



warriors' (vol. I, p. 265), 'akin to young Olympian athletes' who 'thank their gods for such worthy opponents, and engage in the communicative-strategic agon anew' each day (vol. II, p. 111). Tully's studies are of those special actors capable of playing the political game otherwise, of exploiting the gaps in the prevailing system of rules in order to amend them. This is not a kind of freedom that will suit everybody's interests equally well. If Tully's books claimed to supply nothing more than an anthropological investigation of the resistance of domination by certain political actors then this need not be a problem. However, he is unequivocal that these studies form the basis of a normative 'public philosophy' which is 'oriented to freedom before justice', so that 'the multiplicity of practices of governance in which we act together do not become closed structures of domination under settled forms of justice but are always open to practices of freedom' (vol. I, p. 38). Egalitarians and Rawlsians are entitled to ask how we are to prevent political freedom simply trumping their ambitions for instituting schemes for the fair allocation of material resources, designed to take account of the essentially arbitrary native endowments of physical and intellectual capacities across society. Tully's frequently invoked paean to 'free and equal' citizens (vol. I, pp. 152, 178, 196–197, *inter alia*) ends up being little more than a slogan given his lack of attention to the latter term. For that, he would have had to give greater consideration to the category of justice, something he rules out on the basis of his critique of Habermas.

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The liberal conscience: Politics and principle in a world of religious pluralism

Lucas Swaine

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It is a common belief that the gap dividing liberals and theocrats is unbridgeable. Liberals stand for religious toleration, freedom of association



and fundamental individual rights; theocrats are deemed to be partisan and intolerant, to hold a totalizing view of society and to disregard the rights and liberties protected by liberal institutions. Liberals are also in favor of a secular polity with no mingling between religion and politics. Theocrats, on the contrary, call for an overcoming of the separation between these two realms so as to allow political institutions to be imbued with religious values. Above all, liberals pride themselves on having realized the ideal of public reason in the modern world, whereas theocrats are contemptuously dismissed as unreasonable zealots from whom no sense can be expected.

In this book Swaine sets out to challenge the view that the divide between liberalism and theocracy is philosophically intractable. He argues that a solution of the conflict is possible, though only partially, and that failure to address the problems posed by theocracy will eventually result in a legitimation crisis of liberal democracy, with the risk that extremist groups feeling disenfranchised from secular government might resort to violence to assert their religious practices and ways of life. But there are moral reasons as well as prudential ones to seek to assuage the resentful alienation of theocrats. Liberal government lacks in fact a theoretically consistent normative blueprint for dealing with them. It systematically fails to produce adequate explanations for its interference in the lifestyles of theocratic communities, and this is a moral shortcoming of liberalism itself.

Swaine meets the challenge of theocrats first of all by recognizing the inherent rationality of their otherworldly values, thus paving the way for religious reasons to be admitted into public debate. Theocrats, he contends, can be persuaded to endorse the institutions of liberal democracy only if the attempt is made by liberals to reach them 'with arguments that speak to their deeply held religious values' (p. 25). So, one of the dilemmas facing the theocrats concerns the right path to salvation. To the extent that theocrats demand strict institutions to foist a religious way of life upon the members of their communities, they implicitly acknowledge that people can lead wayward lives. A theocratic polity based upon draconian regulations becomes therefore necessary to bring into line those who take deficient paths. But in a pluralist society the theocrat has no guarantee that he holds the right religious doctrine nor is his community ever provided with the assurance that its pursuit of the good is not being hijacked by corrupted authorities. Thus, to avoid spiritual disaster, Swaine argues that the theocrat is rationally committed to three cardinal principles of liberty of conscience stating that conscience ought to be free (a) to reject lesser religious doctrines; (b) to embrace the good; and (c) to distinguish between true and false conceptions of the good.

Liberty of conscience is just one of the arguments that might appeal to theocrats and lead them to affirm liberal institutions. In order to guarantee theocrats religious free exercise, Swaine also recommends that theocratic

communities be recognized as a semisovereign status within the overarching legal structure of liberal democracy. A regime of quasi-sovereignty goes a long way to prevent theocratic communities from being entirely absorbed within the laws of a liberal polity, but falls short of full sovereignty to ensure that their subjects are not treated in illiberal ways. Under Swaine's legal framework, quasi-sovereign theocratic communities are obliged to respect a minimal set of basic rights for their members. They are required to provide food, shelter, clothing and education to all of them, with no exception, to abstain from corporal punishment, to practice policies that are not discriminatory towards women and to grant freedom of exit.

It is precisely at this juncture in the book, where actual policies are laid down to flesh out the content of a semisovereign regime of theocratic autonomy, that Swaine's proposals betray their liberal imperialist bias. Swaine's attempt to establish limits on the claims of theocracy that would respect individual autonomy without violating the moral and religious fabric of the theocratic communities is certainly an admirable endeavor. But in order for us to assess the normative conditions he sets out for the resolution of the theocratic dilemmas, theocracy must be graspable from a non-religious place that happens to fall within the purview of the liberal subject. Here the language of rights of liberalism looms in the horizon as a Kantian transcendental *a priori* framework against which the claims of theocracy are to be negotiated. As a result, religion is privatized and ideologically depoliticized. Besides, far from being constitutive of the identity of the theocratic communities the book wishes to protect, religion is degraded to the status of a legal concession, which, at best, one has the right to reclaim when its exercise is impaired. Swaine's solution may work for what he dubs 'retiring theocrats', that is for those theocratic communities, such as the Amish or the Mormons, ensconced within liberal democracy that have already largely embraced its values, but is utterly inadequate to deal with more ambitious and refractory theocrats, such as 'the Muslim other', for whom he himself in his understated imperial insolence does not rule out war on terror as a more appropriate measure.

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