



THE LIBERALISM OF DIVERSITY: A DEFENSE AND SOME CLARIFICATIONS

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Like any book, and regardless of the degree to which it achieves its goals, *Dealing with Diversity* has inaccuracies and argumentative weaknesses. The careful comments received from Asha Bhandary, Stephen Macedo, and João Cardoso Rosas highlight them lucidly. In what follows, I aim to address some of the points they raise as fairly as I can and, where it is possible, to defend the work I did in my book. At the same time, the reply to such keen remarks gives me the opportunity to clarify some parts that might seem opaque. Before proceeding to consider in some detail the criticisms received, I think it is appropriate to set forth very briefly the purposes of the book.

In writing *Dealing with Diversity. A Study in Contemporary Liberalism*¹, I had in mind three main objectives: to offer a critical overview of the post-Rawlsian debate on the relationship between liberalism and diversity; to bring Rawls' so-called political turn to completion; and to work out *diversity liberalism*, which is a theory capable of overcoming the difficulties detected in some of the approaches I have analyzed in the volume.

Regarding the first goal, I identify four possible versions of liberalism. From the point of view of justification, liberalism can be political or comprehensive. From the point of view of the value that liberalism takes as fundamental, liberalism can be pro-autonomy or pro-diversity. From these two distinctions, I identify two versions of comprehensive liberalism, one pro-autonomy and one pro-diversity, and two versions of political

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¹ Melidoro (2020).

liberalism, one pro-autonomy and one pro-diversity. Each of these four options is analyzed by looking at the work of four theorists who, in the contemporary debate, exemplify them quite clearly. With this account, I offer an original representation of liberal theories within the contemporary academic debate.

Rawls' political turn, in my opinion, is accomplished and overcomes many of the difficulties that political liberalism (both the Rawlsian version and the one elaborated, for instance, by Stephen Macedo) encounters if it gives up defending and promoting the value of autonomy, even if it is *politicized*. In fact, although subjected to the process of *politicization*, autonomy cannot accommodate the diversity that it aims to accommodate. Thus, the political turn is completed when liberalism avoids basing the political order on comprehensive conceptions of the good, including those based on political autonomy.

Finally, to provide a theory capable of responding adequately to the fact of diversity that characterizes today's liberal democratic societies, I have set out a model of political liberalism based on a genuine commitment to diversity. The starting point, as can be seen from the fifth chapter of the book, is the liberal archipelago developed by Chandran Kukathas.² However, in my book, the model elaborated by Kukathas has undergone a substantial revision process that has radically transformed it. I have questioned some of its essential aspects (such as its anarchical character and the extremely narrow role assigned to the state) and provided an account of political obligations as associative obligations that redraws the relationship between individuals, communities, and the state in a context of deep diversity.

After offering a brief synopsis of the book, I will proceed to address the comments received. In her paper, besides offering a valuable critical reconstruction of some aspects of my work, Bhandary dwells on certain alleged inconsistencies in the book. For example, she claims that I remain silent “about whether exploitation within a group is permissible.” This would be a serious inconsistency since, according to *Dealing with Diversity*, among the purposes of the state is that of preventing the richest and most powerful groups from exploiting poor or weak minorities.

I don't believe that this objection hits the mark because among the principles that I have placed at the base of my liberal theory is individualism. In the book, I write:

² Kukathas (2003).

“Liberalism is individualist in a very restricted sense, namely, in the sense that persons *uti singuli* are the basic units of moral and political consideration and that individual claims have priority over collective claims.”³ So, if individuals are the basic units of moral and political concern, it is unlikely that we can accept forms of oppression by the community against individuals.

Moreover, from my point of view, among the aims that a state consistent with the principles of *Dealing with Diversity* must pursue there is the defense of individual rights. In fact, in chapter five, we find that “in order not to betray the individualistic premises of liberalism, the state must guarantee fundamental individual rights both within and outside the groups to which people belong.”⁴ Furthermore, among the reasons why Kukathas's approach has been rejected is the fact that it proves rather ineffective in counteracting the ever-possible tyranny that groups can operate against their members. Finally, in the analysis of India as a paradigmatic case of religious pluralism that I conduct in the sixth chapter, the conceptions of Rajeev Bhargava and Neera Chandhoke are criticized for not guaranteeing respect for individual rights and sacrificing individual claims to the communities to which they belong.⁵

Another critical observation made by Bhandary concerns the fact that my book neglects issues of care and especially the fact that those who do care work are, in most cases, women and/or from disadvantaged groups. I must acknowledge that this observation is well placed. In fact, and I write this explicitly in the concluding chapter, *Dealing with Diversity* is not concerned with distributive justice, that is, with how the burdens and benefits of social cooperation should be distributed across the members of the society. As mentioned, the focus of the book is on cultural diversity and how it is possible to ensure that the same institutional structure can guarantee that different and potentially conflicting groups and individuals coexist peacefully within it. So, issues of care, while being of objective interest and dealing with essential dimensions of human existence, are not really among the fundamental issues the book reflects upon.

A very important point found in Bhandary's paper, and one that unfortunately I do not have the opportunity to discuss with due depth in these pages, concerns the disagreement between us regarding the value of individual autonomy and the role that

³ Melidoro (2020, p. 3).

⁴ Melidoro (2020, p. 121).

⁵ Melidoro (2020, pp. 128–134).

this value should play in political theory. For example, in a passage of the pages devoted to my work, Bhandary writes:

A liberalism that endorses a form of egalitarianism, where each person counts as one, must also value individuals' own articulations of their values and needs. For this reason, individual autonomy is needed. Individual autonomy is related to personal autonomy, and it is not equivalent to the moral autonomy of Immanuel Kant. Moreover, the autonomy I defend is not the autonomy of masculine individualism. Instead, it is a set of skills for articulating what one values, where these skills do not require articulating value outside the context of one's horizon of significance. Consequently, a commitment to a form of autonomy as a set of skills is necessary as a positive commitment for liberalisms that aim to identify in order to reduce or eliminate exploitation.⁶

Individual autonomy, according to Bhandary's view, does not rely on a comprehensive account of the good. Thus, the rejection of any autonomy-based liberalism based on my reliance on the tenets of political liberalism would be unjustified. In general, I am very sympathetic to Bhandary's attempt to reconfigure the value of individual autonomy. Likewise, I look with interest at those feminist theorists who highlight the relational aspects of individual autonomy. However, I think it is appropriate to clarify my dismissal of the value of autonomy. My rejection is not formulated in abstract terms but only in reference to the purposes of my book. *Dealing with Diversity* wants to provide a liberal answer to the question 'how to live together' under conditions of deep diversity. Therefore, the book wants to find the principles based on which institutions can guarantee an adequate answer to this question. A conception like the one defended by Bhandary could be acceptable in terms of philosophical justification. Even assuming that such a justification is available, some questions remain, in my view, fundamental: are we sure that such a conception of autonomy is necessary to ground the political order? Why should political institutions, in their attempt to answer the question 'how to live together?', refer to a conception of autonomy such as the one elaborated by Bhandary?

I argue that the main point of disagreement between my approach and Bhandary's lies in our different understandings of the scope of political philosophy. Her work can be read within the context of the "*what is a just society*" project. In her words:

This inquiry has an atemporal character in that its central focus is not about how to *get to* a just society. Instead, it evaluates the constituents of a just society. The "what is a just society" project evaluates virtues and the basic structure. It considers what a just society would look like and typically includes an understanding of human nature as well as a characterization of the core problems social

⁶ These thoughts are widely developed in her important monograph. See Bhandary (2020).

cooperation is meant to solve. I locate theories of distributive justice under this umbrella, but the question, "*what is a just society*" is broader than the distribution of benefits and burdens.

It is within this wide-ranging and ambitious project that Bhandary locates her thoughts on individual autonomy both in general terms and about the avoidance of oppression. The aims of my book, as it emerges even from these pages, are much more modest. *Dealing with Diversity*, as I already observed, is an answer to the 'how to live together?' question, so its scope is very limited in comparison with the "what is a just society" project. Of course, I am not arguing that the two philosophical enterprises are completely distinct and unrelated. There are for sure some connections to be explored between the justice of a society understood in broad terms and the ways in which liberal institutions ensure the possibility of a peaceful and ordered coexistence of different groups and individuals. However, the conceptual distinction between the two philosophical projects remains and, in my opinion, explains much of the disagreement between Bhandary and me.

The pages that Macedo devotes to my book are dense and rich in content. They set the stage for a close comparison between my work and his. I am particularly glad about this, considering that ever since I started working on liberalism and diversity, his books and articles have been inescapable points of reference.⁷ *Dealing with Diversity*, as already written in these same pages, aims to accomplish the Rawlsian political turn, which was developed so eloquently by Macedo. In the attempt to carry out this theoretical effort, I tried to work out a position that could have an autonomous space within the academic debate on liberalism. I tried to elaborate a liberalism that, in order to fully realize the process of politicization of political theory, would renounce to assume the priority of the individual autonomy (even in its political version). The result, of whose completeness readers will be able to judge, is a *liberalism of diversity* that tries to correct some excesses of Kukathas' liberal archipelago and that, on closer inspection, probably lies halfway between the two versions of political liberalism I have distinguished in the book (the autonomy-oriented one and the toleration-oriented one).

Macedo's critical observations of my work can be summarized as follows. First, my book is guilty of excessive abstractness. He writes that my "insistence on the priority of toleration and diversity is excessively abstract." This abstractness would prevent me from acknowledging "the wide range of aims that liberal states pursue the world over with

⁷ Allow me to mention at least: Melidoro (1990, 1995, 2000).

broad public support” and from offering guidelines needed to face some concrete public issues (such as the installment of bathroom facilities for trans people and the vaccine obligation). Second, he criticizes the vagueness and inconsistency that my position might have in terms of distributive justice.

The criticism of abstractness and consequent disinterest in concrete public issues can be answered in an (only apparently) trivial way by pointing out that the book we are discussing here is a book of political theory. Far from wishing to formulate answers about the resolution of disputes that occur in political life, it would be satisfied to have set out clearly and precisely the principles that should govern associated life. Then, if one intends to address a practical issue, a further argumentative effort must be made from the principles set forth. It is evident that *Dealing with Diversity* does not go beyond the formulation of general principles and, except with reference to a few issues, does not go into how concrete cases should be dealt with.

At the end of chapter five, we find a formulation of the tasks of a state that wants to act consistently with the principles defended in the book. In those pages, one finds a list of what should be the functions of the state according to *the liberalism of diversity*:

First, it has to guarantee that stronger groups do not exploit weaker and poorer ones. In other words, the state should create the conditions for inter-group stability and peace. Second, the state has to work in a manner that the mainstream society is welcoming and responsive to the needs of all. This means that everyone should feel welcome when they leave their original community or, in less dramatic cases, when they spend some time in what we called 'common waters.' Finally, in order not to betray the individualistic premises of liberalism, the state must guarantee fundamental individual rights both within and outside the groups to which people belong.⁸

It is precisely from this list of functions of the state that one can address some of the issues that Macedo sees as examples of my book's failure to give concrete guidance on important issues of public life.

Just to pick up on Macedo's solicitation, let us consider the case of bathroom facilities for trans people in reference to the second of the functions of the state that we have just listed. The mainstream society, to take up the image of the Kukathas' liberal archipelago, represents the common waters in which everyone lives independently of the group to which they belong. *My liberalism of diversity* argues that these common waters

⁸ Melidoro (2020, p. 121).

must be a place where everyone lives together on an egalitarian basis. Some derogation from this egalitarian treatment can be granted (within certain limits) for the communities in which individuals may decide to live. So, returning to bathroom facilities for trans people, *a liberalism of diversity* would say, for example, that they should be provided in public universities because they are comparable to the common waters that everyone lives in regardless of their religious beliefs. However, the state cannot forcibly demand such facilities in the catechism rooms of an Italian Catholic parish where the bishop has exposed a poster that reads: "So God created man in his own image, in the image of God he created him; male and female he created them" (Genesis, 1: 27). Of course, the right to dissociate from such communities must be guaranteed and protected by the state.

On the anti-covid vaccine, my *liberalism of diversity* would be in favor of compulsory vaccination. Indeed, in this case, it is not possible to guarantee that no-vax people will live within their island without disturbing the peace and well-being of those who inhabit the common waters. Out of metaphor, those who decide not to vaccinate can infect others, so mandatory vaccination does not go against the principles defended by *Dealing with Diversity*. Then, exceptions should be granted only to those very few cases of people who actually live in complete isolation.

So, in general, I tend to agree with what Macedo writes about some complex practical issues. Although I do not discuss them in-depth in the book, I agree wholeheartedly that many concrete cases "do not involve a choice between tolerance and diversity, or autonomy and civic education, but rather how these values should be weighed, and most effectively pursued, in complex institutional settings. It is not a question of 'one or the other,' but more typically of how best to pursue both."

As for the second criticism that Macedo raises against me, that of distributive justice, I can begin by recalling what I said in response to Bhandary's remarks. My book is not intended to offer a comprehensive theory of a just society but merely to reason about the relationship between diversity and liberalism. Distributive issues are a related issue to the core of issues the book deals with, but at the same time, it is appropriate to separate these two areas of philosophical inquiry in order to analyze them more precisely. Macedo writes that my position seems "to be that securing distributive justice is not within the scope of legitimate public authority." This seems to me too strong and one-sided a statement, if only in relation to what I have written about the functions of the state,

which go far beyond Nozick's minimal state (for that matter, even Bhandary acknowledges that the duties of the state for me are “extremely robust”).

I recognize, as Macedo writes, that what little I write about distributive justice presents some inaccuracies and inconsistencies. However, the relationship between social justice and diversity is a largely unexplored field of inquiry⁹, since those who have dealt with distributive justice have neglected issues of diversity and, conversely, those who have dealt with issues of diversity have neglected socioeconomic issues. My book is not an exception to this rule. I am convinced that there is much work to be done to relate the two fields of inquiry to each other.¹⁰ In analogy to Macedo's suggestion about balancing tolerance and diversity in concrete public issues, here too, one will need to strive to balance the claims of distributive justice with those of respect for diversity. Thus, once again, “It is not a question of “either/or,” but more typically how best to pursue both.”

Rosas raises three very important points in reference to my work. First, he argues that the overall argument of my book is “purely practical not theoretical” and that this orientation could create some problems. Secondly, Rosas contends that, in order to be consistent with the practical orientation adopted in the book, I should accept “that different types of theory make sense in different pluralist contexts.” Finally, Rosas contends that, despite my stated intentions, the position I defend in the book does not properly belong to the field of political liberalism.

Regarding Rosas' first point, I would tend to agree that the argumentation of my work is eminently practical. In fact, the political theories analyzed are evaluated considering how they can accommodate diversity understood as a fact that distinguishes contemporary liberal democratic societies. Theories are not analyzed in the abstract, then, but for how they respond to the plurality of visions of the good, of religious and political conceptions held by citizens. However, if we accept this starting point, it is unclear what it might mean for a political theory to be “fully or comprehensively justified,” as Rosas writes.

Political theories, in my view, are developed for practical purposes. Liberalism, as the theory I defend in my book, aspires to be part of the liberal camp, traditionally

⁹ Miller (2013).

¹⁰ In my case, and forgive the autobiographical reference, the issue is particularly thorny because I am required to reconcile unambiguously leftist political beliefs with a pro-diversity and tolerance philosophical sensibility.

measures its plausibility by how well it ensures that different groups and people live peacefully within the same institutional framework. If this is reasonable, then at the limit, it is moral theories that can aspire to full and/or inclusive justification. And indeed, the example Rosas gives, namely Kant's principle of rational autonomy, is typically a moral principle.

Regarding the second point raised by Rosas, I would agree with its spirit, but I think some clarifications are needed. Like Rosas, I don't believe that a political theory should be dropped from above and impose itself coercively on very different socio-political realities. Also, from my point of view, a political theory that aspires to overcome the ethnocentric attitude traditionally adopted by Western culture must be sensitive to the differences and contexts to which it applies.

This being said, a political theory can respond to the plurality of contexts to which it could be applied in two different ways: either renounce to be valid outside the context in which (or for which) it has been elaborated, and accept that each context requires a different theory, or reduce its demandingness to be more flexible and adaptable to different contexts. *Dealing with Diversity* follows this second option and rejects the first one because it risks having relativistic outcomes ('theory α applies to context X; to context Y we must apply theory β ') and implies the renunciation of any normativity by those who elaborate a political theory ('theory α cannot say anything meaningful about context Y'). In the concluding chapter of the book¹¹, I address the critique that liberalism is particularistic and ethnocentric. In those pages, I argue that this critique would hit the mark if liberalism were a substantive theory that tells individuals how to live well. Instead, the theory I defend has far more circumscribed aims: far from providing guidance on how to flourish as human beings, my *liberalism of diversity* stands as a theory about the limits of power that indicates the minimum conditions for ensuring peaceful coexistence among different people under conditions of pluralism. The minimalist nature and reduced aspirations of the theory mean that it is more flexible and adaptable to different contexts.

Rosas' last comment allows me to clarify my position towards some aspects of Rawlsian political liberalism and towards some tenets of political liberalism in general. As stated in the first chapter of the book, I accept the three main characteristics of political

¹¹ Melidoro (2020, pp. 144–146).

theory as a political conception identified by John Rawls. Like the author of *Political Liberalism*, I believe that liberalism should be understood as a political conception in the sense that it applies only to the basic structure of society; it is independent of questionable global doctrines; and it is elaborated from ideas implicit in the culture of a liberal democratic society. At the same time, following Bruce Ackerman, I assume that "political liberalism is not simply the name of a book by John Rawls. It is a distinctive approach to the problem of political power," the central idea of which is that, given the persistence of disagreement about how one should live, the liberal order should not be grounded in the validity of a specific overarching doctrine, but in what different theories can share despite their differences.¹²

Therefore, if one accepts what has been said in these last lines, my position falls within the realm of political liberalism. It does not fall within this realm if, as Rosas does, one argues that any liberalism, to be *political*, must agree with what Rawls writes on overlapping consensus. According to Rawls, the overlapping consensus has three main features which distinguish it from *modus vivendi*:

First, the object of consensus, the political conception of justice, is itself a moral conception. And second, it is affirmed on moral grounds; that is, it includes conceptions of society and of citizens as persons, as well as principles of justice, and an account of the political virtues through which those principles are embodied in human character and expressed in public life. An overlapping consensus, therefore, is not merely a consensus on accepting certain authorities or on complying with certain institutional arrangements, founded on a convergence of self- or group interests. [...] The preceding two aspects of an overlapping consensus -moral object and moral grounds- connect with a third aspect, that of stability. This means that those who affirm the various views supporting the political conception will not withdraw their support of it should the relative strength of their view in society increase and eventually become dominant.¹³

My book does not take a position on the nature of the consensus required to hold together a plural and diverse society. However, I think this is not enough to argue that my *liberalism of diversity* is not a *political* liberalism. For instance, consider Judith Shklar's *Liberalism of fear*,¹⁴ which Rawls himself considers a version of political liberalism developed independently of his own¹⁵. Shklar does not share Rawls' conception of the

¹² Melidoro (2020, p. 11).

¹³ Rawls (1993, pp. 147–148).

¹⁴ Shklar (1989). Let it be said in passing, her view and its minimalistic nature are certainly one of the sources from which I have drawn inspiration.

¹⁵ Rawls (1993, p. 374).

overlapping consensus, and nonetheless, her liberalism is political. So, one can conclude that regardless of the acceptance of the characteristics that Rawls ascribes to the overlapping consensus, there may be some versions of political liberalism that do not embrace all aspects of the Rawlsian position, especially his ideas on overlapping consensus. Thus, in this case, the disagreement between Rosas and me depends on how we draw the borders of *political* liberalism.

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References

- Bhandary, A. (2020). *Freedom to care: Liberalism, dependency care, and culture*. Routledge.
- Kukathas, C. (2003). *The liberal archipelago: A theory of diversity and freedom*. Oxford University Press.
- Macedo, S. (1990). *Liberal virtues: Citizenship, virtue, and community in liberal constitutionalism*. Clarendon Press.
- Macedo, S. (1995). Liberal civic education and religious fundamentalism: The case of God vs. John Rawls?. *Ethics*, 105(3), 468–496.
- Macedo, S. (2000). *Diversity and distrust: Civic education in a multicultural democracy*. Harvard University Press.
- Melidoro, D. (2020). *Dealing with diversity: A study in contemporary liberalism*. Oxford University Press.
- Miller, D. (2013). *Justice for earthlings: Essays in political philosophy*. Cambridge University Press.
- Rawls, J. (1993). *Political Liberalism*. Columbia University Press.

Shklar, J. N. (1989). The liberalism of fear. In N. L. Rosenblum (Ed.), *Liberalism and the moral life* (pp. 21–38). Harvard University Press.