, i.e. it can have normative implications. To be normatively non-trivial it can be either value-laden or value-demanding. When a fact is value-laden it contains some value claims that are integral to its truth. A merely value-demanding fact, by contrast, does not contain such constitutive value claims. Admittedly, value pluralism can be understood as a value-laden fact and as such it can easily evade Talisse's charge of the Berlinian inference: if value pluralism is already value-laden then the inference starts from an 'ought' rather than from a mere 'is', hence not violating Hume's law.[11] But this is hardly persuasive for those who do not

share this understanding of value pluralism. More importantly, it can easily fall prey to the charge of circularity.[12]

Now we take value pluralism as a value-demanding but not value-laden fact. Despite its lack of constitutive value claims, value pluralism is nonetheless normatively non-trivial. Facts about our life world are generally non-trivial in this sense, in contrast to facts about the natural world. Whereas the latter rarely have normative implications, the former almost always have. This difference stems not so much from these facts themselves; instead it is the consequence of our relation with the distinct world to which they belong. As purposeful human agents we are part of the life world but not of the mere natural world. Since facts of the life world pertain either directly or indirectly to our own lives, we cannot be indifferent to them. The fact of a drowning child, for instance, is the business of the passer-by, while a fact about the pond, e.g. its colour, is generally not. Our attitude and reaction to the former influence how we view ourselves and how we stand in relation to the whole moral community; our attitude and reaction to the latter, by contrast, have no such normative implications. Consequently, facts of the life world call for different attitudes and treatment from facts of the natural world. Value pluralism constitutes just such a normatively non-trivial fact about our life world and it calls for serious recognition and proper handling.

How should we deal with the non-trivial fact of value pluralism? Although it is difficult to find a positive answer to this question, it is safe for us to negatively exclude certain options as unacceptable handling of this fact. At the very least, the attempt to suppress pluralism and to impose a monist value system onto the whole of society is generally regarded as unacceptable. When no grave social urgency is present, such a way of dealing with pluralism can amount to oppression, a serious affront to those who do not share state-promoted values. To see the matter this way is, again, not a matter of logic; instead it is some of our most cherished ends, including the maintenance of our purposeful human agency and our freedom, that render such dealing unacceptable. Value

pluralism, although not a value-laden fact itself, can now be used for the evaluation of political regimes. It should be noted that this evaluative capacity is not built into the truth of value pluralism; instead it stems from our moral attitudes toward the various ways of dealing with it. In a similar fashion, the fact of a drowning boy, which is also not value-laden, can be used to evaluate the actions of passers-by.

Seeing value pluralism as a normatively non-trivial fact, admittedly, does not yet make a decisive case for liberalism, but the alleged distance (in fact, a gap) between value pluralism and liberalism – as a pair of pure fact and pure value – is already shortened from value pluralism's end. Now we turn to liberalism's end to see if it can sustain that gap. Although primarily a normative commitment, liberalism is nonetheless not completely removed from factual considerations. In other words, liberalism is fact-sensitive.

The first way in which liberalism is fact-sensitive is that, as a normative aspiration, it faces factual constraints from the human world. Although these constraints do not pertain directly to its core normative aspirations, they cannot easily be shaken off. At the very least, a liberal regime should be feasible in the first place. To decide which regime type is feasible, however, it is not so much a matter of normative justifiability (of its principles of governance), instead it needs to consult the basic structure of human social life and the relevant resources necessary for the regime to survive.[13] Needless to say, all these are factual rather than normative matters. Relatedly, a liberal regime should be able to maintain its own stability so that it can be a decent and attractive regime for its citizens. To be able to maintain this stability, again, the regime needs to consult the basic facts of the given society. Admittedly, the consideration of feasibility and stability does not constitute a normative constraint on liberalism, but we should note that liberalism is not exclusively a normative project in the first place. Pragmatic considerations are also important to liberalism, as with all other forms of political arrangement.

The second way in which liberalism is fact-sensitive is that it represents a hypothetical 'ought' for the state. As made clear above, the

inference of a hypothetical 'ought' essentially centres on the selection of the best means to secure or promote some given ends. If someone wants to persuade the people of a given society of the superiority of liberalism they need to demonstrate that their basic ends can be best served by adopting a liberal order. Clearly this demonstration much depends on what these ends are and under what condition the society lies. Besides intrinsically normative ends, e.g. the honouring of liberty and equality, there are also more pragmatic ends that are nonetheless indispensable, e.g. peace and stability, the successful accommodation of competing claims, etc. Attending to ends of the latter sort, the liberal order cannot stick exclusively to normative considerations. The cultural, historical and sociological condition of the society also affect how well the political order serves its ends. It is much easier, for instance, to maintain solidarity in a homogenous society than in one that is deeply divided by cultural and religious disagreements. Again, this factor is factual rather than normative. Lastly, since liberalism stands for a hypothetical 'ought', its authority is largely derived from the 'fact' that it best performs the task of serving the ends of the society. Whether a liberal order can indeed be the best is an empirical rather than normative question.

Thus viewed, liberalism has to be attentive to crucial facts about the human world although it is not in itself a factual description of it. Needless to say, pluralism is precisely one of those crucial facts of the human world. As a result, a liberal order has to respect this fact in order to be viable and decently stable. What is more, pluralism constitutes one of the crucial social conditions under which the regime is required to perform its task, namely to secure and to promote the core ends of the society. A liberal order, if it aspires to be superior to alternative political arrangements, has to demonstrate its superiority in promoting these ends under the condition of pluralism.

Now liberalism is in many important aspects fact-sensitive, so the alleged distance between value pluralism and liberalism – as a pair of pure fact and pure value – is now significantly shortened from liberalism's end.

With the distance thus shortened from both ends, there is no longer any gap between them. Now, even if Hume's law is a legitimate norm to all practical inferences it still cannot prohibit the inference of liberalism from pluralism. The authority of Hume's law ultimately derives from the gap it diagnoses between the premise and the conclusion of the inference, i.e. between a pair of normatively trivial fact and fact-insensitive values. This characterization, we now know, does not apply to value pluralism and liberalism as involved in the Berlinian inference. As a result, Hume's law is once again beside the point.

IV. Tension Between Value Pluralism and Liberalism

Now we can turn to Talisse's third charge concerning the Berlinian project, namely that value pluralism clashes with liberalism in its basic logic. This charge consists of two sharp contrasts: (i) whereas value pluralism permits a wide range of ways of life, a liberal order seriously restrains this range; (ii) whereas liberalism elevates some core value like justice or autonomy as lexically prior to others, value pluralism firmly resists any such rank-ordering. It should soon become clear that in drawing these contrasts, Talisse carelessly lumps together different strands of liberalism and different versions of value pluralism, which ought nonetheless to be distinguished from each other. Once these misconceptions are straightened out the alleged clash between the two disappears.

We can start with value pluralism. Although it is not uncommon for theorists to understand value pluralism in a radical manner, it need not be so understood. Value pluralism, at least as Berlin understands it, does not mean relativism. While goods are irreducibly many and correspondingly there are many different ways of life, value pluralism still maintains a certain common (minimal) moral horizon below which no way of life should fall (Riley 2001, 285). The idea of a common moral horizon is not a positive one. What gives this idea its content is not so much any positive value that everyone is expected to endorse; instead it depends on some

universal "*summum malum*, the great evils of the human condition" (Galston 2009, 96). Central among these great evils is imprisonment, the deprivation of one's basic liberties (Galston 2005, 50; 56). With this common moral horizon in place, value pluralism cannot allow as many ways of life as a relativist can.

Secondly, value pluralism does not forego the pragmatic concern for a stable political order. It recognizes that without the legal and political protection of a decent political order, citizens can hardly expect to sustain their ways of life (Galston 2004, 142; 145). This point is not unrelated to the previous one. Although people may have very different ways of life, they commonly recognize the need of a peaceful and stable political order, since without it they would probably be haunted by many grave evils. While this consideration does not make it into the common moral horizon, it is still generally endorsed as a practical necessity.[14] Following these two considerations, we can see that value pluralism recognizes as permissible only a restrained rather than unlimited range of ways of life. As a result, the alleged distance between value pluralism and liberalism with regard to this range is significantly shortened from pluralism's end.

Now we turn to liberalism. The permissible range of ways of life under a liberal political order is, in turn, not as narrow as commonly supposed. To understand this, we need to introduce a distinctive strand of liberalism, namely defensive liberalism, as advocated by Berlin and Galston.[15] As the name indicates, it prescribes a liberal order that serves primarily to defend citizens' negative liberty or 'expressive liberty', i.e. their liberty to lead "[...] their lives as they see fit [...] in accordance with their own understanding of what gives life meaning and value" (Galston 2002, 3; 2005, 2-6) To this end it emphatically resists the impulse of the state to meddle with the internals of citizens' life.

The opposite of 'defensive liberalism' is what might be called 'offensive liberalism'. The difference between the two lies primarily in their distinct strategy to justify the liberal political order, which concerns citizens' own way of life vis-à-vis the political order. "Offensive justification

is addressed to those who are not (yet) leading that life" and seeks to proselytize them into it; "[...] defensive justification, by contrast, is offered by or on behalf of people who are already leading a way of life" and to protect it against external pressure (Galston 2002, 54). Unlike offensive liberalism that seeks to persuade (if not convert) the whole society into a (roughly) liberal way of life, defensive liberalism is motivated to protect a sufficiently spacious life space for citizens, within a certain "range of legitimate variation" (Galston 2002, 3; 2005, 12; 45; 95). Within this protected space citizens can lead their lives as they see fit, immune from external offensive pressures, either from the state or from other citizens.

In defensive liberalism, a certain way of life is permissible as long as it stays within the "range of legitimate variation". This range is rather spacious as it puts onto citizens no constraint other than avoidance of grave evils (Galston 2005, 12). It is roughly the whole space as long as it is above the common moral horizon of value pluralism (Galston 2005, 45). As a result, the permitted range of ways of life under defensive liberalism is by no means compromised. Now, the alleged distance between value pluralism and liberalism with regard to this range is once again shortened from liberalism's end. As a result, the seeming contrast between them is only apparent rather than real.

Now we come to the second alleged contrast between value pluralism and liberalism, namely their contradicting attitudes towards some master value. Mainstream liberalism, as Talisse correctly observes, typically elevates some core value as lexically prior to others, which is at odds with the central tenet of value pluralism. But is this necessarily the case for all strands of liberalism? It should soon become clear that only offensive forms of liberalism need to rank-order their values while defensive liberalism can dispense with this rank-ordering. As mentioned above, offensive liberalism typically seeks to promote – if not impose – the liberal way of life upon the whole society. Upfront, perhaps, no liberal – especially no Rawlsian political liberal – would admit to being liberal in this offensive sense. But the matter is not so simple.

We can note that the seemingly freestanding, 'political' liberalism in fact adopts an offensive strategy to justify the liberal order. This is evidenced by a sort of value monism that underlies political liberalism. "For a value theory to be monist, it either a) reduces goods to a common measure or b) creates a comprehensive hierarchy or ordering among goods" (Galston 2002, 6). Although political liberalism is motivated by the recognition of reasonable pluralism, it still preserves justice as the "first virtue of social institutions" and hence stands for a monist position (Galston 2002, 8). In virtue of its preservation of the lexical ordering of values, political liberalism belongs to the category of liberal monism.

It is natural for liberal monism to employ the offensive strategy in its own justification. Take again Rawlsian political liberalism as the example. Although it refrains from meddling with the various moral, philosophical and religious comprehensive doctrines of citizens, it places a rather thick, liberal constraint on all of them.[16] What is more, the polity in political liberalism has the duty as well as the authority to enforce a list of characteristically liberal rights and provisions.[17] While it is a relatively short list, it still significantly exceeds the list of basic goods in value pluralism (Galston 2005, 12). As a result, citizens' life spaces as protected by defensive liberalism are now open to state interference. For those whose life space is (at least partially) encroached by the polity they can legitimately feel offended.

Unlike political liberalism, defensive liberalism is pluralist in nature. It refrains from elevating any value as lexically prior. In virtue of this one can call it liberal pluralism. Clearly, there is no real clash between this form of liberalism and value pluralism. But one may wonder in what sense it is still a species of liberalism? The major task of liberal pluralism is, as observed above, to protect citizens' expressive liberty, i.e. to protect their life spaces against external pressure. Since liberal pluralism places its central emphasis on the protection of citizens' expressive liberty, it clearly qualifies as liberal in the broad sense[18].

Till now it is clear that Talisse fails to notice the crucial difference between different types of liberalism and value pluralism. Whereas he has in mind an offensive form of liberalism and a radical version of value pluralism, Berlin and Galston advocate a 'defensive' form of liberalism and a 'restrained' version of value pluralism. As we have demonstrated, the latter two cohere well with each other. As a result, the alleged clash between liberalism and value pluralism is apparent rather than real.

V. Negative Defence of Liberalism

The preceding sections of this article are devoted to the rebuttal of Talisse's objection to the Berlinian inference. It is primarily a formal and negative endeavour. At best it renders Talisse's objection mistaken; little is done to positively establish the Berlinian inference. So I turn now to a concrete strategy to implement the Berlinian inference, namely the strategy devised by Galston. Before focusing on the details, it will be helpful to first note the negative nature of the Berlinian inference, as exhibited in its premise and conclusion as well as in its basic logic.

First, the premise of the inference, namely value pluralism, is a negative rather than positive thesis. Its point is not about positive aspects of the life world, e.g. that values are plural, but is expressed instead in negative forms: that values can be incommensurable or that comprehensive rank-ordering of values is impossible. Consequently, it gives rise to negative rather than positive practical implications: it recommends constraints on moral and political actions rather than the pursuit or promotion of any positive goods.[19] Value pluralism is also negative in a second sense, namely it is a restrained rather than radical thesis. Although values are irreducibly many, value pluralism does not mean relativism.

As for the conclusion of the inference, namely liberalism, we take only its defensive variant here. Defensive liberalism, as introduced in the previous section, is dedicated to the protection of citizen's expressive liberty rather than the promotion of any positive values like justice. Its

point is not so much about promoting the expressive liberty of citizens; instead it is about defence against external, offensive pressure. This is the first sense in which liberalism is negative. A second sense is that expressive liberty is itself a negative value. This liberty is not so much the freedom *to* carry out a certain life plan, but instead the freedom *from* others' interferences. Admittedly, it can sometimes take the form of 'liberty *to*', i.e. citizens' liberty to lead "their lives as they see fit" (Galston 2002, 3; 2005, 2-6). But this does not mean autonomy, which is nonetheless commonly advocated by liberals.[20] The reason is that autonomy is not a necessary component of all permissible ways of life; in some cases it is even excluded. The point of expressive liberty is that people are left alone to their own ways of life, and no external pressure is allowed to interfere in the internals of their life. Clearly it is a negative value.

Now we turn to the negative logic of the inference. Recall that a common moral horizon exists within the irreducible plurality of values. What defines this horizon is a set of very basic human goods, the deprivation of which leads to great evils (Galston 2005, 12). It is with reference to these great evils that normative prescriptions are issued, namely we are required/recommended to avoid causing these great evils. What drives the inference forward is not the positive promotion of these basic values, but instead the negative avoidance of causing evils (i.e. deprivation of these basic goods). In Berlin, for instance, the "[...] rejection of human imprisonment is the core of [...] negative liberty" (Galston 2002, 56).

More generally "[...] the value-pluralist argument for negative liberty rests on the insufficiency of the reasons typically invoked in favour of restricting it" (Galston 2002, 58). In line with this negative logic, Galston devises a negative strategy, namely the strategy of elimination, to implement the Berlinian inference. The central idea is that "[...] pluralism defeats all non-liberal options" (Talisse 2010, 310), i.e. given the truth of pluralism, all non-liberal orders are excluded as unreasonable. With illiberal orders thus excluded, the liberal order becomes the only option

left. In this manner liberalism is necessitated by pluralism, hence the Berlinian inference.

This is a negative, indirect argument. Talisse discovers two major difficulties in it: (i) the strategy of elimination needs to be complete, i.e. it should defeat all alternatives to liberalism (Talisse 2010, 310-301), but Galston only manages to exclude illiberal orders and leaves untouched anarchism and libertarianism; (ii) the unreasonableness of illiberal regimes cannot be rigorously derived from the fact that citizens generally make a claim to expressive liberty. Clearly (ii) invokes Hume's law to make its case. As I have demonstrated in section II, Hume's law is rarely if ever relevant to our practical reasoning. In most cases, practical reasoning takes the shape of inferring hypothetical 'oughts', i.e. 'oughts' directed at the preservation or promotion of the underlying end of the agent. Hence the assessment of practical reasoning should focus more on the appropriateness of these underlying ends and the effectiveness of the resulting course of action in serving these ends. Galston's argument is not problematic since it sees that in depriving our expressive liberty, the regime unduly frustrates our reasonable "[...] human desire to go our own way in accordance with our own desires and beliefs" (Talisse 2010, 311). More importantly, in so doing the regime frustrates its own reasonable aspiration to be legitimate, namely to be accepted by the people.

Difficulty (i), namely the issue of incomplete exclusion, in turn is only apparent rather than real. It is true that non-liberal orders like anarchism and libertarianism are not rendered unreasonable by Galston's argument since they do not unduly deprive citizens of expressive liberty.[21] But we should note that the strategy of elimination is not exclusively focused on normative matters, it also cares about pragmatic considerations. Anarchism can be excluded since it is not a practically viable option (Talisse 2010, 311). As pointed out in preceding section, value pluralism recognizes the need of a decently stable moral and political order. Libertarianism, on the other hand, does not need to be excluded: on the matter of

protecting negative liberty it is not too different from defensive liberalism. In virtue of its firm protection of negative liberty, libertarianism can fall into the broad defensive liberal category. To be sure, libertarianism is not equivalent to liberal pluralism since it allows unbridled market forces to enter into the life spaces of citizens, which liberal pluralism is determined to resist in the same way as it resists interference from the state. Taking these clarifications into account, we can see that anarchism and libertarianism are also excluded by Galston's elimination strategy. As a result, the Berlinian inference is successfully implemented.

VI. Conclusion

Thus far I have engaged Talisse's critique of the Berlinian effort to infer liberalism from value pluralism. Devastating as it may seem, it is a misplaced critique since all the core assumptions it relies on turn out to be problematic. Talisse invokes Hume's law to launch his attack, but he fails to see that Hume's law is not a legitimate norm that applies to all cases of practical reasoning. In assessing the validity of the Berlinian inference, it is simply beside the point. In characterizing value pluralism as liberalism's false friend, he also carelessly lumps together different types of value pluralism and liberalism that should nevertheless be separated. As a result, Talisse's objection is 'largely mistaken', hence the Berlinian inference is at least partly defensible.

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Notes

1. There are several variations within the broad spectrum of value/moral pluralism, ranging from epistemological to metaphysical (Aikin and Talisse 2016, 20-21; Moore 2009, 245-248).

2. This strand of liberalism is sometimes called 'pluralistic liberalism' (Pavel 2007, 202); here I follow Galston (2002; 2005).

3. Being pluralists themselves, Gray and Kekes refute the connection between pluralism and liberalism (1998; 1993). Drawing on Gray, Talisse sees the Berlinian inference as doomed (2010). Arneson provides a similar critique (2009).

4. Moore, for instance, sees relativism as the necessary consequence of hard value pluralism (2009).

5. Myer provides a thoroughly practical interpretation of Berlin's value pluralism, based on his account of judgment. Within the pluralistic human horizon, it is our principled but contextualized judgment instead of any foundational absolute that guides our practical life (2010).

6. Theorists have long been debating on the interpretation of Hume as well as on the soundness of the is-ought principle (Hudson 1969). The so-called Hume's law may be a misinterpretation of Hume's words (Yalden-Thomson 1978). The strict dichotomy between fact and value has been challenged (MacIntyre 1959; Hampshire 1949; Putnam 2002). Here I focus on Gewirth's Kantian argument as it represents the best effort to positively establish the inference from 'is' to 'ought' (1973).

7. Practical reasoning typically involves judgment, since reason alone is often insufficient as a guide. This is especially the case with value pluralism (Myers 2010).

8. "A context is structured when it is constituted by laws or rules which determine certain existential or practical necessities" (Gewirth 1973, 42).

9. The dilemma of commitment can arise when multiple interpretations are possible: in order to infer some singular 'ought' from an indefinitely structured context ('is') one has to rely on some pre-commitment to that very 'ought'. In such a manner the expected inference of 'ought' from 'is' turns out to be circular (Gewirth 1973, 43). Talisse's charge of the liberal pluralist inference as circular employs this same line of argument (2010, 309; 313)

10. Allen (1982, 214) offers a concise and fair summary of Gewirth's argument.

11. This is in fact the route Crowder takes (2014, 558).

12. Crowder's incorporation of 'coherence' into the idea of value pluralism faces exactly this charge (2014, 562). His rebuttal is less than convincing.

13. Wiens provides a systematic account of resources necessary for moral/political ideals to be feasible (2015).

14. Myer disputes Riley's interpretation of Berlin's common horizon as a moral one. For Myer it is instead a practical, human horizon (2010, 619-620). If this is the case, practical but not moral considerations can also make part of the horizon.

15. Galston provides the most systematic presentation of this strand of liberalism (2002; 2005).

16. These comprehensive doctrines should be 'reasonable' in political liberalism and this notion of 'reasonable' is charged with liberal contents (Wenar 1995).

17. Political liberalism allows a family of different political conceptions of justice, but they are all required to provide core liberal rights and provisions to citizens (Rawls 1996, xlvi).

18. The term 'liberalism' has undergone dramatic transformation since its inception (Nagel 1978).

19. Crowder's diversity argument, which relies on the positive value of diversity, is thus precarious. Talisse provides a fair reconstruction and convincing critique of it (2010, 314-320).

20. Crowder (2007) contests this view, but Thunder (2009) offers a convincing defence.

21. According to Talisse, anarchism and libertarianism in fact "[...] endorse a wider range of negative liberty", namely better respects citizens' expressive liberty (2010, 311).