Public Philosophy in a New Key. Volume I: Democracy and Civic Freedom

James Tully
Cambridge University Press, Cambridge, 2008, paperback, xv + 360pp.,
£17.99, ISBN: 978-0521728799

Public Philosophy in a New Key. Volume II: Imperialism and Civic Freedom

James Tully
Cambridge University Press, Cambridge, 2008, paperback, xv + 355pp.,
£17.99, ISBN: 978-0521728805

Contemporary Political Theory (2011) **10,** 134–137. doi:10.1057/cpt.2010.16

These two volumes collect together 17 articles published by James Tully mainly over the last decade; only the conclusion is new. Theoretical chapters discuss Kant, Habermas, Foucault, Wittgenstein and Arendt, while other essays cover real-world themes such as constitutionalism, multinational democracies, the struggles of Indigenous peoples for freedom, globalisation, US imperialism, the environment, the information revolution and the European Union. In spite of this heterogeneity there is a remarkable coherence of argument across the chapters. Tully develops a theory of 'agonistic freedom', according to which power, if it is not to be identical with physical determination, must always be exercised over subjects who are in some ways free. Subjects of power thus ever have open to them ways of thinking and acting otherwise, thereby changing the nature of the rules of the game played by them and the power elite. Tully then looks to some concrete examples of situations in which groups of people find themselves subject to a power they consider oppressive. He sketches out some of the ways in which these people have attempted to use the freedom that they do possess to alter the rules structuring their relations with their masters, and adds to such empirical material 'an interlocutory intervention on the side of the oppressed' – in the global North as well as the South – by pointing to further 'arbitrary and unnecessary limits to the ways they are constrained to think, deliberate and act, and of the possible ways of going beyond them in this context' (vol. I, p. 17).

The first four chapters of *Democracy and Civic Freedom* expound Tully's account of freedom. The foil here is Habermas. His theory of communicative rationality posits that rational agents must agree that rightness is the

indisputable claim to validity in the realms of politics, law and morality. Goodness, on the other hand, is a validity claim appropriate only to aesthetics and ethics. But a virtue ethicist or a civic humanist, claims Tully, 'would surely want to argue that goodness has priority over rightness in politics and morality'. This is a discussion that cannot be had in the ideal speech situation, for 'goodness' claims apparently can only take place on the basis of a non-universal form of argumentation, while 'rightness' claims cannot comprehensibly be justified on the basis of rightness alone. Habermas is insufficiently critical: the plausibility of the rightness claim only rests on a liberal convention of thinking about morals and politics in terms of 'rights'. 'All the more reason, then, that we should be able to challenge, rather than to reinforce, this convention *in* practical discourses designed to guard our freedom' (vol. I, p. 56). Far more useful for thinking about freedom are Foucault and Wittgenstein. Foucault shifts our attention from the power involved in domination and rule-giving to the power that constructs and organises individuals in domains, such as sexual desire, in which we suppose ourselves to be free. But what is important about this kind of power is that it governs us *through* our freedom. Power exercised over subjects 'cannot eliminate completely the interactive and open-ended freedom *of* and *in* the relationship or the room to appear to conform to the public script while thinking and acting otherwise' (vol. II, p. 278). The possibility of critique and emancipation is immanent in the master–subject relation. Similarly, Wittgenstein shows that language is intersubjective and no one can be sovereign over it, so that resistance of power can be achieved by playing the language game otherwise. This 'pragmatic linguistic freedom' is, Tully maintains, 'internally related to a practical (extra-linguistic) freedom of enactment and improvisation within the inherited relations of power in which the vocabulary is used' (vol. II, p. 245).

The remaining chapters of *Public Philosophy* are case studies of the manifold means by which subjects of power in diverse political settings employ their agonistic freedom in order to win recognition and greater political power. Tully also points out, for the benefit of those engaged in these struggles, potential further avenues for the exercise of their current capacities. Much of the first volume is about the struggles of Indigenous peoples for self-government. The chapters on this topic are empirically rich and exhibit Tully's profound engagement with Indigenous traditions of political, moral and legal philosophy. They also should be of great interest to students of international relations. Discussing the case of Canada, Tully elaborates on an Indigenous argument that 'free and equal peoples on the same continent can mutually recognise the autonomy or sovereignty of each other in certain spheres and share jurisdictions in others without incorporation or subordination' (vol. I, p. 280). He describes a sophisticated legal argument pressing for a radical de-territorialisation of

sovereignty, of 'shared jurisdiction over land and resources on the basis of mutual consent'. Interestingly, the Indigenous case intends to draw some of its force from an observation about the international realm. 'This kind of post-Westphalian, multiple, and overlapping governance and jurisdiction is said to be the general tendency of global politics in many spheres' (vol. I, p. 284). So the ostensible trajectory of world politics finds its way into the lexicon of 'domestic' Indigenous argumentation, as a resource of agonistic freedom.

In *Imperialism and Civic Freedom*, Tully criticises David Held and other Critical Theory-influenced theorists of global governance and cosmopolitan democracy for being too wedded to a 'restrictive' notion of democracy that would not well serve Indigenous peoples engaged in 'extensive' democratic struggles to gain respect for their cultural differences (vol. II, p. 66). An essay on the new informal imperialism in the international realm discusses the 'tactical' acts of agonistic freedom employed by subalterns, conceding that hegemonic actors are better able to act 'strategically' and thus to 'structure the field of possible responses' (vol. II, p. 160). A related article on imperialism and democracy nonetheless argues that imperial rule, being dependent for its operation on non-Western customary legal and political practices, 'has to rely on the indirect and informal *collaboration* of the subaltern'. This has enabled these peoples sometimes to exercise a kind of popular sovereignty from within the interstices of imperial domination (vol. II, p. 219). These practices are detailed, and the key to greater political freedom said to lie with them.

These books, then, develop the vision of a humane and erudite scholar, whose emphasis on the transformations that can be brought about in political relationships through immanent critique helps to see a way past the binary divisions of order versus justice and realism versus idealism that so often structure international theory. Tully takes a stand on abundant topics, and on each critics will find something to argue with him about. In the space that remains to me, I want to address an issue that I see arising out of Tully's account of agonistic freedom. Tully makes much of the following quotation from Wittgenstein's *Philosophical Investigations*: tennis 'is not everywhere circumscribed by rules; but no more are there any rules for how high one throws the ball in tennis, or how hard; yet tennis is a game for all that, and has rules too' (vol. I, p. 140). Tully takes Wittgenstein to be saying that the rules of the game always contain some gaps, and thus admit of some room for individual innovation which may in turn help to change the rules of the game. But the analogy draws attention to the elitist character of the kind of politics Tully valorises. How high one can throw the ball, and how hard one can hit it, depend on the physical ability of the player, a great proportion of which will be determined by genetic luck. Similarly, the only agents who *really* have the kind of freedom Tully venerates are select groups of gifted individuals, 'word

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.

Ben Holland
Lecturer in International Relations,
University of Nottingham, UK

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

Lucas Swaine
Columbia University Press, New York, 2006, 215pp., ISBN: 978-0231136051

Contemporary Political Theory (2011) **10,** 137–139. doi:10.1057/cpt.2010.17

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

© 2011 Macmillan Publishers Ltd. 1470-8914