Discussion: Reply to George Crowder, *Value Pluralism: Crucial Complexities*

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Diversity and Decency

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Abstract: George Crowder's article makes an interesting contribution to the literature on value pluralism. Yet, as a commentary on my essay (Polanowska-Sygulska, 2019c) it is entirely misconceived. Crowder's reading of my text is inadequate, in terms of both the legal and the philosophical aspects of my argument. Having ascribed to me the belief that pluralism always favors cultural diversity against legal uniformity (a belief which I do *not* hold), he argues that a single uniform law may engender more value diversity than a multiplicity of local legal systems. This may indeed be so, but it is not my concern. What Isaiah Berlin aimed at more than anything else was to bring about a decent society, which at times requires the pursuit of other values to be limited. I share his approach and therefore argue that, for the sake of decency, both value diversity and cultural diversity may sometimes need to be restricted.

Keywords: George Crowder, value pluralism, cultural pluralism, cultural diversity, value conflict, 'one right answer' thesis, decent society

I read George Crowder's commentary on my article[1] with due attention and interest. His article struck me as an astute supplement to the literature on value pluralism. I applaud the remarkable insight with which he traces complexities inherent in the pluralist perspective in ethics. What especially caught my attention was the reference to the *Wisconsin v. Yoder* case and the considerations based upon it. Unfortunately, though, as a commentary on my article Crowder's article is completely mistaken. He misinterprets my text, criticizes me for theses that I did not advance, and ascribes to me a version of value pluralism which I have never held.

There are two kinds of attitude that a critic may adopt. He may do his best to understand what the author says and follow his/her argument with care. In other

1 Crowder 2019. In-text references are to this article unless otherwise indicated.

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words, the critic may try to tune in to the author's wavelength. Then he is in a position to discuss the author's ideas sympathetically, and, if he finds something interesting in them, to take them into account. The other strategy is to adopt an imperious attitude towards somebody else's work. Crowder opted for the second alternative and treated my article as a pretext to develop his own pluralistic standpoint. What he critically analyzed was in fact his own misreading and distortion of my article.

1 Main Misapprehension

Let me start with the following explanation: my aim was only to interpret the *Lautsi v. Italy* case in terms of the value pluralism of Isaiah Berlin. What I wrote was just an article and not a thorough study of this standpoint in ethics. I neither attempted a comprehensive reconstruction of the main tenets of pluralism, nor promulgated any general statements. My intention was to draw attention to value pluralism and to show how it throws light on a certain highly disputable social and legal phenomenon. I wished to prompt further discussion, and in this I succeeded, though at the cost of seeing my article utterly distorted.

My polemicist did not grasp the character of my article, that is, that my text is a philosophical commentary on a case study. This can be seen clearly in section 2 of 'The Crucifix Dispute and Value Pluralism', where I tell the story of having been asked by a friend about the striking discrepancy between the two judgments of the European Court of Human Rights, which he found utterly incomprehensible to laymen.[2] His rough-and-ready question made me ponder the case. I hit upon the idea that value pluralism provides a perfect interpretive key to the radical reversal of the Court's opinion. This is because on pluralist grounds *both judgments* of the ECtHR can be recognized as correct (Polanowska-Sygulska, 314). Either of them can be rationally justified, and both justifications, as Isaiah Berlin would say, "could be accepted by perfectly rational people".[3] Each of the Court's decisions was indeed rationally justified and both were treated seriously; hence the heated discussion about them. It is the pluralist perspective that throws light on the conflict between the two decisions and helps us understand how the two adjudicating benches, each consisting of top European legal professionals, could have formed opposite opinions. If we follow Dworkin's theory of 'law as integrity' there exists a uniquely correct answer to each legal question addressed by a judge. If the

2 I am a lawyer by education and he is a medical doctor.

3 This phrase was repeated many times by Isaiah Berlin during our conversations.

Lautsi v. Italy case were interpreted in terms of such a standpoint, then one of the Court's decision would have to be right, the other wrong. Dworkin's perspective is explicitly questioned in section 4 of my article. So I really cannot understand how Crowder could have ascribed the Dworkinian viewpoint to me. He openly does so, writing as follows: "It is [...] too simple to say that, on pluralist grounds, the Court was wrong the first time and right the second time. [...] Polanowska-Sygulska seems to reach this conclusion on the general principle that value pluralism must always support cultural diversity against the imposition of a uniform law."[4] (322) This passage contains more than one serious misinterpretation of my text. I shall return to this later.

My basic reason for writing 'The Crucifix Dispute and Value Pluralism' was to point out, using the example of the *Lautsi v. Italy* case, that pluralism may prove extremely useful for elucidating certain legal scenarios. This is so because the pluralistic perspective in ethics introduces into jurisprudence an absolutely revolutionary consideration, namely that there may be more than one right answer to a given legal problem. So little and yet so much. Few legal theorists have recognized this. Among them is a well-known American legal scholar, Cass Sunstein, who made the following remark: "The existence of [...] incommensurable goods has not yet played a major role in legal theory. But these issues underlie a surprisingly wide range of legal disputes. An especially large task for legal theory involves an adequate description of how choices are and should be made among incommensurable goods." (Sunstein 1997, 253–254)

2 Legal Aspects of the Case Study

Let me now tackle the final thesis of my article, which Crowder finds so controversial. What I claimed was that the second ECtHR judgment in the *Lautsi v. Italy* case, according to which the decision on the display of crucifixes in state schools falls within the discretion of Italy (and so of all the member States of the European Convention on Human Rights), fortunately enabled Europe to avoid Ameri-

4 Crowder insists on the discussed, false reading of my article in more than one context: "Polanowska-Sygulska is in no doubt that the Court's second judgment is correct and the first mistaken." (325) Unexpectedly enough, he ascribes to me also the opposite opinion: "As Polanowska-Sygulska observes, the Court could take no other course but protect the 'human rights and fundamental freedoms' referred to in the original title of the Convention." (333) The second quotation is in fact not my own observation, but a paraphrase of the statement made by the Ombudsman Adam Bodnar. I quote his utterance in my article to illustrate the Dworkinian paradigm, which I criticize.

canization. If it had gone the other way, it would amount to an imposition on the member States of a judge-made law treating such a sensitive issue as the presence or absence of religious symbols in public spaces as a matter of right. As John Gray told me in one of our conversations: "Since rights are unconditional, uncompromisable in the American tradition, then one side has to lose completely and the other side wins completely." (Gray/Polanowska-Sygulska, 4–6) Thanks to the final verdict of the ECtHR, instead of such a uniform, rigorous settlement, the issue in question may be dealt with, in each member State, by political means, which allow for compromises and diversified solutions, taking into account different local contexts. This does not mean that the problem will disappear completely, but that it can be handled much more flexibly and with less conflict. I do not claim that the ECtHR's first decision was wrong and the second was right, as both of them were right. In consequence, we do not have to regard the judges on either adjudicating bench as incompetent, inept and/or susceptible to external pressure.

The reasons for which I sympathize, exactly as Joseph Weiler does, with the ECtHR's final judgment, are purely practical. Let us imagine the legal consequences of a hypothetical sustaining by the Grand Chamber of the first judgment, according to which Ms Lautsi wins the case. The result of such a verdict would be an obligation on the part of Italy to remove crucifixes from the school attended by Ms Lautsi's children. In due course, as Italy was sued by successive plaintiffs, all public spaces would have to be devoid of crucifixes. The same would apply to all the member states of the European Convention. Moreover, this final verdict would be referred to in the context of other lawsuits about similar matters. So Switzerland would have to change its national flag, the United Kingdom would have to change its national anthem (which is in fact a prayer), Oxbridge colleges would have to change their names, so that 'Trinity College', 'Christ Church', 'St Anthony's College', 'St John's College', 'St Hilda's College' and the like would no longer be tolerated. Some ambulances would have to be repainted and Christmas carols would be banned from secular public spaces, as they would have to become entirely desacralized, by law. Fundamental problems would be caused by some constitutions, especially the Irish one, which endorses in its Preamble the Holy Trinity; and so on.

Though these issues are crystal clear to lawyers, they are much less obvious to some political theorists. But there are fortunately also political thinkers who are fully aware of the crucial complexities of dealing with highly sensitive issues by legal rather than political means. Legal consequences, while extensive, are not the whole story: there are also political and social repercussions of a legal solution, which would unavoidably come into play. Nobody exposed them more clearly than John Gray, who sharply criticized the American model for leading to the legal disestablishment of any common culture:

> "If the theoretical goal of the new liberalism is the supplanting of politics by law, its practical result—especially in the United States, where rights discourse is already the only public discourse that retains any legitimacy—has been the emptying of political life of substantive argument and the political corruption of law. Issues, such as abortion, that in many other countries have been resolved by a legislative settlement that involves compromises and which is known to be politically renegotiable, are in the legalist culture of the United States matters of fundamental rights that are intractably contested and which threaten to become enemies of civil peace." (Gray 1995, 6)

If the ECtHR's first judgment were sustained by the Grand Chamber, that is, if a uniform law on the display of crucifixes in public places were imposed on the member states of the European Convention, an analogous provision, with all its negative consequences, would apply to Europe as a whole. To sum up, it is worth noticing again, as I did in detail in my article, that the final verdict fully chimes in with Berlinian value pluralism. Entrusting the settlement of disputes on crucifixes to member states is by no means a final solution of the issue in question. The problem itself will remain, but now inside different societies. This is because it concerns a permanent conflict *between* different kinds of liberty, which is an internally complex value. But thanks to the Court's second verdict this sensitive issue can be dealt with not by judicial review, but by legislation, which allows for 'trade-offs', and for temporary, provisional settlements. What will be achieved will not be the only right solution (which does not exist), but an undoubtedly less harmful, vaguer and more unstable pragmatic balance.[5]

Crowder also misunderstands the position of Joseph Weiler—the representative of the intervenient states, which supported Italy in the Lautsi case before the Grand Chamber. Let me start with citing the earliest of several passages from Crowder's review that pertain to Weiler:

> "The claim that all conflicts of incommensurables are rationally irresolvable would not be accepted by the hero of Polanowska-Sygulska's piece, Joseph Weiler. According to Weiler (as reported with approval by Polanowska-Sygulska), there *is* a single correct answer to the crucifix issue, namely that Italy is entitled to place the crucifix on its public buildings. That is because each European jurisdiction is entitled to make its own rules about the constitutional place of religion." (Crowder 2019, 323)

5 This does not mean that I disagree with Crowder, when he argues in his most recent book *for* judicial review: "Recent political developments such as the war on terror and the rise of populism show the fragility of public commitment to rights [...]. The upshot is that democratic legislatures, so strongly influenced by public opinion, cannot be relied upon to protect rights [...]." (Crowder 2020, 214) Nevertheless, the case which I discuss here, concerns imposition of uniform law on the members of an international institution, formed by states with utterly different cultural and legal traditions. In this case, as I have revealed, judicial review would have most devastating consequences.

This excerpt requires two comments. First, ascription to me of the view expressed in the very first sentence is plainly false. I shall address this issue in the next section. Secondly, as far as Weiler's position is concerned, Crowder seems to be saying that Weiler, contrary to what I say, does not really take a pluralist stand. The same thought seems to be expressed later in the text:

> "Weiler's position is not that conflicts among incommensurables yield multiple answers, each as rational as the next. If he believed that, he would have to accept that the Court was just as correct the first time as the second. Instead, Weiler's position is that the Court got it right the second time but not the first: there is a uniquely right answer, which is to allow each European jurisdiction to rank the contending values in its own way in context. Moreover, each context generates its own right answer." (Crowder 2019, 324)

Let me explain that my point of departure was the *Lautsi v. Italy* case, which I interpreted in terms of value pluralism, and *not* the philosophical position of Joseph Weiler. I never claimed that he recognizes the main tenets of value pluralism or that he sticks to them; in other words, that he is a value pluralist. What I did say was that the final judgment of the ECtHR, on which he wielded considerable influence, harmonizes in a way with the pluralist standpoint, in that it allows for diversified solutions and for compromises (the context of each country does not have to generate just one right answer, and in fact it does not). What Weiler participated in was not a philosophical debate (such as, e.g. 'Liberalism and Value Pluralism: Beata Polanowska-Sygulska and George Crowder', organized for my polemicist and myself by the Centre for Interdisciplinary Studies of Law in 2010 in Sydney), but adversarial legal proceedings. Even if Weiler were a model value pluralist, as a legal representative he could not possibly argue that, although the first Court's decision was right, the Grand Chamber should change it for another right verdict. What Weiler succeeded in was retreating from the Dworkinian, typically monistic approach that accurately reflects the way in which the traditional judiciary works (at least as far as collisions of rights are concerned; things may be different with regard to cases, having to do with, e.g., family law or tort law). If I am, as Crowder ironically remarks, "so impressed by Weiler's 'extraordinary incisiveness"', this is not because of the latter's coherent philosophical position, but of his extraordinary competence as a legal professional, and because of his virtuoso oral submission before the Grand Chamber, which had such a beneficial effect on the fate of Europe. He broke the Dworkinian paradigm in a masterly way, using the techniques of traditional, adversarial, legal proceedings. He found a way out of a very hard and risky situation. I do not really, as Crowder suggests, "need to rethink my approval of Weiler" (324), and can calmly go on admiring his unusual legal skills.

3 Philosophical Aspects of the Case Study

Let me now confront Crowder's objections to my vision of value pluralism. I repeat that what I wrote is not a monograph on value pluralism, but a case study. My aim was very modest, and engaging in general discussion of this standpoint in ethics was not my main concern. In order to interpret the case in question in terms of value pluralism I briefly outlined its fundamental tenets, not going into detail. And I confined myself to mentioning those aspects of value pluralism that were relevant to the issue at hand.

Crowder ascribes to me the following beliefs about pluralism: First, that I align value pluralism with cultural diversity. Second, that I turn a blind eye to diversity of values in favour of diversity of cultures. Third, that, according to me, none of the conflicts between incommensurable values can be rationally resolvable. Fourth, that I adhere to an explicitly normative thesis, that cultural pluralism must always favour local practices against uniform laws. On all counts he is simply wrong.

As far as the first contention is concerned, I neither, as Crowder claims, give a "culture-centric reading of pluralism", nor "unreflectively" align "Berlinian pluralism with an unqualified multiplicity of political and legal regimes or cultures" (329, 335). If I concentrate on the cultural aspect of pluralism in my article, this is because it is relevant to the case which I discuss. I tackle the other levels of conflict (within and between individual values) in the contexts in which they are relevant (Polanowska-Sygulska 2019a, 312; 313; 314). Indeed, in my review of Henry Hardy's book *In Search of Isaiah Berlin* I openly object to his overestimation of the significance of cultural pluralism at the expense of value pluralism, especially of Berlin's invaluable insight into the internal complexity of values (Polanowska-Sygulska 2019b, 95; 98). Besides, how could the person to whom Berlin wrote the following moving words fail to recognize the importance of collision between individual values, and not only between constellations of values?

> "The agony comes in, and with it the tragedy (for that is what tragedy is about), when both values pull strongly at you; you are deeply committed to both, you want to realise them both, they are both values under which your life is lived; and when they clash you have to sacrifice one to the other, unless you can find a compromise which is not a complete satisfaction of your desires, but prevents acute pain, in short, prevents tragedy. That is the value of compromise."[6] (Berlin/Polanowska-Sygulska 2006, 101)

6 Excerpt from a letter to me of 28 June 1997.

Berlin's masterly elucidation of painful value conflicts, as experienced by humanity, was precisely the reason for my having years ago got deeply interested in value pluralism. So Crowder's second thesis, like the first one, is also entirely unjustified.

His third interpretation of my vision of value pluralism is also misconceived. I do not claim (nor have I ever thought) that all ethical questions are rationally irresolvable. I *explicitly* discussed this aspect of value pluralism with Isaiah Berlin years ago in our correspondence. Let me quote an excerpt from a letter I wrote to him in June 1997:

> "When you say at the end of *Two Concepts of Liberty* that 'values are many, not all of them commensurable' does it not follow that some of them can be compared? Thus, isn't it so that there are conflicts of values that *can* be rationally resolved? If one takes into consideration your example of a man who finds it pleasant to push pins into other people, would not it be possible to resolve rationally the conflict between the man's pleasure and the suffering of his victims? It always seemed to me that you point to the limits of rational judgment, but you do not deny it altogether (you told Ramin Jahanbegloo that you are a liberal *rationalist*)." (Berlin/Polanowska-Sygulska 2006, 97–98)

Berlin answered me in the following way: "As for rational resolution of conflicts: of course my preferences can not only be compared in some cases—for example, two pleasures of very different kinds, where I choose one in preference to the other not simply by tossing a coin (non-rationally) but because my preference can be based on argument—reasons—which are rational [...]. About this, you are absolutely right." (Berlin/Polanowska-Sygulska 2006, 104) Crowder distorts and misinterprets one sentence from my text, taken completely out of context, and then accuses me of holding a false view which I *do not* adhere to.[7] As for the fourth misinterpretation, Crowder appears to be firmly convinced that I adopt an unambiguously normative variant of pluralism: "Polanowska-Sygulska's argument implies that pluralism suggests a norm of diversity." (330) Let me repeat emphati-

7 This is what I say: "The two values ['freedom from' and 'freedom to', involved in the *Lautsi v. Italy* case] are ultimate and incommensurable. If collisions do occur between them, then it is impossible to come up with a single rational resolution that would satisfy all reasonable people and lead to a total reconciliation between the two sides." (Polanowska-Sygulska 2019c, 314) Crowder comments: "Polanowska-Sygulska slides into a more extreme position: 'If collisions do occur between [incommensurable values], then it is impossible to come up with a single rational resolution that would satisfy all reasonable people and lead to a total reconciliation between the two sides.' Now it is claimed that *all* ethical questions involving conflicts between incommensurable values are rationally irresolvable." (323) It can be clearly seen that what I have in mind is the particular conflict between the specific values, and that I do not refer either to incommensurable values in general, or to *all* ethical questions. Crowder patently misrepresents my statement here.

cally that I do not put forward my own theory of value pluralism, but just apply its Berlinian version. It is true, as Hardy writes in his foreword to *Unfinished Dialogue*, that "Berlin usually uses 'pluralism' as a descriptive term, to refer to what he believes is the irreducible incommensurability of certain values; but occasionally [...] he seems to use it prescriptively, to mean a moral or political standpoint committed to encouraging the pursuit of a variety of values." (Berlin/Polanowska-Sygulska 2006, 11)

But when Berlin seems to touch on value pluralism in a prescriptive way, he usually does this in connection with liberty. This is what he told me in one of our conversations of 1991: "Liberty is itself a value without which people can't breathe, and pluralism is something which, in some sense, follows from freedom of opinion, or freedom of conviction." (Berlin/Polanowska-Sygulska 2006, 202) He elaborated on this point in the following way: "Liberty is a basic value in itself, without which people can't choose. If they can't choose, they can't live, they can't think. The second use of the word 'liberty' is absence of obstacles, which means that you have a large selection of possible paths. That's pluralism, and that's how it connects with negative liberty." (Berlin/Polanowska-Sygulska 2006, 202–203) In my view Berlin sounds much more 'normative' when he talks about liberty than when he talks about value pluralism.

Crowder's view is in this respect quite explicitly different. From his perspective pluralism "is in part a normative position" (Crowder 2020, 6). He identifies four attributes of the pluralist outlook in ethics (the universality of certain generic values; plurality; incommensurability; and conflict), which, according to him, imply five normative principles that are best respected within a liberal form of politics (respect for generic universal values; recognition of value incommensurability; commitment to diversity; acknowledgement of reasonable disagreement among conceptions of the good; and practising the pluralist virtues—generosity, realism, attentiveness and flexibility—powerfully reinforced by liberal virtues—broadmindedness, moderation, respect for persons, and autonomy). For Crowder this provides a universal argument for liberalism, grounded in pluralism: pluralism logically implies universalist, perfectionist liberalism.

I do not find Crowder's version of pluralism convincing. As I have already discussed the point in question (Berlin/Polanowska-Sygulska 2006, 279–300; Polanowska-Sygulska 2019a, 99–108), I shall restrict myself to just a few remarks. One of the most important things which I learnt from Isaiah Berlin was that "in the end, all the differences between philosophies and outlooks boil down to different conceptions of human nature" (Berlin/Polanowska-Sygulska 2006, 172). What then is Crowder's own vision of man? He does not express his view of human nature overtly. None the less, he stresses its rational dimension and clearly adheres to an individualist, and thus certainly biased, Western conception of

man. This is a somewhat strange position for the creator of a universalist ethical system. He draws heavily on Martha Nussbaum's "freestanding moral conception [...] of the good life" (Nussbaum 2000, 76–77), which is grounded in a collection of myths and stories from different epochs and regions (Nussbaum 1990, 217) and deeply rooted in the cross-cultural idea of human dignity "that lies at the heart of tragic artworks, in whatever culture". (Nussbaum 2000, 72) It is rather odd to use a historical doctrine as the foundation of an ahistorical system of ideas.

Finally, as far as his conception of the good is concerned, Crowder regards Nussbaum's position as too strong for value pluralism and Berlin's as too weak (Crowder 2002, 73–74). In his more recent work, though, Crowder puts forward a thesis that "Nussbaum's capabilities may be too thin or too thick, depending on which capabilities are in question" (Crowder 2020, 63). Be that as it may, the student of his theory would be most interested in his own vision of the Great Goods, which he fails to state. More importantly, it is doubtful whether Nussbaum's "open-ended and humble" proposal, which "can always be contested and remade" (Nussbaum 2000, 77), is strong enough to support such a developed normative system as that of Crowder's. Years ago Crowder and I engaged in a discussion on the relationship between value pluralism and liberalism. I argued for Berlin's final standpoint, as expressed in our conversations and correspondence, according to which the connection between pluralism and liberalism is of a loose, psychological nature (Berlin/Polanowska-Sygulska 2006, 80–94; 213–217; 225–226). I remember Crowder's comment on Berlin's view: "feeble stuff". Let me characterize Crowder's system of ideas in the same vein: "monumental stuff on feeble foundations".

It is now time to face the fourth misinterpretation in Crowder's review of my article. It is his objection to my alleged "general principle that value pluralism must always support cultural diversity against the imposition of a uniform law" (322). I repeat *ad nauseam* that my piece is conceived of as a case study and contains no assertion of general principles. Besides, as far as value pluralism is concerned, I would never put forward any general theses, especially those he ascribes to me, for the following three down-to-earth reasons. First, I do not adhere to a strongly normative variant of pluralism. Secondly (Crowder will probably find this abhorrent), I do not aspire to the role of a paradigmatic pluralist, as I am intentionally an inconsistent one. The ethical perspective that appeals to me most is that advocated by Leszek Kołakowski in his compelling essay 'In Praise of Inconsistency'.[8] Moreover, exactly like Isaiah Berlin, "I don't want the universe to be

8 Let me quote just one excerpt from Kołakowski's article: "Our lives are lived under the strain of contradictory loyalties. We must choose between conflicting loyalties in concrete situations,

too tidy" (Berlin/Polanowska-Sygulska 2011, 125). And the third reason for which I would never put forward the general principle that Crowder 'identifies' in my article is its blatant falsity. He writes: "While Polanowska-Sygulska is confident that cultural diversity is promoted by local practice than uniform law, my answer is: it depends." (326) I can only respond: no, I am not in the least confident of what Crowder claims that I state. All that I say is that in the *Lautsi v. Italy* case it was much more prudent and responsible to leave the sensible matter of hanging up crucifixes in public places to member states than to impose a uniform solution. This is by no means to offer any universal principle. And yes, I do agree with Crowder that there is no general rule whether to decide in favour of local legal regimes or cultures, or to impose on them a uniform law. Nevertheless, I would justify this statement in a different way.

I will not reconstruct Crowder's line of argument here in detail, especially his differentiation between 'external cultural diversity' and 'internal cultural diversity', because what is really important is the conclusion which he finally reaches. It reads as follows: "The main concern of pluralists should not be with cultural diversity but with *value* diversity." (328) Transferring recommendations for pluralists to the lower level of pluralism, that is the level of values, makes it possible for Crowder to preserve the strongly normative character of his theory. My way of dealing with cases in which it is more reasonable to impose a uniform solution than to promote cultural diversity would be overt *restricting* of cultural diversity.

Moreover, there are situations that demand restriction not only of cultural diversity (both external and internal), but *also* of value diversity. Consider honour killing. A legal ban on this sinister social practice entails a limit not only to cultural diversity (both external and internal), but *also* to value diversity, as such a prohibition makes it impossible for families legally to pursue restoration of their honour, which they regard as an ultimate value. Crowder would probably argue that honour in this sense does not constitute a Great Good. Yet Berlin, I believe, would accept honour, so understood, as an ultimate end, since men pursue it for

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and act in favor of one at the expense of another, without repudiating the other altogether. We are loyal to individuals, to our own philosophy, to chance associations, to organizations, to nations, to parties, to regimes and friends, to ourselves and our neighbors, to our own nature and our convictions, to practical causes and universal principles. How many loyalties we have, in how many insurmountable conflicts they involve us! Where a constant conflict exists, genuine synthesis is rarely achieved. Rather, apparent and deceiving syntheses are embraced so that we may seem consistent with ourselves. After all, the one value which has been instilled into us since childhood is consistency. Our proposition, which should make us realize that consistency in such cases is an ideological fiction, tends at least to eliminate one kind of conflict—that which arises out of the belief in the value of consistency. Let us therefore resolve this contradiction in at least one area, by proclaiming that the world is contradictory." (Kołakowski 1964, 208)

its own sake, treating other things as means to it. At the same time, he would strongly insist that realization of this ultimate value should be restricted for the sake of other human aims (especially those of the victim). One of my essential recollections from my conversations with Berlin was that what he cared for more than anything else was a *decent society*.

Let me now express, uncharacteristically, my own view on the situations in which uniform solutions should be adopted (even if this restricts diversity, of whichever kind), and those in which diversity (again, of whichever kind) should be preserved. The seminal idea to which I shall appeal is Max Weber's differentiation between the 'ethic of conviction' and the 'ethic of responsibility'. In general terms, choosing an appropriate strategy will depend on the nature of the problem that needs solving. When a sensitive, controversial and disputable issue is at stake, responsibility for the consequences of actions taken has to be paramount. But when fundamental, virtually uncontroversial issues are concerned, the best attitude is that of Luther: 'Hier stehe ich, ich kann nicht anders' ['Here I stand; I can do no other']. In other words, under such circumstances the Weberian 'ethic of conviction' should prevail over the 'ethic of responsibility': a uniform, rigorous solution would be fully justified. Crowder's answer to the question whether "cultural diversity is promoted by local practice than uniform law" is: "it depends" (326). Mine is exactly the same, though my reasons are different from his.

There are several other points, made by Crowder, to which I might refer.[9] Let me make just one more comment. Towards the end of his piece, while arguing that "a single uniform law might generate more value diversity than a series of local practices", Crowder uses the example of the illiberal Hungarian democratic regime (334). He does not refer explicitly to Poland, but clearly also has my country in mind, and for good reason. Perhaps he does not want to hurt my feelings. Yet on the next page he writes: "I would be surprised if Polanowska-Sygulska would be prepared to defend Orbán's Hungary on pluralist (or any) grounds—it would be odd to be a supporter of both Orbán and Berlin." (335) In somebody who, years ago, was involved in the Solidarity movement (even if her involvement was nothing when compared to that of its real heroes), who was ecstatic about the first

9 E.g. Crowder criticizes me (333) for expounding the conflict of values inherent in the crucifix dispute as a clash between 'freedom from' and 'freedom to', in two opposite ways: as 'freedom from' religious symbols in public places and 'freedom to' give expression to one's attachment to certain symbols; or, the other way round, as a collision between 'freedom from' obstacles to manifesting one's attachment to certain symbols and 'freedom to' raise one's children in accordance with one's convictions (Polanowska-Sygulska 313–314). The idea of interpreting various conflicts between 'freedom from' and 'freedom to' in two converse ways was not mine, but Berlin's. He provided examples of this kind during our conversations.

semi-free elections in Poland in June 1989, which initiated the collapse of Communism in Europe, and who then observed with bated breath the Round Table Talks, as a helpless witness of her country's visible slide into populist dictatorship, this remark creates a festering wound. To a person who has felt such pain, sarcastic and patronizing speculations on her political convictions, made in a widely-read periodical, display a monumental lack of tact. Isaiah Berlin would never have allowed himself such inattentiveness. For he was rich in empathetic understanding, the very ability which value pluralists are supposed to have. Alas, not all of them do.

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