

Value Pluralism and Liberal Democracy

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## ABSTRACT

### Value Pluralism and Liberal Democracy

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As the title indicates, this three-essay dissertation explores the relations between value pluralism and liberal democracy.

The first essay, “Negative versus Positive Freedom: Making Sense of the Dichotomy,” starts with the puzzling appeal of the negative-versus-positive-freedom dichotomy. Why has this distinction, despite forceful criticisms against it, continued to dominate mainstream discourses on freedom in contemporary political theory? Does it grasp something fundamental about the phenomenology of freedom?

In this essay I examine four main approaches to making sense of the appeal of this dichotomy, and the challenges they each face. Both the conventional, naive contrast between “freedom from” and “freedom to,” and the revisionist strategy to distinguish between the “opportunity-concept” and the “exercise-concept” of freedom, upon close scrutiny, fail to survive MacCallum’s triadic argument against all dichotomous views on the concept of freedom. The third account, which reduce the negative/positive

dichotomy of freedom to the divide between “phenomenal” and “noumenal” conceptions of the self, or of the range of preventing conditions, is both interpretively misleading and conceptually uninformative, as I illustrate by using Berlin’s discussion on self-abnegation as an example. In the fourth place, I analyze why both the historical bifurcation account that take the negative/positive dichotomy of freedom as merely genealogical, on the one hand, and the republican critique of it based on the presumably subverting conception of non-domination, on the other hand, are unsatisfying.

Finally, I argue that grounding the negative/positive dichotomy of freedom on the idea of value pluralism avoids the pitfalls of those approaches examined. According to this account, the dichotomized instantiation of freedom is necessary insofar as we live not in isolation but with other moral agents. The “negative” freedom instantiated in the access to an extensive sphere of permissible choices and actions, and the “positive” freedom instantiated in the access to collective decision-making and democratic self-government, reflect two equally genuine yet incommensurable modes of freedom as a basic value.

Many believe that value pluralism and liberalism are ultimately incompatible, however, since liberalism implies the prioritization of liberal values over other basic values, which is contradictory to the value pluralist idea that all basic values are equally

genuine and incommensurable. The next two essays take up this challenge, arguing on the contrary that a persuasively elaborated version of value pluralism is not only compatible with liberal commitments, but can also provide distinctive grounds for liberal democracy and have significant political implications.

In the second essay, “Value Pluralism and Its Compatibility with Liberalism,” I explain the methodology of my argument, elaborate three key concepts underlying value pluralism – value objectivity, value incompatibility, and value incommensurability – and then develop an account of modal heterogeneity of value instantiation, as opposed to valuative hierarchy. Whereas valuative hierarchy is in tension with value incommensurability, the idea of modal heterogeneity allows that different values have different modes of instantiation that warrant differentiated prioritization of certain values in relevant practical contexts, without implying anything about the comparative moral worth of relevant values. I use a mathematical analogy to illustrate the modal heterogeneity of value instantiation, as well as how we may accord freedom a special institutional role on the basis of its modal specialty vis-à-vis other basic values, rendering liberalism compatible with value pluralism.

The argument is completed in the third essay, “Value Pluralism, Liberal Democracy, and Political Judgment,” where I compare my account based on the idea of

modal heterogeneity, developed in the second essay, with three existing versions of liberal pluralism. Whereas Berlin's argument from choice, Crowder's proposal of pluralist virtues, and Galston's presumption of expressive liberty all fail to pass either the Jump Test or the Trump Test, my modal account overcomes these two basic difficulties faced by liberal pluralism.

The rest of the essay discusses three main political implications of the modal account of liberal pluralism. First, it helps us better understand the nature of demarcating and overstepping the so-called "frontiers" of a "negative" area of permissible choices and actions free from interference, or put another way, of balancing the protection of civil liberties and rights, on the one hand, with the procurement of certain important social goods through policies, on the other hand. Second, the modal account entails the dichotomization argument for democracy, and as a consequence supports not only liberalism, but liberal democracy. Recognizing the tension between negative and positive modes of freedom as immanent to the dynamic of liberal democracy, value pluralists nonetheless have reason to cherish, rather than to decry, such dynamic. Third, the modal account also suggests we appreciate the contentious yet indispensable role of political judgment in democratic life, and attend to the normative theorizing of its implications. On the one hand, it recommends institutional designs that

diversify forms of political decision-making, such as by introducing adequate mechanisms of checks and balances and establishing relevant sites of expertise. On the other hand, it calls for the appreciation of the ideal of statespersonship, even in a liberal democratic society.

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*To Yuan and Bumo*

## *Essay One*

### **Negative versus Positive Freedom**

#### **Making Sense of the Dichotomy**

The negative/positive distinction of freedom seems to have a somewhat paradoxical status in contemporary political theory.<sup>1</sup> On the one hand, after Isaiah Berlin's famous lecture, "Two Concepts of Liberty,"<sup>2</sup> had sparked a heated debate about the meaning of freedom at the outset of the Cold War, few prominent political theorists have fully committed to this dichotomy (or at least to Berlin's version of it), and in fact many forceful criticisms, both conceptual and normative, have been advanced against it. On the other hand, it seems that, in spite of sustained critique and resistance, the vocabulary of negative-versus-positive freedom has continued to dominate mainstream talks about

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<sup>1</sup> Except as otherwise noted, in this essay I will use "freedom" and "liberty" interchangeably. But see Hanna Pitkin (1988) for a reminder on the historically nuanced differences in meaning between these two English terms.

<sup>2</sup> For the sake of convenience, hereafter in this essay I will refer to "Two Concepts of Liberty" (Berlin 2007b, written in 1958) as *TCL*, and Berlin's later "Introduction to *Four Essays on Liberty*" (Berlin 2007a, written in 1969) as *I*.

political and social freedom. This seems to suggest that there is something intuitively appealing about the dichotomy. What exactly, one might wonder, is its appeal? Does this distinction grasp, say, something fundamental about the phenomenology of freedom?

In this essay I scrutinize four main approaches to making sense of the negative/positive dichotomy, and propose an alternative account of it. The first section overviews the common, naive contrast between “freedom from” and “freedom to,” and introduces MacCallum’s triadic argument against all dichotomous views on the concept of freedom. I then look at the revisionist strategy to distinguish between the “opportunity-concept” and the “exercise-concept” of freedom, only to find it unsustainable. Thirdly, I turn to the idea that the negative/positive typology could be seen as reflecting the contrast between two conceptions of the self, or between two views on the range of preventing conditions. Using the widespread misinterpretation of Berlin’s discussion on self-abnegation as an example, I illustrate why the idea mentioned above is problematic. The fourth section discusses both the “historical bifurcation” account of the negative/positive dichotomy as reflecting two salient intellectual traditions motivated by different questions about freedom, and the republican critique of this account, which is based on the idea of freedom as non-domination.

Finally, I argue that grounding the negative/positive dichotomy of freedom on the idea of value pluralism avoids the pitfalls of those approaches examined. According to this account, the “negative” freedom instantiated in the access to an extensive sphere of permissible choices and actions, and the “positive” freedom instantiated in the access to collective decision-making and democratic self-government, reflect two equally genuine yet incommensurable value-modes of freedom. No reconciliation between them can be achieved conceptually. Their tradeoff has to be made in practice, subject to ongoing debates and judgments.

### ***Dichotomy or Triadicity: MacCallum’s Challenge***

A common-or-garden understanding of the negative/positive dichotomy is invited by the very way of its naming. Accordingly, negative freedom, insofar as it is *negative*, refers to the *absence* of something, whereas positive freedom, insofar as it is *positive*, refers to the *presence* of something. Put another way, negative freedom is the freedom *from* *X*, where *X* ranges over constraints, restrictions, interferences, or other kinds of preventing conditions. By contrast, positive freedom is the freedom *to* (do or become) *Y*, whereas *Y* ranges over actions, ends, conditions of character or environment, or other objectives

that would be realized along with the acquisition of such freedom. In his writings on freedom, Berlin sometimes succumbed to this common-or-garden account, widespread at his day, equating negative freedom with “freedom from” and positive freedom with “freedom to” (cf. *TCL* 178).<sup>3</sup>

Gerald MacCallum (1967), however, offered a seminal rebuttal to this distinction between freedom as the absence of something and freedom as the presence of something. According to MacCallum, both “freedom from” and “freedom to” are merely shortcut uses, in given contexts of discussion, of the only, full concept of freedom, which must always be understood as a triadic relation between certain agent *A*, certain preventing condition *X*, which must be absent, and certain objective *Y*, which must be present. Freedom, in other words, is always the freedom of *A* from *X* to (do or become) *Y*. As a consequence, there can be no such things as “negative” and “positive” *concepts* of freedom, as Berlin had them, but only different *conceptions* of freedom, disagreeing with one another over the ranges of the three term variables – *A*, *X*, and *Y* – within the same basic, triadic concept.

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<sup>3</sup> Joshua Cherniss (2013: 145-151) nicely summarized the history of employing “negative” and “positive” to designate contrasting notions of freedom by theorists before and around Berlin’s time.



Berlin was unimpressed by MacCallum's conceptual critique at the time, and replied summarily in a footnote: "A man struggling against his chains or a people against enslavement need not consciously aim at any definite further state. A man need not know how he will use his freedom; he just wants to remove the yoke. So do classes and nations." The possibility of lacking any conscious and definite aim while free (or while pursuing freedom), Berlin believed, indicates that the presence of certain objective (i.e. "to *Y*") is not a necessary component for the negative concept of freedom, and therefore that it is "an error" to understand freedom as a relation of irreducible triadicity (*I* 36, n.1).

But this reply rests on a confusion between the lack of a *conscious* and *definite* aim, on the one hand, and the lack of any kind of objective, on the other hand. As a result, it fails to notice that the fact that agent *A* may not *know exactly* how she will use her freedom after acquiring it does not imply that this freedom can be construed simply as a dyadic relation between agents and preventing conditions, without reference to objectives. For the term variable *Y* in the triadic concept of freedom does not, as Berlin suggested, range merely over "any definite further state" that *A* would "consciously aim at." Quite to the contrary, it may also range over unwittingly endorsed ends as well as vaguely described further states of affairs, such as "(to) fulfill whatever desires *A*

actually has,” “(to) do whatever *A* would rationally choose to do,” and so on. Only by omitting, given the context of the discussion, any reference to objectives of this kind can we have the purely negative construal of “(*A*’s) freedom from *X*,” which therefore must be seen not as a self-sufficient dyadic concept, but only as an incomplete rendering of the more basic, triadic concept.

MacCallum’s triadicity argument is devastating to the conventional view that negative freedom is the absence of something while positive freedom is the presence of something. It also poses a serious challenge to the negative/positive dichotomy itself. For if MacCallum is right that all conceptions of freedom are premised on one and the same basic concept, how can we meaningfully group them into *two*, rather than any other number of, conceptual categories?

### ***Opportunity versus Exercise?***

One prominent approach in response to this challenge, proposed by Charles Taylor (1979) and endorsed by a large group of theorists (cf. Baldwin 1984; Skinner 2001; Christman 2005), is to distinguish between the “opportunity-concept” and the “exercise-concept” of freedom. On the one hand, advocates of this distinction acknowledge that

neither “(A’s) freedom from *X*” nor “(A’s) freedom to *Y*” suffices to constitute a distinctive concept of freedom, and that both could be subsumed by MacCallum’s triadic schema, “(A’s) freedom from *X* to *Y*.” On the other hand, they maintain that not all types of freedom can be characterized in the MacCallumite way.

This is so because, they argue, the notion of freedom (from *X*) to *Y* is essentially an “opportunity-concept” of freedom, according to which an agent *A* is free insofar as the barriers against *A* to (do or become) *Y* have all been removed, such that the opportunity to (do or become) *Y* is fully open to *A*. But this concept, goes the argument, cannot capture another important sense in which *A* is free: namely, *A* is free only when she is *actually Y-ing* (or, *actually* doing or becoming *Y*), rather than whenever she has been presented with the opportunity to (do or become) *Y*, regardless of whether she actually exercises such opportunity.<sup>4</sup> This “exercise-concept” of freedom is, it is argued,

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<sup>4</sup> It might be argued that the “opportunity-concept” camp can be further divided, if we take “opportunities” to be the *external* enabling factors for the exercise of freedom, and “abilities” to be the *internal* enabling factors for it. For example, a poor student who is taking an exam presumably has the opportunity but not the ability to get an A+ for the course, whereas a good student may have the ability to get an A+ but may be deprived of the opportunity to do so, when some incident or interference prevents her from taking that exam. Moreover, both the notion of freedom as the presence of external opportunities, and that of freedom as the presence of internal abilities, the argument goes, fall short of actual exercises. Indeed, Amartya Sen’s “capabilities approach” is presumably an exemplar of embracing a non-exercise-concept of freedom that incorporates both external-opportunity and internal-ability considerations (cf. Sen 1992: 20). If this is the case, it seems that we could simply equate the negative/positive dichotomy of freedom with the external/internal dichotomy of enabling (and/or constraining)

conceptually distinct from the “opportunity-concept” of freedom expressible by the MacCallumite schema of “(A’s) freedom (from X) to Y”: for, in contrast to the opportunity-concept of freedom *to* (do or become) Y, the exercise-concept consists instead in the peculiar idea of freedom *as* Y-ing (or, *as* doing or becoming Y).<sup>5</sup>

If this is the case, then it is perfectly reasonable to conclude that the intuitive appeal of the conventional vocabulary of negative-versus-positive freedom lies in its affinity with the genuine conceptual distinction between freedom as opportunity, on the one hand, and freedom as exercise, on the other hand. Despite MacCallum’s argument against the distinction between “freedom from” and “freedom to,” we have reason to retain the use of the negative/positive dichotomy of freedom, albeit by locating it in a

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factors, without having to introduce a controversial, distinct concept of freedom, i.e. the exercise-concept, in order to make sense of the former dichotomy. I address this external-versus-internal argument in footnote 9 below.

<sup>5</sup> Some have claimed that the exercise-concept of freedom is also different from the opportunity-concept in another aspect: whereas the latter is a triadic relation between agents, obstacles and objectives, the former is “a *monadic* property of agents,” according to which “a free agent is one who possesses the appropriate personality – is self-realized, self-actualized, in a stage of harmony, rational, autonomous in any one of a number of senses of these notions,” to the effect that “[to] be free just is a matter of having a certain kind of character, having certain kinds of desires, and so forth,” regardless of whether there are “some assignable obstacles from which the person is free” (Swanton 1992: ix, emphasis added). I find this monadic characterization obviously mistaken, and mistaken for similar reasons why Berlin’s reply to MacCallum, discussed in the previous section, failed. In any case, this issue is peripheral to the main arguments of this essay.

different place. That is, we should, on the one hand, understand “doctrines of positive freedom” as “concerned with a view of freedom which involves essentially the exercising of control over one’s life,” according to which “one is free only to the extent that one has effectively determined oneself and the shape of one’s life,” and, on the other hand, take “negative theories” of freedom to be relying “simply on an opportunity-concept, where being free in a matter of what we can do, of what it is open to us to do, whether or not we do anything to exercise these options” (Taylor 1979: 177).

There have been at least two kinds of objection to this revisionist approach to the dichotomy. The first is that construing freedom in exercise-terms is a disingenuous conceptual manipulation. Berlin, for example, repudiated “the identification of freedom with activity as such” as “yet another misconception,” and insisted that freedom “is opportunity for action, rather than action itself” (I 34-35). This equivalence holds, he claimed, not only for what he meant by “negative” freedom, but for “positive” freedom as well:

The essence of the notion of liberty, in *both* the ‘positive’ *and* the ‘negative’ senses, is the *holding off* of something or someone – of others who trespass on my field or assert their authority over me, or of obsessions, fears, neuroses, irrational forces – intruders and despots of one kind or another. (TCL 204, emphases added)

In line with this definition, the very idea of an exercise-concept of freedom would be as self-contradictory and meaningless as that of, say, a square-concept of circle.

Defenders of the exercise-concept have, of course, dismissed Berlin's repudiation as merely reflecting the prejudice and insensitivity on the part of "negative theorists," under which he has often been categorized.<sup>6</sup> For, in the eyes of Taylor and like-minded theorists, there is at least one historically salient conception of freedom, namely, freedom as self-realization, which cannot be properly understood without resorting to the exercise-concept. According to this self-realization view, one is (truly) free only when she has *actually* realized her "higher self," is deliberating and acting in accordance with moral principles or norms of practical rationality, embodies some state of being reflective of a virtuous life, and so on.<sup>7</sup> Merely having the opportunity to self-realization, by contrast, does not make her (truly) free.

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<sup>6</sup> Such categorization is, in my opinion, uncharitably over-simplified; for it fails to take seriously important nuances in Berlin's thought. I will return to this issue later.

<sup>7</sup> For example, Jon Elster has once defended a revisionist Marxist "conception of the good life as one of active self-realization," where self-realization is defined as "the [not] full [but] free actualization and externalization of the powers and the abilities of the individual" (Elster 1986: 97, 101). According to this definition, both the *actualization* of one's powers and abilities, on the one hand, and the *freedom* of such actualization, on the other hand, are components of self-realization (cf. Elster [1986: 101]: "*Ex ante* the individual should be free to choose which of his many powers and abilities to develop"; "the choice of a vehicle of self-realization must be freely made by the individual"), which suggests that, in Elster's own view, self-realization is a

Given the fact – which Berlin acknowledged – that the above view has been endorsed or at least entertained by many important thinkers throughout history, renouncing the exercise-concept as “yet another misconception,” as Berlin did, is *prima facie* an unjustifiable deployment of definitional fiat. Granted, negative theorists might offer one reason or another for “declaring all self-realisation views to be metaphysical hogwash” (Taylor 1979: 179). But theorists of self-realization also may argue, and have argued, for the superiority of their views over negative conceptions of freedom. And more importantly, this dispute operates at the *normative* level, not at the *conceptual* level. In other words, even if negative theorists were right that the conception of freedom as self-realization is morally and politically detestable, it by no means follows that its underlying exercise-concept is not a distinct *concept* of freedom *vis-à-vis* the opportunity-concept.

This is, however, where the second line of argument against the exercise-concept approach comes in. Here the concern is that, leaving the normative dispute aside, it is dubious whether an *exercise-concept* of freedom, distinct from and irreducible to the opportunity-concept, is at all possible.

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higher ideal than freedom and therefore *cannot* itself be identified with the latter, as exercise-concept theorists of freedom would have it.

Eric Nelson, for example, has argued that the “putatively ‘positive’ claims about freedom are actually claims about the absence of constraint” (Nelson 2005: 65), and that, as a consequence, the ostensible disparity between the so-called “exercise-concept” and the “opportunity-concept” of freedom would disappear once we, having accepted the MacCallumite formula about freedom, adopt a maximally extensive conception of preventing condition *X*, ranging over each and every factor that could dissuade, distract or delay agent *A* from realizing *Y*. If there is nothing that could have made *Y* fall short of being realized, then, Nelson argued, *Y* is *ipso facto* realized. What follows, then, is that all the conceptions of freedom that have historically been formulated in exercise-related terms, including the conception of freedom as self-realization, can be reformulated in opportunity-related terms, and *vice versa*. In other words, the so-called “exercise-concept” of freedom does not, as its defenders have claimed, constitute a conceptually distinct category *vis-à-vis* the “opportunity-concept” of freedom.

In response to Nelson’s reductionist argument against the revisionist dichotomy, John Christman insisted that such reduction fails to take seriously the way in which the exercise-concept of freedom “concerns not only the absence of intrusion (by others or by natural circumstance) but also one’s *effectiveness as an agent*” (Christman 2005: 80, emphasis added). On the contrary, he contended:



A person who faces no internal or external constraints to action may well simply fail to act or she may act randomly or inauthentically. Imagine a person who acts on every impulse that occurs to her, willy-nilly, and without any coherent plan. A defender of a positive conception of freedom would say that she lacked something that is over and above the absence of constraints to her thought and action, namely some quality of her action. (Christman 2005: 84-85)

Christman's above reply, however, clearly missed the point. For the reductionist argument is precisely that the very fact that a person "acts on every impulse that occurs to her, willy-nilly, and without any coherent plan" indicates that there still *are* internal constraints to her action: in this case, her weakness of will, lack of willpower in making choices, incoherence and myopia in planning one's life, and other possible forms of irrationality. The lack of "some quality of her action" is, in other words, itself the result of the presence of certain "constraints to her thought and action," rather than being "over and above" the latter.<sup>8</sup>

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<sup>8</sup> Another way to think about this issue is by asking what constitutes agency. Here Harry Frankfurt's (1971) classical distinction between first-order and second-order desires may be of relevance. According to Frankfurt, the key to being a "person" or an "agent," as opposed to a "wanton," is the capacity to form second-order volitions, that is, second-order desires (desires over desires) that one actually wants to be effective. In other words, this "person" Christman described above "who acts on every impulse that occurs to her, willy-nilly, and without any coherent plan" is in fact a wanton who is devoid of second-order volitions, or perhaps of the capacity to form them. Others have revised Frankfurt's account, for example arguing that "the key to being a person... consists of the imaginative capacity to formulate projects and values," instead of the capacity to form volitions (Johnston 1994: 93). Still, the lack of volitions, the lack of the capacity to form volitions, and the lack of the capacity to formulate projects and values, can all be construed as the presence of certain mental *constraints* on the effective exercise of

Another argument made by Christman was that the implicit syntax of the opportunity-concept consists of the future tense whereas that of the exercise-concept the present tense: the former basically says that “if people are free they *will* do or be” *Y* whereas the latter basically says that “if people are free they *are*” *Y* (Christman 2005: 85, emphases added). And since these two syntactic structures are irreducible to each other, Christman argued, the two corresponding notions of freedom must be *conceptually* distinct.

But again, this problem can be solved by revisiting what count as constraints on opportunity. One way to do so is to include among constraints one’s insufficient learning or experience in moral and practical matters, the solution to which is having more time for internalizing and practicing higher ideals. As a result, a temporal dimension would be introduced into the notion of constraint, thereby closing the ostensible gap between the two “concepts” with respect to the tenses they implicate.

Indeed, we can explain away any failure to realize or exercise an effective and authentic agency by way of broadening the spectrum of internal and external constraints. Consequently, even the idea of freedom as self-realization, the “exercise-concept” *par excellence*, can be reformulated in terms of the opportunity-concept of freedom.

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one’s agency, rather than merely as the (rather mysterious) failure of *exercising* one’s agency despite the removal of all relevant constraints.

Suppose, for example, one claims that while she *has* the opportunity to realize her higher, rational self (because she *is* free from constraints such as political oppression, social and cultural discrimination, financial difficulties, lack of educational resources, and so on), she has not yet achieved self-realization (due either to her weakness of will, or irrationality in other forms, or to her lack of time for learning and practicing higher ideals, or simply lack of moral luck in the face of hard choices) and is therefore *not yet* free in accordance with the exercise-concept.

Such claim, it turns out, can be easily reframed as the following: whereas certain constraints on her opportunity to achieve self-realization and exercise effective agency are absent (such as political oppression, social and cultural discrimination, financial difficulties, lack of educational resources, and so on), other constraints have not yet been eliminated (such as her weakness of will or other forms of irrationality, her lack of time for learning and practicing higher ideals, or her lack of moral luck in the face of hard choices). In other words, she is far from acquiring the opportunity for self-realization, given an extremely broad understanding of the range of constraints. At the end of the day, her failure to realize her higher, rational self by no means proves that she

is unfree in a conceptually distinctive “exercise” sense *vis-à-vis* the “opportunity” sense.<sup>9</sup>

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<sup>9</sup> Before I turn to the next section, I shall briefly address two other closely related distinctions: first, the distinction between “formal” and “substantive” freedom, according to which one is *substantively* free only when she has the resources and capacities to effectively exercise (or enjoy the worth of) her *formally* granted freedom (cf. Carter 2011); and second, the distinction between “external” and “internal” freedom, that is, between the absence (or presence) of *external* constraints (or external enabling factors, called “opportunities”) and that of *internal* constraints (or internal enabling factors, called “abilities”), as I have mentioned in footnote 4 above. To begin with, there are two ways of understanding the formal/substantive distinction of freedom. On the one hand, some might argue that the possession of resources and capacities necessary for the effective exercise of formal freedom (though probably not the possession of all those resources, e.g. money) constitutes one’s *higher, rational self*. If this is the case, then the refutation, in the following section, of the supposed connection between the dichotomy of freedom and the dichotomy of the self applies. On the other hand, some might take the relevant resources and capacities as necessary for the opening up of *genuine opportunities*. If this is the case, then the distinction between formal and substantive freedoms is less about the appeal of the negative/positive dichotomy of freedom than about the search for a more adequate *conception* of opportunity, and such adequateness would probably be a matter of continuum rather than dichotomy. Similar can be said about the external-opportunity/internal-ability distinction of freedom. The question of where to draw the boundary between the self and the outside world either is orthogonal to the conceptualization of freedom, or else must be answered with reference to why some enabling factors, but not others, are morally relevant in thinking about freedom, that is, why a certain conception of freedom (and of its morally relevant enabling factors) is more justified than its rival conceptions. In neither case does it help explain the lasting appeal of the negative/positive dichotomy of freedom. The next section offers a case analysis to show why the dichotomy of freedom cannot be reduced to that of the self.

### *Freedom and the Self: Berlin Misunderstood*

While the putative distinction between the opportunity-concept and the exercise-concept of freedom is unsustainable, it is worth looking further at the shared motivating sentiment behind such endeavor. To be sure, different authors have expressed this sentiment in slightly different terms. Taylor, for example, spoke of the failure of “negative” views of freedom to accommodate “the fact of strong evaluation,” namely, the fact that we as moral persons have second-order desires about desires, discriminating against certain first-order desires as “not just comparatively, but absolutely” bad, and therefore can experience those bad desires as “obstacles to [our] purposes, and hence to [our] freedom, even though they are in a sense unquestionably desires and feelings of [ours]” when we are motivated by them (Taylor 1979: 185-186). Christman, by contrast, preferred to talk about the need for our conception of freedom to measure the “quality of agency,” which he believed is the reason why the exercise-concept of freedom “goes beyond” the opportunity-concept (Christman 2005: 84). But one way or another, what underlies the search for an exercise-concept of freedom is, as Maria Dimova-Cookson succinctly summarized, an “aversion to the possibility of

associating morally or rationally deficient choices with freedom” (Dimova-Cookson 2013: 75).

The exercise-concept theorists’ sentiment is echoed by many who have taken a different approach to dichotomizing freedom. Accepting the construal of freedom as a single *concept* with a triadic structure, they argue that *conceptions* of freedom relevantly fall into two contrasting categories in accordance with the ranges those conceptions assign to the term variables in the MacCallumite schema, especially to *A*, the agent, and/or *X*, the preventing condition. Along this line, some have understood the contrast between negative and positive freedom as a contrast between, in Berlin’s words, the freedom of one’s “‘empirical or ‘heteronomous’ self” and that of one’s “‘real’, or ‘ideal,’ or ‘autonomous’ self” (*TCL* 179). Others have chosen to avoid using the metaphysically loaded notion of the self,<sup>10</sup> and to highlight, as Nancy Hirschmann did, the related conception of “internal and external barriers to liberty” as central to the negative/positive dichotomy, with the characterization that “[n]egative liberty

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<sup>10</sup> Some exercise-concept theorists are concerned with this too. Taylor, for example, tried to argue that the idea that “[y]ou are not free if you are motivated, through fear, inauthentically internalised standards, or false consciousness, to thwart your self-realisation” can be dissociated from the talk of “your own true self,” and therefore that it is “mislead[ing]” to “think that exercise-concepts of freedom are tied to some particular metaphysic, in particular that of a higher and lower self” (Taylor 1979: 180).

emphasizes the role of external barriers, while positive liberty highlights the internal” (Hirschmann 2003: 16).

The popularity of such characterizations has led many to believe that this understanding of the negative/positive dichotomy was held by Berlin himself as well – after all, it was his lecture that had brought this dichotomy into the center of the contemporary debate on freedom. Thus Dimova-Cookson interpreted what Berlin had done in his lecture as distinguishing between the two concepts of freedom “in the context of personal metaphysics,” where negative freedom stresses “our desires to pursue our choices” while positive freedom “reflects our urge to liberate our moral and rational potential” (Dimova-Cookson 2013: 75-76). Similarly, Hirschmann contended that the “two concepts of liberty, as [Berlin] articulates them, reflect two different – though perhaps equally problematic – conceptions of a person: one as innately separate, individualistic, unconnected, rights oriented, even antagonistic; the other innately connected, communitarian, even selfless, concerned with responsibility” (Hirschmann 2003: 16).

This interpretation is not accurate, however. Even though Berlin, probably out of some subliminal polemical considerations, did not always make this point as clear as

possible,<sup>11</sup> he was in fact firmly against the idea that the negative/positive dichotomy of freedom could simply be understood in terms of the difference between their underlying conceptions of the self. For, on the one hand, Berlin allowed that positive freedom “in its original sense” need not take the “autonomous” or “true” self, *vis-à-vis* the “heteronomous” or “empirical” self, to be its agent (*TCL* 178-179; cf. *I* 39); on the other hand, he stressed that the “magical transformation” by the doctrines of fissured selves “can no doubt be perpetrated just as easily with the ‘negative’ concept of freedom” (*TCL* 181; cf. *I* 37). In a nutshell, the distinction between the “negative” sense of freedom and its “positive” counterpart must, according to Berlin, be kept separate from the distinction between “innocent” and “distorted” (or “twisted”) conceptions of freedom (*I* 39), or more generally, from the distinction between conceptions of freedom that entail different “views of what constitutes a self, a person, a man” (*TCL* 181).

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<sup>11</sup> Indeed, his overdosed rhetoric often tempted readers of “Two Concepts of Liberty” to assume that *only* positive freedom is liable to metaphysical distortion. For example, when he introduced the notions of “rational self” and “spiritual slavery,” he presented them as “the independent momentum which the [...] metaphor of self-mastery acquired” (*TCL* 179). Berlin later complained that “I do not know why I should have been held to doubt” that positive freedom, in its original sense, “is a valid universal goal” (*I* 39). But surely he himself had much to be blamed for creating this confusion in understanding. In this regard, his criticism of T. H. Green – “words are important, and a writer’s opinions and purposes are not sufficient to render the use of a misleading terminology harmless either in theory or in practice” (*I* 42, n.) – was well applicable to himself.



Here one might wonder if, for the sake of making sense of the negative/positive dichotomy, Berlin's own opinion matters anyway. Couldn't we simply disregard what Berlin had said, and draw the line between two senses of freedom solely on the basis of their conceptions of the self and/or its constraints? The answer, I argue, is that Berlin had offered good reasons to think that this strategy would not work. To illustrate, let us first look at another prevalent misinterpretation of Berlin, with regard to his account of self-abnegation and its place in the negative and positive genealogies of freedom.

Most readers of "Two Concepts of Liberty" tend to regard (or to think Berlin regarded) self-abnegation not *possibly* as a twisted version of negative freedom, but *only* as another twisted version of positive freedom, along with self-realization. Indeed, it is quite typical for Berlin's readers to come to the conclusion that he argued that "[t]wo major forms, namely, self-abnegation and self-realisation, historically typify positive freedom" (Mills 2011: 51).<sup>12</sup> This is, however, a serious misreading of Berlin's genealogical analyses.

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<sup>12</sup> A few more examples to show how widespread this reading is: "In order to outline the phenomenology of positive freedom, Berlin tells us two stories. One of them is the story of self-abnegation and the other, the story of self-realisation" (Dimova-Cookson 2013: 76); "Berlin argues that the notion of positive liberty has historically assumed two distinct forms, the point of the first being self-abnegation (or what he calls the 'return to the inner citadel'), and of the second self-realization" (Kristjánsson 1996: 94); "The other kind of freedom, the positive kind ... can take two forms, a drive towards self-abnegation, which Berlin ascribed to the Stoics,

Admittedly, Berlin himself must be blamed for much of this confusion, as there were many passages in the text of his lecture that seemed to suggest an affinity between self-abnegation and positive freedom *vis-à-vis* negative freedom.<sup>13</sup> For example, he claimed that self-abnegation and self-realization are “the two major forms which the desire to be self-directed – directed by one’s ‘true’ self – has historically taken” (*TCL* 181), while throughout the text the term “self-direction” (and related terms such as “self-directed” and “self-directive”) was employed only when he was talking about positive freedom (cf. *TCL* 178; 190; 193; 212). In addition, statements such as that “the creed of the solitary thinker ... enters into the tradition of liberal individualism at least as deeply as the ‘negative’ concept of freedom” (*TCL* 185), and that “[t]hose who are wedded to the ‘negative’ concept of freedom may perhaps be forgiven if they think that self-abnegation is not the only method of overcoming obstacles; that it is also possible to do so by removing them” (*TCL* 187), also seemed to suggest that self-abnegation and negative freedom are squarely antithetical to each other, rather than may belong to the same lineage of conceptual metamorphosis.

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and in particular to the Stoic Epictetus, and a drive for self-realization” (Sorabji 2012: 56); and so on.

<sup>13</sup> See footnote 11 above.

Nevertheless, both the texts and the inner logic of Berlin's genealogical analyses affirm that what unifies self-abnegation and self-realization is not that they both follow from choosing the positive sense of freedom over its negative counterpart, but that they are both the "consequences of distinguishing between two selves" (*TCL* 181). To begin with, at the end of the section on "The Retreat to the Inner Citadel," closing preceding discussions on self-abnegation and anticipating his analyses of self-realization, Berlin signaled that, in doing so, he was about to take on those who "reject the 'negative' concept of [freedom] in favour of its 'positive' counterpart," and to scrutinize "upon what metaphysical foundation [their view] rests" (*TCL* 187).

More importantly, the relation between self-abnegation and a deficient variant of negative freedom had been implicit in his criticism of Mill's definition of freedom (cf. *TCL* 186), and was later explicitly acknowledged in his "Introduction" to *Four Essays on Liberty*, where Berlin admitted that the definition of negative freedom, in the original version of "Two Concepts of Liberty," as the "absence of obstacles to the fulfillment of a man's desire," or as the "absence of frustration" for short, would not do (*I* 30, 32). This is so because, if defined in this way, freedom "may be obtained by killing desires" (*I* 32), which means that a despot could claim to have granted *negative* freedom to his

subjects by way of preemptively “conditioning them into losing” whatever desires and preferences that he has “decided not to satisfy” (*I* 31).

To be sure, those subjects could also proactively “retreat to the inner citadel,” that is, abnegate themselves, in order to claim acquisition of inner freedom and spiritual liberation in the face of political oppression (*I* 31-32, *TCL* 181-187). But the point is that self-abnegation – the Stoic elimination of unruly desires and the subsequent internalization of indifferent submission to political despotism – is compatible with *both* negative *and* positive ways of conceptualizing freedom, even if the “negative” sense of freedom is understood to be always associated with “empirical” conceptions of the self. For self-abnegation could result both from internal direction by the “higher” self, and from external disciplining and manipulation, which is allowed by the seemingly innocuous “empirical” definition of the self as a bundle of *actual* desires waiting to be fulfilled.<sup>14</sup>

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<sup>14</sup> It has been argued that we should distinguish *deliberate* “character planning” (of which self-abnegation in the Stoic sense is an example), on the one hand, from “adaptive preference formation” through *non-conscious* causal processes, on the other hand. For the two “have very different consequences for freedom”: whereas the latter results in the “moral self-poisoning” of the mind and compromises one’s self-mastery, the former does not (Elster 1983: 119). I doubt that their consequences for freedom are as different as Elster thought; but even if they are, it does not affect what I have argued so far, which is that those supposed consequences for freedom are unaffected by whether freedom is understood “negatively” or “positively.”

The above clarification on the affinity of self-abnegation with the “negative” sense of freedom<sup>15</sup> sheds light on why it is problematic to maintain the negative/positive dichotomy of freedom by drawing the line either between “empirical” (“lower,” “heteronomous,” etc.) and “noumenal” (“higher,” “autonomous,” etc.) conceptions of the self, or between “individualistic” and “communitarian” personhood, or between “external” and “internal” barriers, or the like. The answer is that those dichotomies are often, if not always, conceptually simplistic and normatively unhelpful. As the example of self-abnegation suggests, a conception of freedom that ostensibly is on one side of any of those divisions may turn out to be indistinguishable from one belonging to the opposite category. And they also obliterate the important fact that internal and external barriers to freedom are sometimes intertwined and inseparable, as in the case of, say, prevalent false consciousness sustained and reinforced by, and at the same time sustaining and reinforcing, a deep-rooted social and cultural structure. Addressing these

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<sup>15</sup> By the same token, it seems that self-realization is not exclusively affiliated with positive freedom either. As Berlin later admitted: “If it is maintained that the identification of the value of liberty with the value of a field of free choice amounts to a doctrine of self-realisation, whether for good or evil ends, and that this is closer to positive than to negative liberty, I shall offer no great objection” (*I* 53).

problems requires us to look at the contents of specific conceptions of freedom, not at the negative/positive dichotomy *per se*, the point of which is, as I will argue, different.<sup>16</sup>

Thus, while Dimova-Cookson, in my opinion, rightly claimed that “Berlin’s distinction between positive and negative freedom is conceptually justified and normatively significant,” she was wrong in concluding that it is so because his multifaceted distinction managed to reveal the complexities of “personal metaphysics,” and because his dual conceptualization of freedom preserved the tension between “look[ing] after our unforced and uncensored choice,” on the one hand, and “tak[ing] commitment to moral action,” on the other hand, in the context of personal metaphysics

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<sup>16</sup> For value pluralists like Berlin, there is one more reason to insist that the difference between the two concepts of freedom not be reduced to the difference between “genuine” and “perverted” conceptions of the self, whether or not it is understood as the distinction between the phenomenal and the noumenal. For any such reduction would be antithetical to the recognition that there are more than one kind of freedom that is genuinely valuable. Had positive conceptions of freedom by definition presupposed a “perverted” notion of the self, it would have been impossible to count them as instantiating ultimate values that are as genuine as those instantiated by negative conceptions of freedom, which supposedly presupposed a “genuine” notion of the self. As a consequence, there would have been no genuine moral conflict between those two kinds of freedom, and we would have experienced no tragic loss when choosing between them. But this is precisely against what Berlin wanted to emphasize, which was that negative and positive freedoms, at least in their “original” or “undistorted” senses, are both genuine, basic human values, which are incommensurable yet bound to conflict with each other in practice. To be sure, one might question Berlin’s assumption that the idea of a higher, rational self is a perverted doctrine and would necessarily lead to the distortion of a conception of freedom. But this is a different question from whether a dichotomy of conceptions of freedom can be sustained on the basis of their underlying conceptions of the self.

(Dimova-Cookson 2013: 84). Rather, the conceptual justifiability and the normative significance of Berlin's distinction lie somewhere else.

### ***Historical Bifurcation and the Republican Alternative***

Given that the conceptual distinction between “empirical” and “noumenal” selves, or that between “external” and “internal” barriers, is unhelpful in grounding the negative/positive dichotomy of freedom, some might wonder whether the search for a *purely* conceptual ground for such dichotomy is itself misdirected. Could it be the case that the bifurcation between two senses of freedom can be understood only if we take into account, say, historical and genealogical facts about the concept?

The idea that there had been a historical bifurcation of the conceptions of freedom dates back at least to Benjamin Constant's famous differentiation between “the liberty of the ancients” and “the liberty of the moderns” (Constant 1988). In his capacity as a historian of ideas, Berlin provided a similar yet distinct account of the genesis of the negative/positive dichotomy.<sup>17</sup> Acknowledging that there are “more than two hundred senses of [the word ‘freedom’] recorded by historians of ideas,” Berlin contended that

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<sup>17</sup> Cherniss (2013: 212-213) recounted how the influence of Constant's writing on Berlin's thought increased over time and became manifest in “Two Concepts of Liberty” and afterwards.

only two of them are the most “central ones, with a great deal of human history behind them, and... still to come” (*TCL* 168-169). Moreover, these two senses of freedom, designated “negative” and “positive” respectively, originally stemmed from two historically prominent ways of framing, and thinking about, the question of freedom:

the ‘negative’ sense [of freedom or liberty] is involved in the answer to the question ‘What is the area within which the subject – a person or group of persons – is or should be left to do or be what he is able to do or be, without interference *by other persons?*’ The second, which I shall call the ‘positive’ sense, is involved in the answer to the question ‘What, or who, is the *source of control or interference* that can determine someone to do, or be, this rather than that?’ The two questions are clearly different, even though the answers to them may overlap. (*TCL* 169, emphases added)

Identifying “not being prevented from choosing as I do by other men” and “being one’s own master” as original answers to the two questions respectively, Berlin acknowledged that they “may, on the face of it, seem concepts at no great logical distance from each other – no more than negative and positive ways of saying much the same thing” (*TCL* 178). Nevertheless, he claimed, the two questions/answers had historically developed in opposite directions with dire practical consequences.

Crucial to Berlin’s account here is how these two supposedly historically salient questions differ in the ways in which they highlight, and implicitly confine, respective term variables in the MacCallumite formula of the concept of freedom. On the one hand,



in speaking of an area of choices free from “interference by other persons,” the first question significantly narrows the range of preventing condition *X*. On the other hand, the second question directs our attention to “the source of control or interference,” that is, to the identity of agent *A*. As a result of those framing effects, the *cluster* of answers to the first question *tends to* focus more on externally imposed coercions and interventions, whereas the *cluster* of answers to the second question is *generally* more receptive to varied notions of the self, and “has in fact, and as a matter of history, of doctrine and of practice, lent itself more easily to this splitting of personality into two” (*TCL* 181).

This difference in what might be called their *ethos* between the two clusters of answers does not, admitted Berlin, mean that the notion of self-mastery is predestined to philosophical and political distortion. Nor does it mean that the “original meaning” of negative freedom is immune from such perversion (*I* 39). For quite to the contrary, as we have seen, defining (negative) freedom as the absence of interference with actual, rather than possible, choices and activities would open up the room for self-abnegation. Notwithstanding, such difference in ethos would, it seems, still allow Berlin to claim at least that, as a matter of historical fact, the negative and positive senses of freedom

constitute “not two different interpretations of a single concept, but two profoundly divergent and irreconcilable attitudes to the ends of life” (*TCL* 212).

According to the historical account, in a nutshell, while it would be futile to uphold the negative/positive dichotomy of freedom on a purely conceptual ground, it could nonetheless be rationalized in terms of certain family resemblances that have their reason in historical origins and developments. These developments singled out two particular clusters of conceptions of freedom, *vis-à-vis* infinitely many other variants, which could be constructed out of the basic MacCallum schematization in accordance with different values assigned to *A*, *X* and *Y*. Whereas not every such logically possible construct has political or normative salience and deserves to be taken seriously, the “negative” and “positive” clusters of conceptions of freedom, insofar as they are answers to the two historically salient (and, Berlin might think, rather intuitive) questions about freedom, have acquired such invaluable salience.

Critics, however, have disputed both the historical accuracy and the normative implication of Berlin’s bifurcation narrative. For example, contemporary “neo-Roman” republican theorists, such as Quentin Skinner (e.g. 1986) and Philip Pettit (e.g. 1997; 2011),<sup>18</sup> have argued that Berlin’s narrative neglected a third, radically different way of

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<sup>18</sup> Despite the “neo-Roman” theorists’ self-proclaimed republican heritage and distancing themselves from the liberal tradition, many have argued that, in contrast to “neo-Athenian”

understanding freedom that is both historically salient and philosophically valid.<sup>19</sup> Historically, it is argued, it was the conception of freedom as non-domination,<sup>20</sup> rather than non-interference or self-mastery, that classic authors such as Cicero shared with a variety of modern theorists from Machiavelli, Harrington, and Locke, to Rousseau, Kant, Mill, and Marx; it underlies both the Roman law tradition crystallized in the *Corpus Juris Civilis*, and feminism, environmentalism, and many other contemporary social movements. The historical account for the negative/positive dichotomy, in other words, seems to rest on a faulty factual assumption, introduced from the start through Berlin's very framing of the questions about freedom.

To be sure, the republican historiography of freedom has itself been contested (e.g. Kalyvas & Katznelson, 2008), which is a huge debate I cannot adjudicate in this essay.

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republicanism advocated by Michael Sandel (1996), "neo-Roman" republicanism, especially Pettit's normative reconstruction of it, is in fact built on distinctly liberal premises and must be seen as a variant of the broader liberal tradition (cf. Larmore 2001). In any case, this debate on the relations between republicanism and liberalism is not relevant to this issue discussed in this essay, and I will leave it aside.

<sup>19</sup> See, for example, Philip Pettit (1997: 51): "a distinctively republican conception... fits on neither side of the now established negative-positive dichotomy. This conception is negative to the extent that it requires the absence of domination by others, not necessarily the presence of self-mastery, whatever that is thought to involve. The conception is positive to the extent that, at least in one respect, it needs something more than the absence of interference; it requires security against interference, in particular against interference on an arbitrary basis."

<sup>20</sup> Or similar notions, such as non-subjection (cf. Urbinati 2002).

But in any case, the more significant criticism the republican theorists raise against Berlin's historical account of the dichotomy is a conceptual and normative one. The argument is that, regardless of its historical status, the notion of freedom as non-domination is, on the one hand, conceptually distinct from both the "negative" and the "positive" senses of freedom as Berlin construed them, and on the other hand, normative appealing, if not *more* appealing than the other two. It can neither be subsumed by the Berlinian dichotomy, nor be ignored as one of the infinitely many trivial variants of the MacCallumite formula. As a consequence, the dichotomy has to be either abandoned in favor of a trichotomization of politically relevant conceptions of freedom, or worse, sublated altogether by the supposedly more appealing conception of freedom as non-domination.

Pettit has developed this argument in its most systematic form. Whereas Berlin talked about interference and domination indistinguishably,<sup>21</sup> Pettit argued that at least two normatively significant differences between them follow from his definition of domination, according to which *A* dominates *B* insofar as *A* has the "capacity to

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<sup>21</sup> For example: "The fundamental sense of freedom is freedom from chains, from imprisonment, from enslavement by others. The rest is extension of this sense, or else metaphor. To strive to be free is to seek to remove obstacles; to struggle for personal freedom is to seek to curb interference, exploitation, enslavement by men whose ends are theirs, not one's own. Freedom, at least in its political sense, is coterminous with the absence of bullying or domination" (I 48).

interfere on an arbitrary basis in certain choices” *B* could make (Pettit 1997: 52). On the one hand, domination can obtain even when *A* is not *actually* interfering with *B*, as long as *A* has the *capacity* to do so arbitrarily. Consequently, whereas freedom as non-interference is compatible with “some kinds of autocracy,” insofar as rulers do not proactively intrude into certain domains of private choices (*TCL* 176), this is not the case with freedom as non-domination, which leaves room for criticizing such regime on the basis of the rulers’ unconstrained power of interference.

On the other hand, *A* does not dominate *B* merely because *A* has the capacity to interfere with *B*’s choice. Instead, it must be the case the *A* has to capacity to *arbitrarily* interfere, that is, to interfere at *A*’s pleasure “without reference to” *B*’s own “interest” or “opinion” (Pettit 1997: 55). Consequently, whereas those who embrace the conception of freedom as non-interference, such as Hobbes, Bentham and Berlin, have to concede that “[e]very law seems... to curtail some liberty, although it may be a means to increasing another” (*I* 41, n. 1), champions of non-domination see no conflict between freedom and the law, so long as it is enacted in accordance with the interests, or the opinions, of its subjects.

This also hints at an important way in which it might be argued that non-domination transcends Berlin’s sharp distinction between the “negative” cluster of

conceptions centered around non-interference and the “positive” cluster of conceptions centered around self-mastery, despite Pettit’s disclaimer that non-domination does not require “the presence of self-mastery, *whatever that is thought to involve*” (Pettit 1997: 51, emphasis added). To begin with, as Pettit’s remark suggests, what Berlin meant by “self-mastery,” which he took to be the “original,” “undistorted” form of positive freedom, was ambiguous.<sup>22</sup> Nonetheless, later when pressured, Berlin came close to admit that the conception of “positive” freedom as self-mastery, when not subject to “perversion” of the notion, is equivalent to that of “democratic self-government” (I 39). Indeed, according to him, the two fundamental instantiations of the belief that “to be free to choose, and not to be chosen for, is an inalienable ingredient in what makes human beings human” include, on the one hand, the “negative” demand for an area of non-interference, and on the other hand, “the *positive* demand to have a voice in the laws and practices of the society in which one lives” (I 52, emphasis added).

Acknowledging that both “negative” freedom in the sense of non-interference and “positive” freedom in the sense of democratic self-government are “ultimate value[s]” that should “be classed among the deepest interests of mankind,” Berlin nonetheless insisted that the two values are in fundamental conflict with each other and “cannot both

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<sup>22</sup> But see, for example, *TCL* 177.

be fully satisfied” (TCL 212). By contrast, non-domination seems to have a greater degree of compatibility with the ideal of democratic self-government, or self-mastery for that matter, than non-interference does. For if, as republicans argue, domination consists only in the capacity to interfere arbitrarily, and if interference is arbitrary only when it is done without reference to the interests or opinions of the affected, then the fact that democratic procedures of decision-making, by definition, take into account the constituents’ *opinions* would mean that those decisions do not, as such, undermine the latter’s freedom from domination.<sup>23</sup>

In other words, according to this line of thought, non-domination is not just another value in competition with the claim of non-interference and that of self-mastery as

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<sup>23</sup> Some might also argue that democratic procedures not only take into account the constituents’ opinions, but are also more reliable than any other decision-making mechanism in advancing the constituents’ *interests*. This is related to the debate surrounding the so-called “epistemic” conception of democracy, which is a huge literature I cannot engage in this essay. But in any case, apart from the usual critique of this conception, the argument from epistemic democracy does not make an appealing case for the claim that democratic procedures are non-dominating by nature. For it is characteristic of modern, pluralistic societies that citizens generally disagree on matters of moral and political significance, including on their interpretations of the public interest as well as their legitimate private interests. As a result, some of them would necessarily regard certain interferences enacted through genuinely democratic procedures as failing to taking into account their (and possibly the larger public’s) interests, and therefore as dominating. In fact, this is also one of the reasons why Pettit is cautious in evoking the instrumentalist justification for democracy (cf. Pettit 1997: 61-63).

realized in democratic self-government. Rather, it sublates both claims and nullifies the related dichotomy between negative and positive freedom.

### ***Value Pluralism and the Modes of Freedom***

Upon closer scrutiny, however, this supposed sublation of negative and positive freedoms by non-domination evaporates. To begin with, consider the republican claim that freedom as non-domination is compatible with democratic self-government in a way freedom as non-interference is not. As is shown above, the underlying thought is that an act of interference is non-arbitrary to the extent that it refers to the opinions or interests of those interfered, and that interferences enacted through a certain democratic procedure, to the extent that the latter refers to the opinions of the constituents, do not rest on arbitrary bases and therefore cannot be regarded as dominating.

But what about those whose opinions have been defeated or simply disregarded during the process of democratic decision-making? In which sense do interferences enacted through the democratic procedure refer to their opinions? One might respond that democratic procedures, *by definition*, are procedures that take into account every participant's opinion, for they are consensual procedures that grant everyone equal



formal opportunities to influence policy outcomes through voice or vote. Democratic self-government, in other words, is non-arbitrary with respect to opinions, and hence non-dominating even for those whose opinions lose, by virtue of its very procedural legitimacy.

One problem with this response, however, is that it suggests we abandon the intuition that democratically enacted policies might sometimes wrongly restrict the subjects' freedoms. For if freedom consists solely in one's not being dominated, and if non-domination is guaranteed by the purely procedural reference to one's opinion, regardless of the substantive divergence between her opinion and the interference enacted, then insofar as its enactment satisfies purely procedural requirements one has no ground to complain that the interference enacted violates her *freedom*, which is now – presumably correctly – understood as non-domination. But this idea is not only counterintuitive but also dangerously complacent, as it makes it impossible to appraise democratic decisions in terms of their effect on the subjects' freedom, neutralizing a powerful conceptual tool criticizing and preventing missteps of the democratic majority.

Pettit was aware of this problem with the purely proceduralist argument for democracy's being non-dominating. The non-arbitrariness of democratic decisions does not, he argued, follow from their "having originated or emerged according to some

consensual process,” but instead from their “being such that if they conflict with the perceived interests and ideas of the citizens, then the citizens can effectively contest them.” According to this alternative view, what makes democratically enacted interferences non-dominating is not their procedural legitimacy but “their modal or counterfactual responsiveness to the possibility of contestation” (Pettit 1997: 185).

But the contestability argument might lead to some other undesirable consequences. For, in order for a democratic decision to claim *counterfactual* responsiveness to the possibility of contestation, it seems that at least it has to be responsive to *actual* contestation. This, moreover, implies that whenever there are citizens who keep dissenting and contesting a democratically enacted interference, the latter is non-dominating only if it is actually responsive to their dissent and contestation, and therefore cannot claim itself to be binding or authoritative over these citizens. On the other hand, however, in order for democratic procedures to function as effective mechanisms of decision-making, it seems that their decisions must enjoy certain kind of bindingness or authority, even if disputes may remain over whether some legitimate interest was unjustifiably abridged. Under the contestability view, in other words, the non-domination of democratically enacted interferences over those who contest them

could be guaranteed only at the cost of democratic authority, which, it seems, is a too great a cost to afford.<sup>24</sup>

In a nutshell, while the dichotomy between negative freedom as non-interference and positive freedom as democratic self-government cannot be grounded solely on the basis of the historical fact of bifurcation, the republican attempt to replace this dichotomy with a supposedly unifying account of freedom as non-domination fails to take hold either. On the contrary, the negative/positive dichotomy of freedom persists in spite of conceptual maneuver, and suggests the existence of an ineradicable tension between two fundamental claims that are both genuinely freedom-based.

The ostensible ineradicability of such tensions, and as a result the persistent appeal of the negative/positive dichotomy of freedom, can be plausibly explained, I believe, only in terms of value pluralism. Roughly speaking, value pluralism claims that there are a plurality of genuine, objective values that are incommensurable, and that clashes among those values, or among their respective instantiations in practical contexts, are, in principle, unavoidable. Berlin himself was famous for being an early espouser of

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<sup>24</sup> For a similar but more detailed argument against the contestability view of democratic non-domination, see Vinx (2010).

such view. Nonetheless, his account of value pluralism was underdeveloped,<sup>25</sup> and there have been various versions of refinement and defense in recent decades.<sup>26</sup> In this essay I will not go into the details of my own version of value pluralism, which are developed in the other two essays. Instead, I will presume that it is a plausible view<sup>27</sup> and sketch how it would buttress the negative/positive dichotomy of freedom.

To begin with, recall that, as I have argued in the second and third sections above, various attempts to defend a distinct *concept* of freedom as an end-state in which one *necessarily* acts morally and rationally, *vis-à-vis* that of freedom as the presence of opportunities to choose in accordance with one's certain desires and judgments that may

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<sup>25</sup> Janos Kis (2013) succinctly summarized the ambiguities within Berlin's own understanding of value pluralism. In the next essay I will provide a more coherent view of value pluralism and its core ideas.

<sup>26</sup> To name a few: Bernard Williams (2005; cf. Berlin & Williams 1994), Joseph Raz (1986; 2013), Ruth Chang (2002; 2013), George Crowder (2002; 2004), William Galston (1999; 2002; 2005), and so on. I discuss some of these versions of value pluralism in the other two essays.

<sup>27</sup> Saying that a version of value pluralism is plausible is weaker than saying that it is necessarily the correct meta-ethical view. In fact, one might doubt that the meta-ethical warfare between value pluralism and its rival theories, or between different versions of value pluralism, could ever be settled. For example, William Galston, an advocate of Berlinian value pluralism, admitted that he was not sure whether "pluralists will ever be able to show that monists 'cannot' be right, or vice versa" (Galston 2005: 16). But this does not prevent us from arguing that certain meta-ethical view can be plausibly, or persuasively, elaborated, and that persuasive elaboration is what is needed for embracing a philosophical stance in any case. See, for example, Gary Gutting (2009) on the idea of persuasive elaboration.

or may not be deficient, fail to take hold. Value pluralists are not surprised by this. For according to value pluralism, freedom is just one of the many equally genuine yet incommensurable values. A free choice does not necessarily lead to the realization of any other value; instead, it might well lead to the realization of certain disvalue, and consequently implies a conflict between freedom as a value, on the one hand, and the corresponding value of the realized disvalue, on the other hand. The value of freedom, according to this view, is instantiated not in the substantive content of a particular choice that is freely made, but in the way in which the choice is made. Put another way, freedom has a distinct mode of instantiation *vis-à-vis* other values.<sup>28</sup>

Not only can freedom's special mode of instantiation explain its potential conflict with the realization of other values, but it also bears on the question of why there ostensibly is an ineradicable tension between two senses of freedom, the dichotomy between which cannot be eliminated by the introduction of a presumably synthesizing conception, such as that of freedom as non-domination. The genesis of such tension begins with the truism that choices and actions have externalities, at least when a multitude of moral persons cohabit the world. To function, a society needs rules and

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<sup>28</sup> This is not to say that other values' modes of instantiation are all the same. Rather, I tend to think that different values have their own, distinct modes. But I will leave this issue to another occasion.

procedures in order to draw the boundaries of permissible choices and actions by each member of the society, and therefore to regulate the externalities of those choices and actions. Since, as a member of the society, one's range of permissible choices and actions, on the one hand, and the impact on her choosing and acting by the externalities of other members' permissible choices and actions, on the other hand, are both determined by those rules and procedures, it follows that, in addition to a freedom-based interest in determining for herself how to choose and act in her own life, she also has a freedom-based interest in playing a role in determining those rules and procedures, namely, in determining where to draw the boundaries and how to neutralize the externalities.

In other words, the fact that one lives not in isolation but in a society implies that her freedom is instantiated necessarily in two modes. On the one hand, her freedom is instantiated in her access to a relatively extensive range of permissible choices and actions, so as to effectively give shape to her life in light of her own judgment. On the other hand, her freedom is also instantiated in her access to participation in the public determination and demarcation of such sphere, namely, her right to democratic self-government. The fact that freedom is instantiated necessarily in two modes is what ultimately grounds the dichotomization between "negative" and "positive" senses of

freedom. In fact, Berlin sometimes came close to this conclusion, as, for example, when he wrote the following:

[The idea] that to be free to choose, and not to be chosen for ... underlies both the positive demand to have a voice in the laws and practices of the society in which one lives, and to be accorded an area, artificially carved out, if need be, in which one is one's own master, a 'negative' area in which a man is not obliged to account for his activities to any man so far as this is compatible with the existence of organised society. (*I* 52)

The negative/positive dichotomy of freedom, in other words, is the reflection of a tension within the value of freedom itself, due to its necessarily having two modes of instantiation given the fact that we live with one another rather than in isolation.

Such tension, in addition, is ineradicable for the same reason why, according to value pluralism, the conflicts between freedom(s) and other values, as well as those among other values, are in principle unavoidable. This is so because both the "negative" freedom instantiated in the access to an extensive sphere of private liberties, on the one hand, and the "positive" freedom instantiated in the access to democratic self-government, on the other hand, make genuine claims that are non-reducible to each other. To make good the claim of democratic self-government requires the democratic decisions have authority over those whose choices and actions are regulated. Yet to recognize the authority of democratic decisions over oneself with regard to certain cases

is to limit one's range of permissible choices and actions in those cases, and to narrow the sphere in which she could determine for herself how to live in accordance with her own judgment. Ultimately, a tradeoff is unavoidable, and any attempt to reconcile these two claims by means of conceptual maneuver would, as the previous analyses of non-domination suggest, either exempt democratic decisions from critical appraisal of their substantive content, or risk diminishing the authority of democratic procedures to the point of indecision.

Finally, according to value pluralism, not only do the two modes of instantiating freedom unavoidably conflict, but their claims are also, in principle, incommensurable with each other. As a consequence, neither claim takes *a priori* precedence over the other, and, more importantly, we *do not know in advance* whether there is any single, principled way to judge their respective weightiness and calibrate the proper balance between them in a given practical context. Many would, of course, object. For example, some believe that when “the authority of democratic decisions is extended” at the cost of one's range of permissible choices and actions in light of her own judgment, the “loss in autonomy almost certainly far outweighs the purported gain” (Viehoff 2014: 350-351). In the following essays I will refute those objections, argue instead that negative



and positive freedoms, as well as other basic values, are indeed incommensurable, and explore the political implications of this conclusion.

## *Essay Two*

### **Value Pluralism and Its Compatibility with Liberalism**

Value pluralism is, to use Isaiah Berlin's definition, the view that there is, for human beings, an irreducible plurality of equally genuine yet mutually incommensurable values<sup>29</sup>, which, when practiced or pursued, are often in conflict with one another. Moreover, since genuine ultimate values are incommensurable, some cases of value conflict may turn out to be irresolvable, as there is no guarantee that rational adjudications can, in principle, be found in those cases. Espoused first by Berlin, value pluralism has since gained a legion of adherents, including, to name a few, Bernard Williams, Martha Nussbaum, Joseph Raz, Ruth Chang, John Gray, and William Galston. As value pluralists, their *summum malum* is monism, the idea that every moral question

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<sup>29</sup> In Berlin's terminology, values include only those that are valued for their own sake (Berlin 2013: 11-12), or what we commonly call "ultimate" or "intrinsic" values but not those that are valued either as means to other ends or as instantiations of other goods, or what we commonly call "derivative" or "instrumental" values (cf. Raz's [1986] differentiation between "ultimate vs. derivative" and "intrinsic vs. instrumental" values). *Genuine* values, according to Berlin, are those which it is warranted, or objectively correct, to regard as (ultimate) values.

has a single true answer that is in principle discoverable, and that once discovered, all the true answers would form a single, coherent whole.

At the same time, most value pluralists are also staunch defenders of liberalism in the broad sense. Take Berlin for example. Not only did he reject monism as resting on “a false a priori view of what the world is like” (Berlin 2002: 43), but he further argued that value pluralism supports liberalism while monism does not. Indeed, he took humans’ propensity of seeking monist utopias to be the main drive behind history towards totalitarianism, the greatest political evil in the 20<sup>th</sup> century. In Berlin’s view, only by accepting value pluralism as constitutive of the human condition can we readily embrace the sacredness of liberal principles and resist the temptation of various utopian fantasies.

Critics have argued, however, that this liberal pluralist stance Berlin represented is incoherent, at the center of which lies an intractable tension between the thesis of value pluralism and a commitment to liberalism. For liberalism presumably entails the priority or superiority of certain value (e.g. freedom), or set of values, over its rival values, or sets of values, and this is quite antithetical to the pluralist claim that all ultimate values are equally genuine and incommensurable. Liberal pluralists like Berlin thus face a dilemma: either they must bite the bullet of value pluralism, abandoning the

universalistic ambition of liberalism as monist and hence as illegitimate, or they have to commit whole-heartedly to liberal values without the pretense of a pluralist worldview. At the end of the day, as a commentator on Berlin neatly summarizes, “a pluralist logically cannot put liberty first” (Ignatieff 1998: 286).

Can the tension between value pluralism and liberal commitment be solved? This essay and the next together argue that it can. In this essay, I will first establish the plausibility of the thesis of value pluralism, by clarifying and elaborating its three key concepts: value objectivity, value incompatibility, and value incommensurability. I will then propose and defend the idea of modal heterogeneity of value instantiation, vis-à-vis that of a valuative hierarchy (which is in tension with value incommensurability). I will argue that different values have different modes of instantiation, that such difference warrants differentiated prioritization of certain values in relevant practical contexts, and that such prioritization does not imply anything about the comparative moral worth of relevant values.

Understood in this way, value pluralism is not only compatible with liberalism, but could also strengthen commitments to the latter by building a new road to its grounding. Indeed, the next essay will compare my account of modal heterogeneity with other

existing strategies for justifying liberal pluralism, and will explore some of its significant political implications.

### *Two Preliminary Remarks*

Before I proceed to the substance of my argument, two methodological remarks are in order. First, when I make the case for the plausibility of value pluralism and for its compatibility with liberalism in this essay, I will use Berlin's characterization of value pluralism both as the starting point and as the main reference point.

To be sure, Berlin's account of value pluralism was sketchy and unelaborated, especially when compared with developments by later pluralists. Moreover, as someone who started his career as a trained analytical philosopher but was quickly disillusioned first with logical empiricism and then with the ordinary language school (cf. Berlin 1999), Berlin never purported to develop a systematic, philosophical theory of how value pluralism justifies, rather than undermines, liberalism. His writings were more about historical, rather than logical, connections between pluralism and liberalism, or between monism and anti-liberalism. Occasionally he did offer more substantive arguments in defense of his position, such as the famous "argument from choice" by the

end of “Two Concepts of Liberty” (Berlin 2007: 213-214), but these arguments are sporadic and, as many commentators have shown, logically flawed.

But there are benefits from starting with, and referring mainly to, Berlin’s account. While later pluralists have developed various refined versions of value pluralism at the meta-ethical level, the key ideas remain clearly Berlinian. If value pluralism is plausible at all, it is sufficient, at least for the purpose of this essay, to rely mostly on Berlin’s texts, in which those key ideas already crystallized.<sup>30</sup> This, of course, does not mean that I will not engage with other important elaborations of value pluralism when needed.

In addition, arguments for and against the possibility of liberal pluralism can, in a sense, all trace back to disputes over the strengths and weaknesses of Berlin’s account. For example, although defenders of Berlin’s liberal pluralism, such as George Crowder (2002; 2004), William Galston (1999; 2002; 2005) and Jonathan Riley (2013), among others, have refined his arguments and developed their own in order to solve the above mentioned dilemma, they have, as I will show in the next essay, either invoked moves equally problematic to those in Berlin’s defense (as in the cases of Crowder and

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<sup>30</sup> This combination of interpretive and normative arguments in my approach can also contribute to the scholarship of Berlin studies too. John Rawls once advised that “in looking at [a seminal text in political theory,] if you are to get as much out of it as you can, you must try to interpret it in the best and most interesting way” (Rawls 2007: 52). By taking Berlin as a starting point, I hope to reconstruct, in “the best and most interesting way,” his inspiring thoughts on value pluralism and liberalism (or more accurately liberal *democracy*, as I will show in the next essay).

Galston), or implicitly abandoned certain core ideas of Berlin's thesis and in effect trivialized it (as in the case of Riley). Starting with Berlin would thus help situate my account in this whole debate and illustrate its contributions.

Second, since one of the aims of this essay is to make a case for the plausibility of the thesis of value pluralism, it is worth commenting briefly on whether and how this could be done at all. To begin with, meta-ethics, no more or less than other areas of philosophy, is full of intractable fundamental disagreements, and the debate between monism and pluralism appears to be one of them. One has good reason to doubt, if not to deny, that this debate will ever be settled by some knockdown argument against one side, or that "pluralists will ever be able to show that monists 'cannot' be right, or vice versa" (Galston 2005: 16).

But value pluralists may aim at a milder achievement than *knocking down* monism. In fact, as Gary Gutting has argued, the generation of philosophical knowledge might consist not in the first-order establishment of the "truth" of a certain philosophical picture of the world vis-à-vis its theoretical rivals, but instead in the "second-order" presentation of "a strong case for a picture's potential for fruitful development," that is, of "very good reasons for taking it seriously and working to develop it" (Gutting 2009: 4). In accordance with Gutting's idea of "persuasive elaboration," by which he referred

to the process of demonstrating that a philosophical picture is viable and fruitful, so long as value pluralists can *persuasively elaborate* the case for thinking that there are irreducibly multiple incommensurable values, they are entitled to hold, as Berlin did, that, *plausibly*, monism rests on “a false a priori view of what the world is like” (Berlin 2007: 43).

Monism, of course, is not the only adversary to value pluralism. As a critic pointed out, the exclusive focuses by several Berlin-inspired value pluralists on the pluralism-versus-monism debate betrayed their taking for granted “the truth of a position which in meta-ethical theory remains the object of keen disagreement – namely, that value is a thing of a sort, about which it is correct, not merely intelligible, to think that there are facts. Sometimes, claims of this kind are held alongside a Humean, or at any rate non-cognitivist, position on the nature of value in general. The assumption that pluralists have only to prove their case against monists ignores the vulnerability of both to anti-realist positions in the philosophy of value” (Newey 1998: 494).

It is worth noting, however, that Berlin himself was not blind to this front of meta-ethical warfare. On the contrary, he was aware that his value pluralism must be distinguished from what he (imprecisely) called “relativism,” which claims that “my values are mine, yours are yours, and if we clash, too bad, neither of us can claim to be



right” (Berlin 2000: 15). For the “multiple values” he had in mind, Berlin contended, are “objective, part of the essence of humanity rather than arbitrary creations of men’s subjective fancies,” such that “the pursuit of them” must be regarded as “an objective given,” being “part of what it is to be a human being” (Berlin 2000: 14).<sup>31</sup>

This contention involves two theses. First, *pace* anti-cognitivism, value pluralism claims that genuine values are *objective*, not subjective. Second, the validity of genuine values is *universal*, not parochial. That is, each and every of them, insofar as it *is* a genuine value, lays claim – in a certain sense – on *all* (sane) human beings, including those who do not actually pursue this value. To make the case for value pluralism *vis-à-vis* what Berlin called “relativism,” both theses above must be persuasively elaborated.

The most important reason why pluralism must be distinguished from relativism is that Berlin intended the former to be supportive of his liberal commitment, whereas liberalism is fundamentally universalistic in aspiration, claiming the objective and universal validity of liberal values. It is therefore evident that, in addition to the objectivity and universal validity of genuine values, a value pluralist who is at the same

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<sup>31</sup> Notice that the term “value(s)” is ambiguous, and could be used in various ways, for example denoting either the *objective* validity or desirability of certain goods, ends or lifestyles, or the *subjective* beliefs (or value-systems) of individuals or groups concerning such validity or desirability. It has now been widely acknowledged that Berlin’s value pluralism is about the ontological structure of our moral universe, constituted by values understood in the objective sense.

time a liberal would also need to show, before proceeding to the challenge raised by value incommensurability, that basic liberal values *are* among the genuine values that are objective and universally valid, or at least that there is good reason to think so. Otherwise value pluralism would immediately become antithetical to liberalism.

In other words, the picture of value pluralism, insofar as it is meta-ethically and normatively appealing, must, when claiming value objectivity, consist of a plausible account at least for the following features of objective genuine values: the irreducibility of their plurality, the universality of their validity, and the necessary inclusion of basic liberal values among them. What, then, was Berlin's account for this cluster of features?

### ***Objective Values and the Human Horizon***

Berlin appealed to the idea of a common "human horizon" in accounting for value objectivity and the abovementioned features of objective values. To begin with, for Berlin, objective values are multiple yet finite, the number of which is limited (and constituted) by the extent to which any human being can "pursue [these values] while maintaining his human semblance, his human character" (Berlin 2000: 12). The plurality of objective values, does not, however, mean that pluralism is "fundamentally

a doctrine about the multiple sources of value,” as Charles Larmore (1996: 156) has it. On the contrary, the multiple genuine, non-reducible values all have one and the same “source,” namely, a common “human horizon,” “a horizon which for the most part, at a great many times, in a great many places, has been what human beings have consciously or unconsciously lived under, against which values, conduct, life in all its aspects have appeared to them” (Berlin 2013: 316; cf. 11, 80 etc).<sup>32</sup> Each of these genuine values, Berlin would say, “is an inalienable ingredient in what makes human beings human” (2007: 52), even though each of them represents a distinctive aspect or facet of this humanness.

The existence of the human horizon, the common moral ground against which we value, practice in accordance with our values, and comprehend and evaluate one another’s values and practices, is, Berlin argues, entailed by the fact that different people and different cultures can understand, though not necessarily agree with, one another’s value-systems. Otherwise our thoughts and actions would have become unintelligible at all to one another. For example, whereas worshipping a tree because of one’s belief in the tree’s mysterious power of granting fertility is a recognizably human practice despite being superstitious, worshipping a tree merely because it is a tree,

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<sup>32</sup> See, for example, Crowder (2004: 132-134) and Riley (2013) for different interpretations of this idea.

without giving further justifying reason, is utterly incomprehensible (Berlin 2013: 12).<sup>33</sup>

The very possibility of communications across individuals and societies, according to Berlin, implies that the “relativity and the subjective nature of values” have been “exaggerated by philosophers” (Berlin 2007: 44).

Some commentators have noticed that Berlin sometimes spoke of the human horizon as what humans have lived under “for the most part, at a great many times, in a great many places,” and what “we call human values” as ultimate values that “have been pursued in common by a great many people in very many places, over very long periods of time.” In addition, Berlin has also asserted that there is no “guarantee that this will go on forever, or has never been absent or altered in the past” (Berlin 2013: 316); on the contrary, the existence of such a human horizon, and the pursuit of these human values, are only a matter of “empirical fact – basic, but still only empirical” (Berlin 2013: 314).

But this sounds rather problematic. After all, isn’t the insistence on the empirical nature of the human horizon and human values contradictory to the idea that values are

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<sup>33</sup> This does not imply anthropocentrism *tout court*. Rather, it implies that for any presumably anti-anthropocentric view (such as “deep ecology,” the idea that living beings and environments are intrinsically valuable regardless of their instrumental utilities to human needs) to be comprehensible at all, its justification must ultimately resort to reasons and value-claims that can be made sense of within the human horizon.

objective, rendering them instead “what people happen to want rather than as components of a human essence” (Crowder 2004: 133)?

Besides Berlin’s characteristic caution and restraint in tone, the claimed empiricity of the human horizon and human values must be understood in light of the context in which Berlin takes pains to distance his position from the “Platonist” version of monism, the *summum malum* that stands behind his political thought. According to Platonists, basic values exist prior to human experience, constitute a timeless realm of ultimate ends or ideal forms, and wait for rational agents to discover. On the contrary, while value pluralism accepts that the fact that there are certain objective values is “presupposed... by the very notions of morality and humanity as such” (Berlin 2007: 45), he holds that this is only “an *empirical, undemonstrable, de facto* acceptance of what... human experience provides”; for “it is *a matter of empirical fact* that in so far as communication between human beings is possible, across time and space as well as within single communities, this is based on a common human nature (or outlook) which alone makes this possible” (Berlin 2013: 316, emphasis added).<sup>34</sup>

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<sup>34</sup> It might be worth pointing out a (small?) confusion Berlin was making here. Whereas it is indeed “a matter of empirical fact” that communication between human beings *has occurred* across time and space, the existence of a common human horizon, *given that* such communication has occurred, is nothing empirical. Instead, the argument that the need for a common human horizon is entailed by the requirement of value intelligibility, which is in turned entailed by the *possibility* of human understanding, is a paradigm a priori reasoning. Only when

For Berlin, therefore, “to speak of our values as objective and universal is not to say that there exists some objective code, imposed upon us from without, unbreakable by us because not made by us; it is to say that we *cannot help accepting these basic principles* because we are human, as we cannot help (if we are normal) seeking warmth rather than cold, truth rather than falsehood, to be recognised by others for what we are rather than to be ignored or misunderstood” (2013: 216, emphasis added). In other words, Berlin saw the acceptance of genuine values and related principles as linked with certain dispositions that are built in to the normal functioning of human mind and body, just as the needs for warmth, truth and recognition are. Given the common physiological and psychological features of human beings (for example, their physical and emotional vulnerabilities, their “power of moral discrimination,” and so on) as well as certain basic external conditions they have to live with (for example, the scarcity of resources), humans’ propensity to pursue certain values, perhaps each as “a response to a basic

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this line of a priori argument and the empirical *actuality* of human understanding are combined does it lead to the conclusion about the existence of the human horizon. Strictly speaking, Berlin’s argument for value pluralism cannot be *purely* empirical, but must aim at a *contingent a priori* truth. To be sure, this amendment does not alter the essential empiricity of Berlin’s approach, as the latter is inevitably premised on empirical assumptions about the commonalities and differences among human beings: even if human beings, “because they are [human], have enough in common biologically, psychologically, socially, however this comes about, to make social life and social morality possible,” it is merely an “empirical fact – basic, but still only empirical” (Berlin 2013: 309; 314).

need of men” (Berlin 2007: 50), would necessarily emerge. If that is the case, then those values could, in a sense, retain a status of “*objective given*,” as “their nature, the pursuit of them, is part of what it is to be a human being” (Berlin 2000: 14).

Moreover, to the extent that the dispositions with which these values are connected, and the basic needs to which these values are responding, are ubiquitous conditions among normally functioning human bodies and minds, the validity of these values must be *universal* as well, in the sense that the principles that realize and promote these values must be taken as “*presuppositions of being human at all*, of living in a common world with others, of recognising them, and being ourselves recognised, as persons.” Accordingly, it is not because, as conventionalists (to whom Berlin occasionally seemed to belong) would claim, of the fact that certain principles and rules have “been accepted by the majority of men, during, at any rate, most of recorded history,” but rather because of the invariable built-in human dispositions to genuine values, which in one way or another underlie these long and widely recognized principles and rules, that “we cannot conceive of getting these universal principles or rules repealed or altered” (Berlin 2013: 216-217, emphasis added).

From the liberal perspective, nonetheless, there are other worries about the idea of a human horizon as Berlin presented it. For one thing, it has been argued that such a

common horizon, if it exists at all, is too thin for its value prescriptions to be normatively meaningful. “The historical record,” Crowder argued, “provides little evidence of anything actually desired or admired by all, or even most, human societies except goods or virtues described at the very highest level of generality” (Crowder 2004: 134). After all, Berlin even insisted that the Nazi’s value-system and related practices, however “detestable,” are still grounded on certain objective values that are themselves within the human horizon, and thusly legitimate “as a human pursuit” (Berlin 2000: 12-13).

This should not be a problem if we insist, as Berlin did in his better moments, on the distinction between objective values and subjective beliefs about value. Any recognizably human belief, or system of beliefs, about value must be rooted in, or inferred from, certain basic, universal, objective values. But not all those beliefs, or systems of beliefs, are correctly inferred, and hence not all of them are correct. It is, according to Berlin, important to understand both *that* the inference of the concrete Nazi value-system and practices from those objectively legitimate values in which they are supposedly grounded is seriously flawed, accompanying indoctrination “with enough false education, enough widespread illusion and error,” and *how*, despite being recognizably human, “given enough misinformation, enough false belief about reality,



one could come to believe that they are the only salvation” (Berlin 2000: 12). In addition, this is related to a further point that the acquisition and “application of knowledge and skill... in particular cases” (Berlin 2007: 42) play an indispensable role both in the justification of liberal pluralism and in extrapolating its political implications, as I will argue.

But liberals might have another reason to be concerned with the empiricity of the human horizon and human values. If values that “have been pursued in common by a great many people in very many places, over very long periods of time” are what “alone... we call human values” (Berlin 2013: 314), then “even if virtues such as courage might be plausible candidates of human values by Berlin’s standard, it is “highly dubious” that typical liberal values, such as “liberty and equality, not to mention social welfare” have been championed by most of the societies in history (Crowder 2004: 134). On the contrary, it might be the case that the championship of liberal values is a local phenomenon, only crystallized in the process of political modernization, rather than the universal instantiation of a common human horizon.

One way Berlin might have responded is to claim that for most societies throughout history, the human horizon against which liberal values and conducts would eventually appear have been “*unconsciously* lived under,” and even that the pursuit of

these values have been implicitly practiced to a certain degree in each of these societies, despite the lack of an awareness and theorizing of it by members of that society.

Of course, this claim would have to be substantiated by further arguments. These arguments, moreover, would not take the form of solid empirical evidence. For one thing, as Berlin acknowledged, “the question of what in fact are the values which we regard as universal and ‘basic’” is “quasi-empirical” rather than straightforwardly empirical, since “concepts and categories that dominate life and thought over a very large portion (even if not the whole) of recorded history are difficult, and in practice impossible, to think away” (2007: 45). But more importantly, it is because what counts as “the essence of humanity” (2000: 12) and relatedly what counts “an inalienable ingredient in what makes human beings human” (2007: 52) are ultimately normative questions, and have to be answered by conceptual and normative analyses of the human nature and the way it grounds various basic, ultimate values, despite Berlin’s overall reluctance to engage with such issues. Before turning to those questions, however, let us first look at another central concept of value pluralism, namely, value incompatibility.

### *Value Conflict without Normative Incoherence*

Despite their common origins in the human horizon, the multiple, objective values may nonetheless collide. Thus any individual, or group, or society, may at a certain moment be confronted with “many objective ends, ultimate values, some incompatible with others,” and “find itself subject to conflicting claims of uncombinable, yet equally ultimate and objective, ends” (Berlin 2013: 83). When such conflict occurs, there is in principle no discoverable pattern in which all values are rendered harmonious, and the agent at issue, having to pursue some of them at the sacrifice of others, could find no way to circumvent the occurrence of great moral loss.

The incompatibility and incommensurability (to which I will turn in next section) of value are what trouble liberal pluralists. Some of them, such as Jonathan Riley, have tried to mitigate the potential threat the value incompatibility thesis posts to liberalism, by dividing values into two categories, namely, “certain very important common values and facts, which are universally recognized and given priority by normal humans with their generic capacity of reason,” on the one hand, and “many other less important and mutually incompatible values,” on the other hand (Riley 2013: 66).

But this move – containing conflict within the realm of “less important” values while aspiring for the harmony among “very important” ones – trivializes Berlin’s thesis.<sup>35</sup> Berlin surely does not merely accept this milder claim, which is akin to the Rawlsian idea of the discoverability of a “fully adequate scheme” of all “primary goods” that are “lexically prior,” leaving other ends as a matter of personal preference (cf. Rawls 1971). Instead, value pluralism asserts more radically that conflict exist even among values with fundamental importance:

[The] issue is not one between negative freedom as an absolute value and other, inferior, values. It is more complex and more painful. One freedom may abort another; one freedom may obstruct or fail to create conditions which make other freedoms, or a larger degree of freedom, or freedom for other persons, possible; positive and negative freedom may collide; the freedom of the individual or the group may not be fully compatible with a full degree of participation in a common life, with its demands for co-operation, solidarity, fraternity. But beyond all these there is an acute issue: the paramount need to satisfy the claims of other, no less ultimate, values: justice, happiness, love, the realization of capacities to create new things and experiences and ideas, the discovery of the truth. (Berlin 2007: 48)

Ronald Dworkin, one of the most fervent critics of Berlin’s incompatibility thesis, argues that this idea rests on a deep misunderstanding of the nature of value-concepts, and of normative concepts in general. Normative concepts, according to Dworkin, are interpretive concepts rather than natural-kind concepts. Since “interpretation knits

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<sup>35</sup> Regarding the issue of trivialization, footnote 37 below may be of relevance.

values together,” there could be “no genuine conflicts” among them. An apparent conflict in value is merely an indicator for the need to “reinterpret our concepts to resolve our dilemma,” and “truth about morality” could be acquired “only by pursuing *coherence* endorsed by conviction.” Indeed, it is our moral responsibility to make “our various concrete interpretations” – “about what is good or right or beautiful” – “achieve an overall integrity so that each *supports* the others in a network of value that we embrace authentically. To the extent that we fail in that interpretive project [...] we are not acting fully out of conviction, and so we are not fully responsible” (Dworkin 2011: 101, 119, 120, emphasis added).

Notice that Dworkin’s “unity of value” thesis (2011: 1), or “value holism” (2011: 120), is a much stronger claim than what might be called “*normative* holism” (akin to W. V. O. Quine’s holism about epistemic beliefs) that all of a rational agent’s *normative convictions* would, or ought to, *cohere*, given careful reflections and due interpretations. Normative holism does not require that normative convictions, lest to say concrete interpretations about what is valuable, proactively support one another, such that there can be no genuine conflict in value.

It might seem at first glance that value pluralism entails normative incoherence and is incompatible with normative holism. For if there are “many objective ends, ultimate

values, some incompatible with others,” then it seems that individuals and societies would find themselves “subject to conflicting claims of uncombinable, yet equally ultimate and objective, ends” (Berlin 2013: 83). As a result, a number of commentators have come to formulate value pluralism explicitly in terms of normative incoherence. Robert Talisse, for example, considers value pluralism as the thesis that “the *moral facts are themselves in conflicts*; consequently, there are a number of true moral propositions that nonetheless *do not form a consistent set*” (Talisse 2004: 128-129, emphasis added). According to Talisse’s formulation value pluralism does indeed entail the denial of normative holism.

But the problem with this formulation is its ambiguity regarding the content of “moral facts” and “true moral propositions” that are presumably irreconcilable. “We ought to realize value *A* vis-à-vis value *B* in case *x*” and “We ought to realize value *B* vis-à-vis value *A* in case *x*” are indeed conflicting moral propositions, but “Value *A* is a genuine, ultimate good the sacrifice of which for the sake of the incompatible value *B* would be a great moral loss in case *x*” is by no means inconsistent with “Value *B* is a genuine, ultimate good the sacrifice of which for the sake of the incompatible value *A* would be a great moral loss in case *x*”. Value pluralism, however, commends only the

truth of the latter pair of propositions, but not that of the former. Hence no incoherence entailed.

Value pluralism, in other words, is fully compatible with normative holism. There is no incoherence in valuing a variety of competing, non-reducible goods while painfully acknowledging that they cannot be realized all at the same time, without the sacrifice of one another. (In fact, it strikes me as evident that for anyone who rejects error theory and the emotivist account of morality, normative holism would be a truism.)

But Dworkin asks for more than normative holism. According to Dworkin, not only must normative beliefs cohere, but *values*, once correctly interpreted, would cohere such that there could be no genuine conflict among them. Hence his revisionist definition of democracy, for example, as *consisting of* the institution of judicial review that purports to protect individual rights against majoritarian intrusion.

The real dispute between Berlin and Dworkin, then, is not about whether we should accept coherentism in normative realm, to which Berlin has no objection, but about the usefulness of reinterpreting normative concepts, including those of value. For Berlin, although reflections on, and clarifications of, value-concepts are necessary in addressing normative issues<sup>36</sup>, there are certain points, certain limits imposed by the objective roots

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<sup>36</sup> To be sure, Berlin's insistence on conceptual (over-)rigidity has long been a target of criticism. The various definitions he tried to give to negative freedom also indicates the need of

of our value-concepts, beyond which conceptual revisions would cease to be profitable, degenerate into arguments by definitional fiat, and become illusionary and self-defeating. While, for example, “justice, happiness, love, the realization of capacities to create new things and experiences and ideas, the discovery of the truth” are no less ultimate values than freedom, “[nothing] is gained by identifying freedom proper, in either of its senses, with these values, or with the conditions of freedom, or by confounding types of freedom with one another” (2007: 48). Indeed, Dworkin’s interpretive project, in Berlin’s view, would be yet another instance of “[suppressing] one of the competing values altogether by pretending that it is identical with its rival – and so end by distorting both” (2007: 42).

### ***Incommensurability and Rational Adjudication***

If ultimate values may be genuinely incompatible, they are incommensurable as well, according to Berlin. The notion of incommensurability has given rise to a great deal of controversies, both on its interpretation and on its implication. Berlin in his work failed to offer a precise and consistent conceptualization of incommensurability, while

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greater room for conceptual interpretation and revision in his own thought. For discussions on this issue, see my essay on the negative/positive dichotomy of freedom.



subsequent authors have understood this concept in different ways (cf. Chang 2013; Crowder 2004: 127-128, 138-141; Gaus 2003: 32-39; Raz 1986: 321-366). Without going too much into textual details, however, I think it not unfair to summarize that, for Berlin as well as for many other value pluralists, if two values *A* and *B* are incommensurable, then neither will there be any “super-value” or “common denominator” *C* (for example, utility) in terms of which the relative worth of *A* and *B* can be measured and augmented on the same scale, nor will there be any universally applicable rule of ranking (such as lexical rules) that can determine the relative priority between *A* and *B*.<sup>37</sup>

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<sup>37</sup> To be sure, there are many other conceptions of incommensurability, and consequently many other versions of value pluralism. By offering the present definition of incommensurability I by no means suggest that it is intrinsically “better” than other alternative conceptions. Instead, what I am doing here is try to present the strongest possible version of value pluralism that is compatible with liberalism. If this strong version of value pluralism can be shown to be compatible with liberalism, then all the weaker versions of value pluralism, with respective, less stringent definitions of incommensurability, would certainly be compatible with liberalism as well. For example, one could of course define incommensurability in such a way that values are said to be incommensurable when we have no basis to *measure* them even though we still can *rank* them. This definition of incommensurability is obviously weaker than the definition I offer, which denies the possibility of both measurement and ranking. Or, to give another example, one might define value incommensurability simply as value infungibility, such that values are said to be incommensurable simply because the moral loss associated with the non-realization of a certain value cannot be *cancelled* by the moral gain associated with the realization of another value, regardless of whether they can be *measured* on the same scale. No more than affirming the tragic nature of value conflict, this conception of incommensurability is also much weaker than the one I offer. As long as the version of value pluralism built on the more stringent conception of incommensurability offered in this essay is proved to be compatible with

Understood in this way, the idea of value incommensurability immediately leads to two challenges to the viability of liberal pluralism. The first concerns whether value pluralism allows for *rational* adjudication among values<sup>38</sup>, while the second concerns whether it supports *liberalism* specifically. I will address the first challenge in the rest of this section, and turn to the second in the next.

Let us begin with the first challenge. It is tempting to think that if two values are incommensurable, then there is *no way* at all to rationally adjudicate between them when they are in conflict. For, it might seem, *any* rational adjudication must be premised on certain common scale or shared rule of ranking, which in turn implies commensurability between the values to be adjudicated. As a consequence, if we are to make rational tradeoffs between values at all, we must reject the very idea of value incommensurability (cf. Kelly 2008). Otherwise we would have to give up the pretense of *rational* adjudication among values, making *radical* choice in *every* scenario of value conflict.

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liberalism, the compatibility of those weaker versions of value pluralism with liberalism are established too.

<sup>38</sup> Note that here the terms “rational” is not used in the narrow, instrumental sense of means-end calculation (as in, say, “rational choice theory”). Instead, by rationality I refer to the broader capacity to deliberate and make informed choices on the basis of facts as well as reasons, including substantive normative reasons concerning the priority of values to be instantiated in given contexts.

Obviously, if pluralists' value judgments cannot be rational at all, then their liberal commitments would be severely undermined as well, since whenever liberal values and other incommensurable genuine values are in conflict, there would be no reason beyond one's own preference (or mood at the time) to opt for the former rather than the latter. So, before turning to the second concern about the specific relationship between value pluralism and liberalism, it is crucial to address whether, and to what extent, rational adjudication is possible in the face of value incommensurability.

To be sure, many theorists have, in their own ways, argued that the lack of a super-value or rule of ranking does not by itself undermine the prospect of rational choice-making (cf. Barry 1965: 6-8; Gaus 2003: 32; Larmore 1996: 160-162). Berlin's argument is distinctive, however, in that it invokes a difference between *guaranteed* resolvability of value conflicts at the *theoretical* level, on the one hand, and their *possibility* of resolution at the *practical* level, on the other hand. According to Berlin, while it is true that "where ultimate values are irreconcilable, clear-cut solutions cannot, *in principle*, be found," this is by no means "an argument against the proposition that *the application of knowledge and skill* can, *in particular cases*, lead to satisfactory solutions. When such dilemmas arise it is one thing to say that every effort must be

made to resolve them, and another that it is certain a priori that a correct, conclusive solution must always in principle be discoverable” (Berlin 2007: 42, emphasis added).

We could, therefore, follow Jonathan Riley in calling Berlin’s value pluralism a “restrained” one. But it is restrained *not* because, as Riley suggested, it “recognizes that normal human beings always give moral priority to certain shared basic values,” which Riley takes to be negative liberties, “over competing values” (Riley 2013: 65). For, as I have argued in the previous section, the suggestion of such a clear-cut valuative hierarchy of priority runs afoul of deep value incompatibility. *Rather*, Berlin’s value pluralism is restrained because even though there is no clear-cut valuative hierarchy of priority among genuine competing *values*, it is nonetheless the case that the various *value-systems* and related policy choices, which are derived from those genuine values and embraced by different individuals and groups, may not be on a par.

To begin with, as the Nazi example illustrates, some values-systems and policy choices may be derived in more defective or problematic ways from their respective grounding values than others are. And it is possible for those who are equipped with knowledge and skill relevant to a particular case, given a particular repertoire of practical options purporting to realize respective values, to tell rationally which one of

them is the least problematically derived, or would be the most adequate way of realizing its underlying values.

Of course, the majority of cases involving value conflict are far more complicated than the Nazi example where it is easy, by means of the “application of knowledge and skill,” to point out the incorrectness in its inference from grounding values to practical conclusions, and then rule these options out straightforwardly from our repertoire. There are at least two kinds of complication.

First, in many cases, it is clear that there are *no significant flaws* involved in competing practical options’ inference from their respective grounding values; and if value pluralists accept value incommensurability in the sense that no augmentation or ranking among ultimate values is possible, then it seems obvious that no rational solution in that particular case is possible either. Second, in many other cases, “*conditions are often unclear*, and principles incapable of being fully analysed or articulated” (Berlin 2007: 47, emphasis added), to the effect that we can neither calibrate the extent to which inferences are relatively problematic, nor determine the practical implications of those inferential problems.

Value pluralists have developed various conceptual tools that can partly solved the first kind of cases. For example, according to Derek Parfit’s thesis of “imprecise

cardinal comparability” (Parfit 1986: 431; 2011: 566-569), when ultimate value  $V_1$  is neither better than, nor worse than, nor equally good as, ultimate value  $V_2$ , they can nonetheless been “imprecisely” or “roughly” equal. Consequently, given a certain concrete context,  $x$ , a precise comparison between practical option  $X_1$ , which would unproblematically realize or promote value  $V_1$  in context  $x$ , and practical option  $X_2$ , which would unproblematically realize or promote value  $V_2$  in context  $x$ , may become possible, since the concrete context may result in a salient difference in the *degree* to which each practical option would realize or promote its respective value, hence “rough up” the cardinal ambiguities. In a similarly but more radical vein, Ruth Chang suggested that we embrace the concept of “parity” as a fourth category of evaluative comparability, that is, accept “ $A$  is on a par with  $B$ ” as a *sui generis* relation *vis-à-vis* “ $A$  is better than  $B$ ”, “ $A$  is worse than  $B$ ” and “ $A$  and  $B$  are equally good” (Chang 2002). Accordingly, if  $A$  and  $B$  are on a par then there is no truth about how they compare *all things considered*, even though  $A$  is surely better with respect to some considerations while  $B$  is surely better with respect to other considerations.<sup>39</sup> In fact, despite their technical differences,

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<sup>39</sup> To be sure, there are many other proposals than Parfit’s and Chang’s, such as understanding incommensurability in terms of vagueness (cf. Broome 1997). But the technical differences between them do not affect the main issues I am discussing, so I leave them aside for the time being.

both Parfit's and Chang's solutions are in resonance with Berlin's own view, who argued that "the concrete situation is almost everything" (Berlin 2013: 15).

However, there still might be cases in which no such salient difference in the degree of value realization or promotion can be generated by the concrete context. Moreover, there are also cases of the second kind, discussed above, where conditions are too unclear for their potential consequences to be fully articulated, and for values on a par with each other to be compared and chosen with respect to relevant considerations. Both of them constitute *hard cases* in moral and political decisions.

One might then be concerned that, even if the incommensurability thesis does not imply giving up rational solutions *altogether*, it nonetheless implies giving up rational solutions *in hard cases*, where ultimate values evidently conflict. Meanwhile, since hard cases are precisely where rational solutions and moral persuasions are the most relevant and most urgent, the practical implication of this thesis would be rather ironical: we should find rational solutions only where they are less relevant, and give them up when they are the most needed.

This concern rests on a misunderstanding, however. Granted, if values are genuinely incompatible and incommensurable, then there *must* be some cases where no rational solution exists, no matter in principle or in practice. Only monists like

“Condorcet and his disciples” would believe that in any case the inability to find rational solutions could be attributed to “some deficiency on our part which could be eliminated by an increase in skill or knowledge” (Berlin 2007: 42). Hence the application of knowledge and skill does have limits in solving certain cases. On the other hand, however, it is arguable (even though Berlin has not explicitly so argued) that, in accordance with value pluralism, we cannot know a priori which cases belong to this category either. That is, there is no principled way for us to determine which particular cases have rational solutions and which do not.

Consequently, value pluralism does not necessarily imply that we should give up the hope for rational adjudication in any particular hard case. On the contrary, it is well compatible with the suggestion that we make “every effort” to acquire and apply “knowledge and skill,” as well as to reflect carefully and thoroughly, in every particular hard case, in search for its rational solution (or a proof that no rational solution exists in this particular case), without knowing a priori, in each case, either that such a solution exists or that such a proof of insolvability does.<sup>40</sup> Value pluralism thus leaves open the

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<sup>40</sup> Here an interesting analogy could be made with Gödel’s first incompleteness theorem in mathematical logic, which, put simply, states that for any consistent system of axioms whose theorems can be listed by a mechanical method of algorithm, there are always statements about the natural numbers that are both true and non-provable within the system. For the purpose of this paper, I leave aside the question of whether this apparent similarity suggests anything about the relations between the ontological structure of values and that of numbers, or could



possibility for rational judgment in the face of inevitable tragic value conflicts, and *to that extent* does not undermine the prospect for contextualized affirmation of liberal values in any practical case.

### ***Heterogeneous Modes of Value Instantiation***

Still, one might argue that even if, in every practical case, value incommensurability leaves open the *possibility* that *liberal values* be rationally chosen over their competing genuine values, *liberalism* requires more than that. Presumably a theory that counts as liberal should *systematically* accord liberal values a kind of political primacy, at least in all relevant cases, to the effect that the burden of justification is always on those who propose to prioritize other values over liberal ones, rather than the other way round. In other words, in order to be compatible with liberalism, value pluralism must guarantee that, in every relevant cases, contextualized affirmation of liberal values is not only *possible*, but also (at least *prima facie*) *warranted*. The problem is: how can this be done if genuine values are truly incommensurable?

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contribute to discussions on whether mathematics and logic and the right models of moral theory (cf. Lear 1988, Clarke-Doane 2012, Scanlon 2014).

To address this issue, let us first recall what the thesis of value pluralism says. It says that there are multiple (objective) ultimate values the pursuit of which is inherent in, and constitutive of, our common human nature. While the thesis of value pluralism does not itself commend a particular list of such ultimate values, there must be some other independent grounds for identifying the values that constitute the human horizon we have “consciously or unconsciously lived under.”

To put in another way, the thesis of value pluralism (or the acceptance of it) plays *a different role than* identifying (and adding to the list) particular values. For example, suppose we have, for independent reasons, come to identify  $V_1$ ,  $V_2$  and  $V_3$  as on the list of ultimate values that are constitutive of human nature, then the acceptance of value pluralism would *entail* (rather than *justify*) the acceptance of  $V_1$ ,  $V_2$  and  $V_3$  as equally ultimate yet incommensurable values. Whereas value pluralism *presumes* that none of them ought to be suppressed *beyond a certain point* for the sake of realizing other values, it does not *generate* the value of either  $V_1$ ,  $V_2$  or  $V_3$  in the sense that it renders any of them ranked higher in a valuative hierarchy, and hence in principle more valuable, than others.

Berlin sometimes seems to suggest otherwise, as he argues that it is the acceptance of value pluralism that leads men to recognize the “central importance of,” and to

“*place... immense value upon,*” freedom of choice, and declares that the “necessity of choosing between absolute claims” – as “an inescapable characteristic of the human condition” – “*gives its value to freedom ... 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*” (Berlin 2007: 214, emphasis added). Accordingly, freedom of choice is justified, and accorded value, after (and on the basis of) the acceptance of value pluralism, rather than before (or independently of) it.

This understanding rests, however, on a confusion about the role value pluralism plays in the justification and valuation of freedom of choice. For any claim or good, its status as an ultimate, basic human value must be justified on the basis of its being “an inalienable ingredient in what makes human beings human,” of its being constitutive of the human horizon that we have “consciously or unconsciously lived under.” Value pluralism is not the *source* of any such value, but *affirmation* of it. It acknowledges the (meta)normative distinctness of each of these values *vis-à-vis* others, such that they are not to be subsumed under the name of other basic values.

Value pluralism, in other words, cannot “give its value to” the freedom to choose. To the extent that the latter is an ultimate value at all, its value must be presumed, rather

than justified, by the acceptance of a list of plural, irreducible and incommensurable basic human values, among which the freedom to choose is included, as “an inalienable ingredient in what makes human beings human.” This is so because what is “an inescapable characteristic of the human condition” is not merely that choices among ultimate values are unavoidable, but that the freedom to choose constitutes part of our common human horizon, something we cannot conceive of away “as [a presupposition] of being human at all, of living in a common world with others, of recognising them, and being ourselves recognised, as persons” (Berlin 2013: 216). Notice that this is a normative premise, not a descriptive one, and does not fall prey to the naturalistic fallacy.

But if the acknowledgement of value pluralism does not “give its value to” freedom of choice, how, then, can it help distinguish the latter from other basic values, such that an emphasis on liberal values could possibly follow? The answer, I argue, lies in the difference between two notions: a *valuative hierarchy* among basic human values, on the one hand, and the *modal heterogeneity* of their practical instantiations (and hence the *modal specialty* of each of them), on the other hand.

To be sure, value pluralism does not “add” any value to freedom of choice, to the effect that it is ranked higher than other basic values in a valuative hierarchy, be it in the

form of in-principle utility difference, or a Rawlsian lexical order, or else. After all, all basic values are supposedly equally valid, and as such incommensurable. Nonetheless, as I have argued, Berlin allows for the comparison among respective *instantiations of values* in concrete cases, which is different from comparing *values* as such. And value pluralists could argue that, because different basic values represent different aspects or facets of our common human horizon, the ways in which they instantiate in human practices also differ. This, in turn, implies that different values might be best protected, promoted or realized by different *types of practices*, and at different *levels of choice-making*. Finally, liberal pluralists could argue that, in some concrete cases, the application of knowledge and skills may lead rationally to a conclusive judgment that liberal values, because of certain features of their modes of instantiation, should be accorded more weights than other basic, incommensurable values, with regard to their protection, promotion, or realization at the *institutional* level.

To illustrate the heterogeneity with respect to modes of value instantiation, consider several examples of basic values<sup>41</sup>, such as courage (cf. Dent 1981), love, the discovery of the truth (cf. Berlin 2007: 48), the securing of order (cf. Williams 2005: 3),

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<sup>41</sup> Or: examples of *what have been widely regarded as* basic values. Surely there are possible objections to count any of them as a basic value, or even as a value. It is, however, not my aim in this essay to produce a definitive list of basic values.

and the freedom to choose. While courage is, according to many, an “executive virtue” that enables someone “effectively to plan and execute his purposes” (Dent 1981: 574), the discovery of the truth is an achievement, a purpose to be planned and executed. At the same time, both of them are different from the value of love in that the latter is essentially relational and interactional, that is, it can be realized only in relations and interactions between agents, or (metaphorically) between agents and their beloved objects. In addition, while the securing of order is also relational and interactional, it is different from love in certain other aspects. For example, whereas love is usually left to individual pursuit, order can only be promoted collectively, given the complications of cooperation and defection involved.

By the same token, the freedom to choose is both similar to and distinct from other values in many aspects. To begin with, like any other basic human value, freedom of choice is intrinsically valuable. If the value of courage is not exhausted by its being an “executive virtue,” but “is, as such, a human excellence, regardless of whether or not some further end be better accomplished by this” (Dent 1981: 575), then similarly, the value of freedom does not reside merely in the specific things to be freely chosen, but is also a “non-specific value” (cf. Carter 1999; Dowding & van Hees 2007: 150). A free choice does not necessarily lead to the realization of any other value as an achievement;

instead, it might well lead to the realization of certain disvalue, and consequently implies a conflict between freedom as a value, on the one hand, and the corresponding value of the realized disvalue, on the other hand.

In contrast to the “executive virtue” of courage, however, freedom is not merely a psychological disposition across virtuous persons, but the state of both opportunities presented to, and constraints imposed on, the choices of relevant agents. Like love and order, freedom has a relational and interactional dimension, as violations of one’s freedom to choose often consist in human interventions on her choices. In addition, since one’s choices often impose externalities on others, affecting the latter’s freedom to choose, the need for coordination and regulation is apparent. Consequently, in a society consisting of a multitude of persons, the securing of freedom, like the securing of order and unlike the attainment of love, is necessarily a matter that has to be dealt with at the collective level.

But there are also crucial differences between freedom, on the one hand, and order, as well as some other values the securing of which requires collective action, on the other hand. For one thing, the value of freedom is associated with the very act of choice-making in a way other values, including order, are not. Whereas the substantive *content* of a choice may result in consequences that affect either the overall freedom or

the overall order of a society, freedom is at the same time distinctively instantiated in the *form* of the choice, or the way in which the choice is made, as well: for example, whether it is made under coercion, whether it is informed and deliberate, and so on. Put another way, freedom has a distinct *mode* of instantiation *vis-à-vis* many other values, including order.

Moreover, notice that order consists in the obtainment of “ascertainable patterns of regular structure, process, or change occurring in and resulting from human interaction” (Gould & Kolb, 1964: 660), and the resulted stability and predictability conducive to effective planning and execution of one’s plans. Such patterns must be robust enough such that only a small category of actions, with a significant degree of impact, could pose threat to them. As a consequence, once order is in place, its maintenance becomes a matter of concern *only in relatively few instances* of actions. By contrast, freedom is not only a property of the system of rules and patterns under which choices and actions are made, but also a property of those choices and actions themselves. *Whenever* a choice or an action is made, the value of freedom is at stake. This suggests that, in contrast to order (and many other ultimate values) the claim of which is relevant – and hence ought to be taken as a weighty consideration – only in a particular set of contexts,



we not only ought to take the freedom to choose as a weighty consideration in concrete cases, but also ought to do it in a *generalized* way.

To further illustrate the idea of modal heterogeneity of value instantiation, let us use a mathematical analogy. Consider the following function,  $f(a, b, c, d) = (ab + c)^d$ . In this function, both variables  $a$  and  $b$  are *factors* in the operation of multiplication with each other, but none of them can by itself be a *term* in an operation of addition. By contrast, both  $ab$ , which is the *product* of  $a$  and  $b$ , and  $c$  are *terms* in the operation of addition with each other, but they can only be multiplied with each other when  $d$  satisfies certain conditions. Finally,  $d$  is the only variable that serves as an *exponent* in this function, with  $ab + c$ , the *sum* of  $ab$  and  $c$ , as its only *base* in the operation of exponentiation. In a nutshell, different variables have different roles to play in the operations of this function, and hence different relations with one another as well.

Now what the idea of modal heterogeneity of value instantiation suggests is this. *Even if* values were commensurable (say by their “utilities”), the rational adjudication of their tradeoff still could have not taken the simple form of addition and subtraction. Instead, operations of multiplication and exponentiation between values would have been involved, and, given different values’ modes of instantiation, probably the factors or exponents in those operations would have always been some values but not others.

Suppose, for example, three ultimate values – freedom, order, and the discovery of truth – are now in conflict and we need to make a tradeoff. Suppose further, for the sake of argument, that they are commensurable by their respective “utilities” –  $U_f$ ,  $U_o$ , and  $U_{dt}$ . One might think that the overall utility of a tradeoff could be calibrated straightforwardly by augmentation, e.g.,  $U = kU_f + mU_o + nU_{dt}$ , where  $k$ ,  $m$ , and  $n$  vary in accordance with the decided tradeoff point. However, in the light of the above observation that the value of freedom is instantiated not only in the content of a choice but also in its form, and that it is weighty in a generalized rather than confined way, it would be much more plausible to assume that the overall utility should be calibrated by a more complex function, such as  $U = (mU_o + nU_{dt})^{kU_f}$ , where  $k$ ,  $m$ , and  $n$  vary in accordance with the decided tradeoff point. In this alternative function, the “utility” of freedom plays the role of an exponent, whereas the sum of the “utility” of order and that of the discovery of truth plays the role of a base.

To be sure, the mathematical analogy of modal heterogeneity has its limits. For one thing, as I have said, value pluralists hold that ultimate values are incommensurable, and therefore that no precise “utilities” of ultimate values can be predetermined in order to calibrate and compare the overall utilities of tradeoff points. Nonetheless, the takeaway is clear, which is that modes of instantiation may affect the ways in which

relevant values ought to be weighed in particular contexts of practice, and that the modal specialty of freedom may grant it a distinctive role *vis-à-vis* other values at certain level of decision-making.

Indeed, given the generalized weightiness of the freedom to choose as well as its collective dimension, it could be argued that, when deliberating politically about the proper forms of protecting or promoting basic values, we may accord such freedom a special *institutional* role. For instance, we may, as Berlin suggested, demarcate the “frontiers” of an “area” of negative liberties, which other persons and agents ought not to trespass “under normal conditions” (Berlin 2007: 52). Such a special institutional role, again, does not imply that freedom has any advantage in a supposed valuative hierarchy over other presumably incommensurable basic values; instead, it is meant to reflect the special mode in which freedom is instantiated.

Admittedly, the above account of the modal specialty of freedom and its institutional role is quite sketchy. In the next essay, I will argue for it in greater details through comparisons with several other approaches of justifying liberal pluralism, and explore its implications for liberal political theory.

### *Essay Three*

#### **Value Pluralism, Liberal Democracy, and Political Judgment**

In the previous essay, I have elaborated on several key concepts of value pluralism, and introduced the notions of modal heterogeneity and modal specialty that are central to my account of the compatibility between liberalism and value pluralism. Much, to be sure, is left to be done in filling out the details of this account.

Some of these tasks will be fulfilled in this essay. In the first place, I will summarize the two basic difficulties faced by liberal pluralists, and the ways in which existing approaches fail to solve them. I will then show how my modal account of value pluralism passes those two tests. Finally, I will explore three main political implications of my account, which concern, first, the tradeoff between civil liberties and other social goods, second, the relationship between liberalism and democracy, and third, the roles of judgment, institutional design and statespersonship in political life.

### *Defending Liberal Pluralism: Two Problems and Their Solutions*

Liberal pluralists have developed various accounts of how the tension between value pluralism and liberalism can be solved. While different accounts may have to address different technical issues of their own, there are two basic difficulties they all must overcome, which we may dub the Jump Problem and the Trump Problem, respectively.

#### *Berlin's Argument from Choice*

To illustrate, consider first of all the so-called “argument from choice,” which Berlin offered toward the end of “Two Concepts of Liberty”:

The world that we encounter in ordinary experience is one in which we are faced with choices between ends equally ultimate, and claims equally absolute, the realization of some of which must inevitably involve the sacrifice of others. 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, realizable 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. (Berlin 2007: 213-214)

This argument was the prototype of many subsequent, more sophisticated defenses for liberal pluralism. But as many critics have pointed out, it has at least two serious flaws.

First, it proceeds from the factual premise that conflicts among equally ultimate claims are inevitable, to the normative conclusion that the freedom to choose between them is, or ought to be taken as, immensely valuable. Obviously, such an inference commits the naturalistic fallacy and is therefore invalid. An entirely contrary conclusion might as well be consistent with the premise. For example, instead of valuing the freedom to choose, one could have come to the following conclusion: “Since choices among incommensurable claims are always tragic and painful, we ought to avert from the ‘agony of choice’ as far as possible, by handing away our opportunities to make choices, and hence our negative liberties as a whole, to some moral or political authorities.”

In a nutshell, the inevitability and tragedy of conflicts among ultimate claims cannot by itself establish any normative conclusion, including the conclusion that we ought to place immense value upon the freedom to choose between those claims.<sup>42</sup> Call

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<sup>42</sup> Also, Berlin’s statement in the quoted passage that “it is because this is their situation that men place such immense value upon the freedom to choose” seems to suggest that freedom is valuable only because the plurality of values makes choice between them necessary, that is, the status of freedom being a ultimate value is contingent on the truth of value pluralism vis-à-vis monism, which would, according to this view, necessarily take freedom as an purely instrumental value. Cf. Berlin (2002: 43-44): “The need to choose, to sacrifice some ultimate values to others, turns out to be a permanent characteristic of the human predicament. If this is so, it undermines all theories according to which the value of free choice derives from the fact that without it we cannot attain to the perfect life; with the implication that once such perfection has been reached the need for choice between alternatives withers away.” But this view is

it the Jump Problem, as the “argument from choice” relies on a logical jump from a factual premise to a normative conclusion, which makes its defense for liberal pluralism void.

But even if we could revise this argument, perhaps by introducing some additional normative premises, to avoid the naturalistic fallacy and hence the Jump Problem, it would still not be a working argument for liberal pluralism. In fact, it would only do a disservice to the latter. For, according to this argument, one who recognizes the fact of value conflict has an extra reason to “place immense value upon,” and to grant “central importance” to, the freedom to choose between those first-order values that are in conflict with one another. As a consequence, while the freedom to choose is itself an ultimate value, it is now privileged over other presumably equally genuine values. Or as Robert Talisse put it, this line of argument implicitly acknowledges “autonomous choice as a kind of trumping value that can break the deadlock between otherwise competing values” (Talisse 2004: 135).

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clearly wrong, and can be seen as another exemplification of the naturalistic fallacy. Critics have pointed out that monism is not incompatible with taking freedom as intrinsically valuable (cf. Dworkin 2011). Indeed, as I have argued in the previous essay, we must separate the question of the truth of value pluralism from that of what ought to be included among genuine plural values.

This is the second major problem with the “argument from choice”: it upsets the very thesis of value pluralism, running afoul of its promise of value incommensurability. In doing so, the supposed inference, from value pluralism to liberalism, becomes self-defeating. Call it the Trump Problem, as the argument paradoxically relies on freedom trumping other, supposedly equally genuine, ultimate values.

It is evident that the Jump Problem and the Trump Problem, are not confined to Berlin’s argument, but pose a threat to the idea of liberal pluralism in general. Solving them is a litmus test for the plausibility of accounts of how value pluralism and liberalism are compatible with each other. Subsequent defenders of liberal pluralism are aware of this, and have tried to develop accounts that could pass the test. In one way or another, however, they all fail. In the following, I will take as examples two most recent attempts, by George Crowder and William Galston respectively, and examine their failures, before turning to demonstrate the viability of my modal account of liberal pluralism, developed in the previous essay.



*Crowder's Proposal of Pluralist Virtues*

Recognizes that Berlin's "argument from choice," in its original form, suffers from the naturalistic fallacy, George Crowder proposes an amendment of it that essentially appeals to the idea of "pluralist virtues":

Pluralism imposes hard choices on us. To cope well with those choices, we need to develop certain dispositions of character, or virtues. Those virtues overlap the character traits distinctively promoted by liberal forms of politics, in particular the exercise of personal autonomy. In short, liberalism promotes the virtues required for coping successfully with the exigencies of choosing among conflicting incommensurables. (Crowder 2004: 164)

He then goes on to identify four "pluralist values" that are required for such success: first, generosity or open-mindedness in "taking plural values seriously"; second, a sense of reality concerning "the real costs of moral and political decisions"; third, attentiveness "to the relevant details of the choice situation, including the claims and circumstances of those people affected by the choice"; and fourth, flexibility "in tailoring [one's] judgment closely to the situation to which [one attends]," which he thinks is the most closely linked to the liberal ideal of personal autonomy (Crowder 2004: 166-167).

Crowder believes that this proposal avoids the naturalistic fallacy because it “passes not from necessity to value but from necessity to necessity” (Crowder 2004: 164). To say that pluralist virtues are necessary for us to cope well with hard choices, he argues, is no more than to say that they are necessary for us “to choose for a good reason.” For, insofar as practical reasoning is indispensable in organizing choices among incommensurable goods, under pluralism its absence would render our choices “arbitrary, incoherent and perhaps self-defeating”; and the only practice that is non-arbitrary and coherent under pluralism is to take seriously all the goods that one purports to value (Crowder 2004: 165). In the end, “value pluralism imposes on us choices that are demanding to a degree such that they can be made well only by autonomous agents... informed by critical choices among the available options” (Crowder 2004: 168).

Unfortunately this proposal does not work. To begin with, it is far from obvious that the proposed pluralist virtues are *necessary* for preventing “arbitrary, incoherent and perhaps self-defeating” choices and hence for “coping well” under pluralism. Take the first virtue Crowder proposed – generosity or open-mindedness in taking seriously plural values – for example. Recall Du Bois’ famous self-appraisal: “Because I am a negro I lose something of that *breadth of view* which the more cosmopolitan races have,

and with this goes an *intensity of feeling and conviction* which both wins and repels sympathy, and now enlightens, now puzzles” (Du Bois 2007: 206, emphases added). According to Du Bois, for members of disadvantaged and discriminated groups, usually open-mindedness can be maintained only *at the expense of* the intensity of conviction, an important source for motivating fights against social injustice. Both open-mindedness and commitment are admirable, but one cannot always have both. To say that open-mindedness is necessary for coping well, then, is to deny the reasonableness and virtuosity of the Du Boisian way of coping with hard choices.

Similar things can be said about other pluralist virtues Crowder proposes, too. While a sense of reality probably is a virtuous trait in many cases, it is arguable that, given our innate cognitive imperfections such as the status quo bias, an (over-)emphasis on the cultivation of a sense of reality would produce a widespread conservative tendency, and would, from time to time, need to be balanced by ostensibly unrealistic or utopian visionaries who constantly push the envelope of our moral, cultural, social and political imaginations. By the same token, while attentiveness to details of the choice situation is praiseworthy, taking it as a necessary virtue ignores the possibility of cope well with hard choices by appealing to heuristics instead of meticulous detail-seeking.

The problem looms the largest in Crowder's characterization of the last pluralist virtue, flexibility, and its connection to the liberal ideal of autonomy: "To judge flexibly in the light of value pluralism is to judge for one's own reasons in a strong sense, that is, autonomously. In part this is because conflicts among incommensurable goods cannot be decided for good reason merely by the mechanical application of a standard monist rule" (Crowder 2004: 167). One of the implications of this characterization is that utilitarians are not flexible and hence *not autonomous*, because utilitarian calculation is certainly "mechanical application" of a "ready-made monist procedure" (Crowder 2004: 167). This is a shocking suggestion, however. It seems that Crowder conflates giving a *right* reason (in accordance with value pluralism) with giving a *good* reason. It is one thing to say that value pluralism is true and that utilitarianism is wrong. It is quite another to say that one has no good reason at all, or cannot "cope well," in committing to utilitarianism, or that one is heteronomous if she relies on the "ready-made monist procedure" of utilitarian calculation. So long as one's utilitarianism is the result of her careful and informed (if ultimately wrong) reflection, calling it heteronomous would set a bar too high for almost anyone to qualify as autonomous, given our all too human fallability.

All the above criticisms point to a more fundamental flaw of Crowder's proposal, which is that it assumes a overly restrictive conception of what makes a choice, or an approach to making choices, a *good* one, and as a result unreflectively precludes diverse alternative ways of coping and living with hard choices under pluralism. In other words, the proposal does not, as he claimed, pass "from necessity to necessity." It commits the naturalistic fallacy and fails the Jump Test just as did the original Berlinian argument.

#### *Galston's Presumption of Expressive Liberty*

William Galston tells a different story about how value pluralism and liberalism get along. Under value pluralism, he argues, "there is a range of indeterminacy within which various choices are rationally defensible" and "no single uniquely rational ordering or combination" of ultimate values available. Since "no one can provide a generally valid reason, binding on all individuals, for a particular ranking or combination," any coercive policy "whose justification includes the assertion that there is a unique rational ordering of value" must be rejected (Galston 2002: 57-58).

Galston acknowledges that this argument assumes "coercion always stands exposed to a potential demand for justification." But he does not think this assumption particularly troubling, because "coercion is not a fact of nature, nor is it self-justifying.

Just the reverse: There is a presumption against it, grounded in the pervasive human desire to go our own way in accordance with our own desires and beliefs” (Galston 2002: 58). He calls it the presumption of “expressive liberty,” which is defined as “the absence of constraints, imposed by some individuals on others, that make it impossible (or significantly more difficult) for the affected individuals to live their lives in ways that express their deepest beliefs about what gives meaning or value to life” (Galston 2002: 28).

Constituting “the portion of negative liberty that bears directly on questions of identity” (Galston 2002: 28n1), expressive liberty lies in the core of liberal values. In a nutshell, according to Galston, value pluralism’s exclusion of unique rational ordering as justification for coercive policies, on the one hand, and the pervasiveness of the desire for expressive liberty presumed against coercion, on the other hand, in combination provide a firm ground for liberalism.

In appealing to “the pervasive human desire to go our own way” as a presumption against coercion, however, Galston risks inheriting the naturalistic fallacy of Berlin’s argument from choice. After all, not all pervasive desires deserve accommodation. The mere fact that the desire for expressive liberty is pervasive does not by itself constitute a

reason for giving such desire normative weight and presuming it against the justification of state coercion.

To be sure, Galston could have filled the gap by supplying a *normative* argument about the significance of expressive liberty, in addition to the pervasiveness of the desire for it. But then he would have been trapped by the Trump Problem while escaping the Jump Problem. Robert Talisse has nicely summarized the dilemma Galston faces:

The liberal again can give a strong account of why the desire to live in “accordance with our own desires and beliefs” ought to be accommodated. Such a story will draw upon the over-riding value of autonomy, derived generally from the need to feel that one’s life is valuable from the inside. That is, the liberal can countenance autonomous choice as a kind of trumping value that can break the deadlock between otherwise competing values; on this picture, that a given individual perceives a way of life based on Millian civic liberty as choice-worthy contributes to the value of that way of life for that individual. However, this line of argument is not open to the value pluralist, for it involves the claim that autonomous choice is a trumping value, and that consequently goods can be rank ordered. (Talisse 2004: 135)

This is not only Galston’s own dilemma, of course, but a common challenge faced by all liberal pluralists. How can one justify the special normative status granted to freedom (or the like) in liberal theory without contradicting the value pluralist thesis that genuine values are incommensurable and cannot be rank ordered?

*Modal Heterogeneity, the Modal Specialty of Freedom, and the Limited Role of Value Pluralism*

The modal account of value pluralism I have laid out in the previous essay can solve the above difficulties. The basic idea is this. Different basic values represent different aspects or facets of our common human horizon, and may therefore have different modes of instantiation in human practices, resulting in *modal heterogeneity* of value instantiation. While all basic values are themselves incommensurable, we arguably ought to accord different weights to the *instantiations* of those values in a particular practical context, in accordance with the relevance of their respective modes to the issue at hand. The fact that in a particular context, *c*, the instantiation of value  $V_1$  is accorded greater weight than that of  $V_2$  does not mean that  $V_1$  “trumps”  $V_2$ . Instead, it only means that  $V_1$ ’s mode of instantiation is more relevant to context *c* than is  $V_2$ ’s, allowing the possibility that the instantiation of  $V_2$  would be accorded greater weight than that of  $V_1$  in a different context *c\** to which  $V_2$ ’s mode of instantiation is more relevant. There is no *valuative hierarchy* – be it in the form of in-principle utility difference, or a Rawlsian lexical order, or else – between  $V_1$  and  $V_2$ , which remain incommensurable. It is the difference between the specific modes in which  $V_1$  and  $V_2$



are instantiated, respectively, that affects our practical adjudication between them in a given context.

If this is the case, we do not need to appeal, as Talisse suggested, to a “strong account” of the “over-riding value of autonomy,” or “the claim that autonomous choice is a trumping value,” which contradicts the value pluralist notion of incommensurability, in order to justify the presumption against state coercion. On the contrary, a different line of reasoning is now open to value pluralists, which is that freedom’s mode of instantiation is more relevant than many other values’ in those contexts where decisions about matters of collective, political nature, especially matters of institutional design with regard to the exercises and limits of state power, are of primary concern. As a consequence, its instantiation ought to be accorded generally greater (though cardinally imprecise<sup>43</sup>) weight than many others’ in those contexts and with regard to those matters.

I have talked about the modal specialty of freedom vis-à-vis other basic values in the last two essays, and will recap some of the points here. To begin with, unlike many other basic values, freedom is instantiated not through the substantive content of a particular choice that is freely made, but in the way in which the choice is made, which means, first of all, that whenever a choice or an action is made, the value of freedom is

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<sup>43</sup> See discussions on various interpretation of value incommensurability in the second essay.

at stake. Therefore, in contrast to many other basic values, the claim of any of which is relevant only in a small set of choice situations where it is the *purported consequence* of the choice to be made or the action to be performed, the freedom to choose is a *generally pertinent* concern across all concrete cases. Moreover, it also means that, in contrast to *individual* judgments and decisions concerning which choices and actions to make in personal lives, *collective* ones about regulating the externalities generated by those choices and actions, as well as about the limits of such regulation, are contexts in which the instantiation of freedom should be given greater weight. For it is these collective judgments and decisions that define the ways in which we make individual choices and actions, through the substantive contents of which many other basic values are then instantiated.

As a result, the presumption against state coercion is jointly established, on the one hand, by means of the *general* pertinence of freedom, which explains why it is a *presumption* at all, and on the other hand, by means of the *collective* dimension of the instantiation of freedom, which relates to the nature of *state* coercion as collective policy. The presumption does not need to be grounded on the traditional liberal idea of autonomy as a trumping or over-riding value. On the contrary, it suffices to appeal to the idea of modal heterogeneity of value instantiation, and to the special mode of

freedom vis-à-vis other basic, incommensurable values. I will say more about this in the next section.

If the modal account of liberal pluralism solves the Trump Problem by appealing to the distinction between modal heterogeneity and valuative hierarchy, it also solves the Jump Problem by acknowledging – as I have argued in the previous essay – that value pluralism (or the acceptance of it) plays *a different role than* identifying any particular basic value or justifying a certain definitive list of basic values. The acceptance of value pluralism entails that, *if* we have, for good reasons, come to identify  $V_1$ ,  $V_2$  and  $V_3$  as on the list of basic values that are constitutive of human nature, *then* we must acknowledge that  $V_1$ ,  $V_2$  and  $V_3$  are equally genuine, ultimately incompatible, and incommensurable. To put it in another way, value pluralism is not the *source* of any basic value, but merely an *affirmation* of its value-status. It acknowledges the (meta)normative distinctness of each of these values *vis-à-vis* others, such that they are not to be subsumed under the name of other basic values. To identify basic values or to justify a definitive list of basic values, on the other hand, we must supply independent reasons for each of them.

By acknowledging the limited role of value pluralism, defenders of liberal pluralism can disentangle two tasks from each other. One is to demonstrate the

*compatibility* between liberalism and value pluralism. The other is to account for the value of freedom, that is, why freedom is *valuable at all* (and why liberalism is right) in the first place. The latter is a common challenge for all strands of liberalism, whereas the former task is specifically for liberal pluralists and to that extent ought to be their primary concern.

Berlin's and Crowder's approaches failed the Jump Test because they were eager to accomplish the two tasks at once, and so tried to infer the value of freedom directly from the fact of value pluralism. Galston's approach risked failing the Jump Test too insofar as he suggested that the value of freedom be presumed solely on the basis of the pervasive desire for it, which is a sheer fact. It could be rescued from the risk by an argument for the presumption against state coercion, which cannot be based on the traditional liberal appeal to the trumping value of autonomy. The idea of modal specialty of freedom solves this problem and thus reconciles liberalism with value pluralism.

Notice, however, that it leaves the question of why freedom is, in the first place, valuable at all still unaddressed. As I have suggested, this question can only be addressed by looking into additional facts and reasons that are independent from the

thesis of value pluralism, including facts about basic human conditions that inform various aspects of the common human horizon.

But this does not make the modal account of liberal pluralism problematic. For, on the one hand, non-pluralist liberal accounts also face the equally intriguing question of why autonomy is valuable – and trumping – at all. So in this regard liberal pluralism does not have any comparative disadvantage vis-à-vis other strands of liberalism. On the other hand, as I have argued in the previous essay, the making of a case for liberal pluralism is an art of persuasive elaboration. Given that the compatibility problem between liberalism and value pluralism has been solved, insofar as we can, on the basis of the modal account, persuasively elaborate the distinctiveness and significance of the political implications of liberal pluralism vis-à-vis other strands of liberalism, this fact would count heavily in favor of the modal account of liberal pluralism.

### ***Political Implications of Liberal Pluralism***

In the rest of this essay, I will discuss three political implications of the modal account of liberal pluralism. The first concerns the nature of the so-called “negative” area of civil liberties and its demarcation, whereas the other two implications of the modal

account pertain to the place of democracy and that of political judgment, respectively, in liberal political theory. As will be shown, those three issues are closely interconnected, together manifesting both the possibility and the intricacy of rational adjudication of value conflict in political life, in the face of the incommensurability of genuine basic values.

### *Civil Liberties in the Balance*

In the previous section, I have argued that the modal account of liberal pluralism can, without resorting to the idea of autonomy as a trumping value, establish the *general pertinence* of freedom to all collective decisions and hence the presumption against state coercion. As a result, in the political life, the burden of justification generally falls on those who propose to compromise liberal values for the sake of other goods and claims, rather than the other way around.

But of course this is far from the end of the story. For one thing, those who commit to liberalism presumably embrace not only such a presumption against state coercion, but a *sufficiently strong* one, to the effect that the rights and liberties liberals cherish, while not absolute or inviolable, will not be *too easily* overridden by other goods and claims in each particular case of collective decision-making. Hence the famous

metaphor of an “‘negative’ area” of civil liberties, the “frontiers” of which, “under normal conditions,” are too “sacred” to “overstep” (Berlin 2007: 52-53). On the other hand, as most liberal theorists would agree, the presumption should not be *too rigid* either, but should leave reasonable room for necessary tradeoffs and balances between civil liberties and other important values.<sup>44</sup>

Furthermore, the search for proper criteria for such tradeoffs and balances cannot be undertaken independently of a deeper issue, namely, the tension between the ostensibly deontological discourse of rights and liberties, on the one hand, and the

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<sup>44</sup> Here the term “balance” is to be understood in a broad rather than narrow sense. On the face of it, the talk of balancing is not particularly welcomed among liberal thinkers. Many have warned that in real-world political discourses “the metaphor of balancing is a rhetorical device of which one must be extremely wary” (Ashworth & Redmayne 2010: 41-42), as it, among other things, allows political and judicial decision-makers to “unconsciously smuggle in their political preferences as they evaluate the interests and figure out which ones are weightier than others” (Tushnet 1999: 133). In particular, Jeremy Waldron (2003) has nicely summarized various reasons for worrying about the post-9/11 talk of “balance between liberty and security,” while Mark Neocleous (2007) offered a Foucaultian genealogical critique of liberalism in terms of its long-standing ambiguity towards the idea of such balance. Nevertheless, many of those concerns are about “balance” in a narrow sense, or, in Waldron’s words, “the sort of common-or-garden consequentialism” according to which the costs and benefits of liberty and security (or other goods) can be straightforwardly calculated, added and subtracted (Waldron 2003: 194). But this need not be the case for all conceptions of balancing. Indeed, there might be other, more sophisticated ways of conceiving the trade-off and balance between liberties and other values – a possibility all these authors acknowledge, whether they use the term “balance” to characterize it or not. Under the broader sense of tradeoff and balance, one is allowed to use, for example, the more sensible approach of “probability threshold” that takes into account the likelihood of a potential threat to security and sets a stringent floor on it in order to counter the otherwise systematic overestimation of threats (cf. Masur 2007).

ostensibly consequentialist notion of trading off and balancing, on the other hand. Jeremy Waldron, for example, has suggested that “[t]alk of balance – particularly talk of changes in the balance as circumstances and consequences change – may not be appropriate in the realm of civil liberties. Civil liberties are associated with rights, and rights-discourse is often resolutely anti-consequentialist” (Waldron 2003: 194). Given such a tension, before we could demarcate the “frontiers” of negative liberties and lay out the terms under which to “overstep” them is justified, it would be necessary to ask how talk of “demarcating” and “overstepping” the “frontiers” of negative liberties, both premised on the consequentialist notion of tradeoff, is meaningful at all.

Some might think that this tension can be solved by threshold deontology (cf. Kamm 2007; Moore 1997; Zamir & Medina 2010: 41-56), the idea that deontological constraints have primacy over the goodness of outcomes only when the weight of the latter is below a certain threshold, and that otherwise those constraints are overridden. Whatever the appeal of threshold deontology is, however, the modal account of value pluralism could help explain it (or explain it away)<sup>45</sup> while at the same time avoid the

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<sup>45</sup> While I do not have room to argue for this here, I believe that the implication of value pluralism is broadly consequentialist at the practical level (even though, as I have shown in the previous essay, value pluralists should reject all *utilitarian* variants of consequentialism as monist and therefore metaphysically incorrect). In fact, I believe that the consequentialism-versus-deontology debate is largely misplaced, that we should distinguish between questions about the nature of normative assessment at the practical level and questions about the



difficulties threshold deontology faces. To begin with, in response to the charge of incoherence, threshold deontologists argue that there are more than one kind of morally relevant factors, that all factors must be taken into account, and that under certain circumstances some factors outweigh others (cf. Zamir & Medina 2010: 52). Obviously, this is in line with the idea, developed in this series of essays, of the modal heterogeneity of value instantiation.

More importantly, the modal account helps to address the problem of arbitrariness for threshold deontology, which is that it cannot provide a morally non-arbitrary account of why deontological constraints should have primacy at all when the threshold is not met, as well as of where to draw the threshold and why (cf. Ellis 1992; Alexander 2000). For a sketch, recall the mathematical analogy I employed in the previous essay.

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foundation of morality, and that we should opt for consequentialism at the *practical* level but deontology (or more accurately, Kantianism the tenets of which include, for example, the conception of persons as free and equal moral beings) at the *foundational* level (cf. David Cummiskey [1996] and Shelly Kagan [2002] for arguments in support of the compatibility between consequentialism and Kantianism; moreover, as a variant of Kantianism, Rawls's theory of justice has been characterized as "contractarian-consequentialist" [Pogge 1995], indicating such compatibility). By the same token, I also agree with Philip Pettit (2012) on the inevitability of consequentialist assessments, at least in the political realm. Thomas Pogge has similarly suggested that it is extremely difficult, if not impossible, to escape from consequentialism when adopting *institutional* perspectives on politics: "Once we view our social world institutionally, we will be drawn to a broadly consequentialist mode of assessment: an institutional scheme is just, or good, if it is on the whole better for the persons living under it than its alternatives would be" (Pogge 1995: 243).

Suppose, for the sake of argument, that value incommensurability does not hold and that we can assign commensurable “utilities” to (instantiations of) basic values so as to calibrate the overall “utility” of their tradeoff. Suppose further that, because of their distinctive modes of instantiation, only the utilities of some values could be assigned the role of *exponents* in the overall utility function of the tradeoff in a particular context, whereas others are, at most, part of the base in its operations of exponentiation. As a result, changes in the former certainly would have exponentially different impacts on the overall utility of the tradeoff than changes in the latter.

In fact, those who are mathematically savvy can easily come up with many examples of functions that involve operations of exponentiation, in each of which the maximization of the overall utility requires that some values be assigned (ostensibly deontological) primacy over others, *unless and until* the utilities of the latter increase beyond certain thresholds. Moreover, by adjusting the value of each parameter in the overall utility function, in accordance with relevant information provided by the context, the thresholds at issue could also be determined. Finally, while value incommensurability makes the assignment of precise “utilities” to value instantiations impossible, it does not affect the takeaway from this analogy: different modes of value instantiation may lead to different roles and weights of relevant values in assessing their

conflicts and tradeoffs, in accordance with the nature of particular practical contexts. That said, incommensurability does imply that the thresholds for overriding those ostensibly deontological constraints are necessarily vague and fluid, subject to a greater degree of reasonable disagreement than many would have assumed.

The demarcation of the frontiers of negative liberties, and their tradeoff with other important values, can be understood in this light, although a lot more details remain to be filled in. The ultimate reason for a sufficiently strong, but not too rigid, presumption in favor of access to a relatively extensive range of permissible choices and actions against state coercion lies, in a nutshell, in the special mode in which freedom instantiates, and accordingly the special mode of relevance it has in political, especially institutional, contexts of value conflict, as I have argued. This modal specialty allows us to construct a sphere of civil liberties as ostensibly deontological constraints, the thresholds for which to be overridden are sufficiently stringent but not prohibitive, and are reasonably fluid to accommodate variation in circumstances and judgments.

Such variation, however, leads to further questions about the places of democracy and political judgment in liberal theory, to which I will now turn in the next two sections.

*Democracy and the Modal Dichotomy of Freedom*

While the term “liberal democracy” is widely circulated in contemporary political discourse, the alliance between liberalism and democracy has never been an easy one. Liberal theorists tend to have an ambivalent attitude towards democracy, welcoming and suspicious at once. On the one hand, most of them recognize democracy as valuable, either intrinsically or instrumentally. On the other hand, they are wary of its potential threat to core liberal values. Indeed, one of the greatest fears by contemporary liberal political theory, it is suggested, is “majority tyranny, a temptation to which otherwise decent democratic peoples have a long history of occasionally yielding” (Krause 2002: ix). Consequently, many liberals tend to hold that the priority of the right to democratic participation is strictly lower than the priority of the access to “negative” civil liberties: the former is subject to restrictions constituted by the latter, not the other way around.

This ambivalence towards democracy is perfectly exemplified in Berlin’s writings, where liberal pluralism was first espoused. To begin with, he (in)famously claimed that negative liberty “is not incompatible with some kinds of autocracy, or at any rate with the absence of self-government” (Berlin 2007: 176). Sometimes he also suggested that “the chief value for liberals of political – ‘positive’ – rights, of participating in the

government, is as a means for protecting what they hold to be an ultimate value, namely individual – ‘negative’ – liberty,” but that meanwhile democracy has a poor record of doing such job (Berlin 2007: 211, cf. 177, etc.). Accordingly, Jonathan Riley (2013) concluded that political democracy should not be included in Berlin’s idea of the “minimum of common moral ground,” from which only a sphere of negative liberty can be derived.

Nonetheless, Berlin would later clarify that the right to democratic self-government, which he takes to be the “original meaning” of positive liberty,<sup>46</sup> is not merely an

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<sup>46</sup> Many interpreters of Berlin would surely reject the suggestion that Berlin returned to this apparently Constantian idea of positive freedom as democracy. For example, while Crowder correctly rejected the myth that in Berlin’s thought there are multiple “genuine” conceptions of positive liberty, he (wrongly) argued that, for Berlin, “positive liberty in its original sense” (namely “self-mastery”) refers to “autonomy” rather than the right to democratic self-government (Crowder 2004: 67-68). Granted, Crowder was also correct in calling out the notion of “freedom as political participation” as different from positive liberty (Crowder 2004: 67), as the former is supposedly more a so-called “exercise-concept” than an “opportunity-concept.” But this merely points to another confusion in Berlin’s retreatment of the *right* to democracy. That is, Berlin sometimes lumped together such a *right* with the *virtue* (and perhaps the moral *duty*) of civic participation in political life. As a consequence, even in his later writings, Berlin conflated “freedom in the sense of self-government,” which should be the “genuine” form of positive liberty as he hesitantly acknowledged, on the one hand, with “the Aristotelian notion of true civic liberty” of “[performing] civic duties out of love for their polis, without needing to be coerced,” which, according to his earlier analyses, was one of the “distorted” versions of positive liberty, on the other hand (Berlin 2002: 33). For more on the right to democratic self-government as (the “original” or “genuine” form of) positive freedom, as well as on Berlin’s equivocation about and hesitant acknowledgement of this idea, see relevant discussions in my first essay.

instrumental value, but “a fundamental human need, something valuable in itself, whether or not it clashes with the claims of negative liberty or of any other goal” (Berlin 2007: 39). Moreover, he argued, both negative and positive liberties are derived from the freedom to choose:

those who have ever valued liberty for its own sake believed that to be free to choose, and not to be chosen for, is an inalienable ingredient in what makes human beings human; and that this underlies both the positive demand to have a voice in the laws and practices of the society in which one lives, and to be accorded an area, artificially carved out, if need be, in which one is one’s own master, a ‘negative’ area in which a man is not obliged to account for his activities to any man so far as this is compatible with the existence of organised society. (Berlin 2007: 52)

In this passage lies the germ of what I call the *dichotomization argument for democracy*, which goes roughly as follows. In the context of a political society, there are always two parallel modes in which the value of the freedom to choose is to be instantiated. As a result, the liberal pluralist argument on the basis of the modal account for the presumption of negative liberties at the level of institutional arrangement is, *mutatis mutandis*, applicable to the institutionalization of positive liberty as well. The modal account of liberal pluralism, in other words, does not only justify liberalism, but also liberal *democracy*, despite the ineradicable tension between the “negative” and “positive” forms of freedom.

As I have argued in the first essay, both the parallelism and the tension between two modes of freedom arises from the fact that, when a multitude of agents cohabit the world, one's choices and actions necessarily generate and impose externalities on others. A functioning society thus needs rules and procedures of determining the boundaries of permissible choices and actions by each member of the society, so as to regulate the externalities of those choices and actions. If members of a society have a freedom-based interest in determining for themselves how to choose and act in their own lives (i.e. within the boundaries of permissible choices and actions), then they also have a freedom-based interest in playing a role in determining where to draw those boundaries and how to neutralize the externalities of other members' permissible choices and actions, as well as in shaping the rules and procedures of doing so.

In other words, it is the fact that we live not in isolation but in a society that necessitates the parallel, dichotomized instantiation of freedom in two modes. On the one hand, it must be instantiated in our access to a relatively extensive sphere of permissible choices and actions, so as to effectively give shape to our lives in light of our own judgments. On the other hand, freedom is also instantiated in our access to participation in the process of collectively demarcating such a sphere. In other words, it is instantiated in our right to democratic self-government.

Furthermore, this parallelism implies that there is no determinate priority between the instantiation of negative and positive modes of freedom. Berlin sometimes seemed to suggest otherwise, however, even after he had conceded that negative liberties and the right to democratic self-government have a common root in the freedom to choose. For example, in arguing that the protection of negative liberties does not “call for abdication by individuals or groups from democratic self-government of the society,” he reasoned that this is because “*after* their own nicely calculated corner” of negative liberties “*has been made secure and fenced in against others,*” all the rest could still be left “*to the play of power politics*” (Berlin 2007: 53, emphases added). That is, he equated “democratic self-government” with the mere “play of power politics,” which must not intrude in the “nicely calculated,” “secured and fenced” area of negative liberty.

But the questions concerning the demarcation of the area of negative liberties once again come to the scene: how do we know the “corner” of negative liberties have been “nicely calculated”? Who is to judge whether it is time to contract the corner a bit, and where? Letting each member of the society draw the boundaries of her own – but not others’ – negative liberties certainly does not work; authoritative, enforceable collective decisions are needed. But if those decisions are left entirely to the hands of the elite or



statesmen who supposedly are vested with “knowledge and skills,” does it not deprive ordinary citizens of their “voice in the laws and practices of the society in which one lives,” which, after all, is not only “a fundamental human need,” but also an inevitable practical instantiation of one’s freedom of choice, just as negative liberties are? Given the modal dichotomy of freedom, the idea that the boundaries of negative liberties should be determined *before* the process of democratic participation begins is a non-starter.

At the end of the day, the tension between negative and positive forms of freedom should be recognized as immanent to its distinctive mode of dichotomized instantiation, so long as we live in societies rather than in isolation. It is an ineradicable dimension of the dynamic of liberal democracy, a dynamic that value pluralists have reason to cherish, than to decry.

### *Political Judgment, Institutional Design, and Statespersonship*

The dichotomization argument for democracy, presented above, does not imply that non-democratic forms of decision-making should have no place at all in liberal political theory, however. Quite to the contrary, the modal account of liberal pluralism suggests we appreciate the contentious yet indispensable role of political judgment in

democratic life, and attend to the normative theorizing of its implications, both on institutional design and on the ethics of political action.

As I have argued, given value incommensurability, the rational adjudication of value conflict requires the making of “every effort” to acquire and apply “knowledge and skill” (Berlin 2007: 42) and to reflect carefully and thoroughly, in each particular practical case, in search for either a definite solution or a proof that no such solution exists, without knowing *a priori* that either such solution or such proof of insolvability exists. This, of course, is a tough task, and value pluralists generally agree on the indispensability of the faculty of judgment in this process of practical reasoning, frequently likening it to the Aristotelian notion of *phronēsis*, or practical wisdom, as something that makes it possible that, “[p]rovided one has taken the process of practical justification as far as it will go in the course of arriving at the conflict, one may be able to proceed without further justification, but without irrationality either” (Nagel 1979: 135; cf. Berlin 1996; Crowder 2004: 141).

Most value pluralists, nevertheless, have focused on the role of judgment or practical wisdom at the *personal*, instead of the *political*, level. That is, they talk mostly about individuals’ cultivation of the “skill [of judgment] in practical reasoning, refined against a background of other virtues or dispositions of character which together

contribute to *a good life* overall” (Crowder 2004: 141, emphasis added). Implicitly, judgment is seen as essentially a private matter, a means for someone to pursue and acquire “a good life,” or *eudaimonia* in the Aristotelian sense.

But if the rational adjudication of value conflict is a permanent challenge not only in personal life but also in political life, then in addition to the Aristotelian practical wisdom in living a good (personal) life, we must take *political* judgment seriously as well, making the best of it in the process of collective decision-making.

Some might think that the question of political judgment has been exhausted by the above argument for democracy. After all, every citizen has her own judgments about political matters, and what else can we do when different citizens’ judgments on a certain political issue come into conflict with one another, other than resort to the democratic process of voicing, debating and counting their judgments? And isn’t democratic self-government, as I myself have argued, the positive instantiation of the freedom to choose, a fundamental human value? Introducing any non-democratic form of judgment into political decision-making, and, what’s worse, superimposing a judgment of this kind *on* the outcome of democratic judgments, it might seem, would imperil the very value of freedom in its positive mode.

There are several confusions involved in this thought, however, including the confusion between democratic as a source of *political legitimacy*, on the one hand, and democracy as a bearer of *epistemic virtue*, on the other hand, as well as the confusion between the introduction of a non-democratic judgment as an embodiment of *ultimate authority*, on the one hand, and as a form of *hedging*, on the other hand. To begin with, as has been argued, the claim of democratic self-government may sometimes clash with the demand for a more extensive sphere of negative liberties, whereas both of them may sometimes clash with basic human values other than the freedom to choose. When an argument that a given democratic decision has unreasonably undermined certain other basic values is presented, it would be circular to resort to the very authority, whose sense of judgment is (at least implicitly) under question by this argument, to decide upon its validity.

To be sure, this circularity cannot be resolved by the introduction of any other form of political authority, as judgments made by the latter could also be subject to questioning. But given how difficult and contentious the rational adjudication of value conflict is, the diversification of forms and sites of political decision-making helps hedge against the risk of irrational adjudication in political life, by opening up additional dimensions on which knowledge and skill relevant to a particular case can be

introduced, and by raising the bar for each particular political judgment, whether democratic or non-democratic, to go uncontested, given that any judgment is potentially wrong (or right, for that matter).

Accordingly, there are two main ways in which non-democratic forms of political judgment can be institutionalized, in order to hedge against wrong democratic judgments in particular cases, as well as against the risks generated by each other.<sup>47</sup> One is to establish various sites of expertise in relevant cases, such as courts with regard to legal matters, scientific agencies and advisory boards in relation to policies involving highly specialized scientific and technological issues (e.g. FDA regarding the safety regulation of medical products). The other is to install a proper mechanism of checks and balances, such as a system of judicial review, so that none of the political authorities could overreach too easily in particular judgments, at the cost of certain basic values.

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<sup>47</sup> To be sure, there might be other institutional approaches to addressing the problem of wrong democratic judgments. For example, according to one interpretation, Jeremy Bentham espoused the kind of institutional design “that would induce ordinary people to act in socially desirable ways” by fostering certain requisite “moral, intellectual, or active aptitudes” in all citizens (Elster 2013: 189). The focus of this Benthamite approach to institutional design is, however, on *preventing* democratic judgments from going wrong, rather than on *hedging against* them in case they go wrong. The former can be done by improving the quality of democratic judgments insofar as it is possible, whereas the latter can be done only by introducing non-democratic judgments as potential counterbalances.

Does the institutionalization of non-democratic forms of political judgment imperil the value of democratic self-government as positive freedom, then? It does not, if the introduction of those institutions is democratically sanctioned, and is subject to possible democratic review and reversal in the future. In this way, democratic self-government is affirmed as the ultimate source of political legitimacy, provided that the (democratically sanctioned) threshold for triggering such review or reversal in relevant cases is not too high to make it practically impossible.

On the other hand, however, the threshold should not be too low either. Otherwise if non-democratic judgments are too easy to override, their intended hedging will be rendered inefficacious. In other words, the real question becomes that of determining appropriate thresholds for triggering democratic review and reversal of non-democratic judgments. Notice that this question is akin to the previously discussed question of determining appropriate thresholds for trading off civil liberties for the sake of other important social goods, except that the former question is self-referential in a way the latter is not. Both kinds of thresholds should ultimately be drawn by the democratic people, but in deciding upon the thresholds for triggering democratic review and reversal, what the democratic people does is limit the role its political judgment plays in

particular policy issues by invoking its political judgment at the level of institutional design.

Finally, the indispensability of political judgment has non-institutional implications as well. For one thing, the requirement to acquire and apply knowledge and skill with every effort in relevant cases in order to resolve value conflict in political life suggests both an obligation and a type of virtuous character for political actors, especially for those actors in a position of exercising great political authority or influence. The virtue is the acquisition of relevant knowledge and skill to particular political issues, as well as the ability, willingness and determination to apply such knowledge and skill, despite personal consequences. The obligation is to live up to the ideal set by this virtue.

Call it the ideal of *statespersonship*.<sup>48</sup> A statesperson is one who is in a position of exercising great political authority or influence, makes every effort to acquire and apply knowledge and skill relevant to particular political issues, and arrives at insightful (if not always correct) political judgments in relevant cases. She respects democratic legitimacy, and defers to the democratic judgment when doing so is instructed by relevant institutions. But she is also willing to act in defiance of the public opinion that has not yet translated into institutionally sanctioned democratic decision, provided that

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<sup>48</sup> Thus Berlin's (2001) interest in portraying the (supposed) statesmen of his time is justified.

she has made every effort to acquire and apply relevant knowledge and skill in reaching her considered political judgment on the matter, as well as reasonable effort to communicate with, and to convince, the public. In doing so, moreover, the statesperson acknowledges that even her carefully considered judgment may err, and she is willing to submit herself to public scrutiny, and to take the blame for any consequence of her judgments and subsequent actions. According to the modal account of liberal pluralism, we should appreciate the ideal of statespersonship, even in the political life of liberal democracies.



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