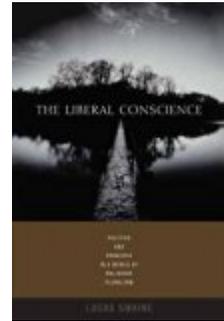


Lucas Swaine. *The Liberal Conscience: Politics and Principle in a World of Religious Pluralism*. New York: Columbia University Press, 2006. xix + 215 pp. \$35.00 (cloth), ISBN 978-0-231-13604-4; \$24.50 (paper), ISBN 978-0-231-13605-1.

Reviewed by Kevin M. Schultz (Institute for Advanced Studies in Culture, University of Virginia)

Published on H-Ideas (February, 2007)



Liberalism: The “Least-Worst Option” in a World of Religious Pluralism

Has the project of liberal pluralism run into a dead end when it deals with religious pluralism? Why should religious groups who possess a distinct vision of “the good” support liberalism’s famously opaque vision of how a proper society should look? What’s in it for them? Although liberalism is famously inclusive, is it inclusive enough to retain those who reject its premises and who are constantly dismissed as being irrational? If the answer is no, why should these outsiders not resort to violent methods to create their vision? A frightening 71.4 percent of terrorist organizations established in the 1990s claimed to derive their violent vision from religious commitments.[1] Can liberals talk to theocrats, or do the two groups have no basis for solidarity? Has the project of liberal pluralism run into a dead end when it deals with religious pluralism?

These are the questions that prompted Lucas Swaine to write his elegant and brief new book, *The Liberal Conscience*. His hope is to develop a meeting ground for liberals and for those who reject liberal premises because of their particular religious worldview, a group he collectively labels “theocrats.” Attempts to find some sort of common ground have been put forward by several liberal philosophers before, including John Rawls, William Galston, Robert Audi, and Jeff Spinner-Halev, to name but a few. But, Swaine argues, these theorists of liberalism have failed to address theocrats in their own terms. According to Swaine, Rawls and his friends have said that those with religious visions of the good are welcome at

the table only so long as they accept liberal premises. This is a contestable point, especially considering that Rawls’ *Political Liberalism* (1993), Galston’s *Liberal Pluralism* (2002), and Spinner-Halev’s *Surviving Diversity* (2000) each claim to tackle this issue head-on. Regardless, Swaine claims that their lack of success has allowed the discussion to sputter into a variety of “he said, she said,” where neither side hears what the other is saying. This has led to greater disaffection and alienation, which, Swaine suggests, has led to an increase in the number of outsiders adopting anti-liberal causes, including those who have adopted terrorism as their chief method of creating social change.

Swaine hopes to rescue the liberal project from this endless bickering by drafting a few base-line assumptions that both liberals and theocrats can adhere to. He sees trouble emerging from numerous places in the world today, including the American religious Right, Islamic jihadists, Branch Davidians and other militant and non-militant out-groups. He helpfully breaks these “theocrats” into two different camps—“retiring theocrats” and “ambitious theocrats.” Retiring theocrats are organized collectives that seek to remove themselves, at least partially, from the polity. Included in this bunch are the Old World Amish, Pueblo Indian communities, Mormon polygamous communities, and the orthodox village of Kiryas Joel, which resides outside New York City. Ambitious theocrats, on the other hand, are those who seek to alter their society in order to enact a different vi-

sion of the good. Combined together in the collection of “ambitious theocrats,” perhaps a bit uncharitably, are the American religious Right and fundamentalist Islamic jihadists.

Regardless of what kind of theocrat you are, however, there is little obvious reason to affirm principles like tolerance, liberty, fairness, and autonomy, which are the hallmarks of any sort of liberalism. These principles look wishy-washy, retarding the growth of what most theocrats perceive to be a well-founded society. Furthermore, a theocrat might properly add that the reasons liberals have put forward to oppose certain illiberal actions, as in the anti-polygamy laws in the United States, have been intellectually hollow, amounting to trite statements of “that’s just not how we do things here” (or, to use the Supreme Court’s actually phrasing in the famous 1878 polygamy case of *Reynolds v. United States*, polygamy “has always been odious” to Western nations, an “offence against society,” and so there “cannot be a doubt” that it should be made illegal in the United States). The point is not whether the decision is correct, but that its rationale is not grounded on any serious principles, liberal or otherwise. Even if theocrats are wrong, liberalism owes them a responsible argument telling them why they are wrong; without such an argument, theocrats become, and have become, disaffected and sometimes violent.

This is where Swaine comes in. Swaine’s goal is to look within the various traditions, liberal and theocratic alike, to find certain commonalities that will serve as a basis for discussion. First, he puts forward three arguments why theocrats of all kinds should support liberal governments. These three arguments boil down to the fact that liberal governments provide protection for all its members (or are at least supposed to), that they do not meddle too much in the internal affairs of their citizens (or are not supposed to), and that they disallow others from meddling as well. Despite the fact that these protections are not always as vigorously defended as they might be, this is purely a matter of perspective, and the accomplishments of liberal governments look downright impressive when compared to communistic or fascistic governments. Swaine even argues that theocrats are better off residing in liberal institutions than in theocracies of their own creation, because the act of governing is corrosive and will eventually diminish the original social vision of the founding principles, leading to something akin to the Great Terror in post-Revolutionary France.

So if there are rational reasons for theocrats to support liberal governments, how can liberals make them

feel welcome? How can they put forward sound arguments to curb the worst abuses of theocrats while remaining supportive of the theocrats’ right to enact significant parts of their particular vision? Swaine suggests that liberals should emphasize three points of common ground, all of which add up to the “liberty of conscience” that forms his title, and all of which are already affirmed by both liberal and theocratic communities, although theocrats do not know it yet. First, both liberals and theocrats agree that conscience must be free to reject lesser religious doctrines and conceptions of the good. Swaine calls this “the principle of rejection.” Second, both parties agree that individual conscience must be free to accept the good, called “the principle of affirmation.” And third, they all agree that individuals must be free to distinguish between good and bad doctrines. This is “the principle of distinction.” Liberals quite obviously believe in these principles, but, Swaine argues, so do all theocrats. By having a worldview based on humankind’s relationship with God, they necessarily affirm the liberal conscience that is innate to all humans. They can reject bad conceptions of the good, affirm those that seem sound, and distinguish between the two. Thus, Swaine says, liberals should use these principles to trump theocrats’ most difficult arguments against liberalism, such as the one about God commanding the faithful to disavow basic human rights or the one about individuals not possessing the right of exit from any theocratic community. How can theocrats defend these practices when they already affirm the inherent liberal conscience of each individual? There is a basic humanity in theocracies, Swaine seems to be saying, so their attempts to restrict the freedoms of their members are basically illogical.

So we have a rationale for why theocrats should support liberal governments. And we have principles that form the basis of discussion. These are compelling points. Liberals might complain that Swaine’s liberalism of conscience is simply watered-down liberalism, a base-line of rights that ignores things like equality, fairness, and liberty. Swaine responds by saying that liberals need to be less self-righteous and accept the fact that their foundational beliefs might be altered by responding to outside arguments that, by the way, have “footing in reasonable views about the existence of otherworldly ends.” Thus, “Liberals should be prepared for mutually transformative discussions and must not assume that their dialogue with theocratic parties will prompt the simple, naked assimilation of their interlocutors.” He adds: “Unless one believes that liberal theory is complete, which it is not, pro-

gressive theoretical steps should be welcomed” (p. 150). Theocrats, on the other hand, might argue that most people do not know what is best for them and, because of a special vision they have received from God, they are entitled to demote certain of Swaine’s principles. To this, Swaine argues that his goal is to show them “there are auspicious ways for them to pursue their conceptions of the good more fruitfully than at present” (p. 151). He also importantly adds that liberals need to put forward arguments that will draw less militant theocrats away from more violent organizations.

Thus he does not resolve the complaints but argues around them. While some might slight this maneuver, it is worth remembering that Swaine’s search is for a middle ground, which perhaps allows him to marginalize the extremes in an effort to create conversation. Getting theocrats to affirm his core principles is another matter, however, and Swaine puts forward some strategies that liberals might use to convince theocrats that actually creating their desired theocracy is not going to benefit them in the long run. These tactics are somewhat dubious though, because they include mostly continued conversation and a little bit of “infiltration.” For instance, one is not entirely convinced that theocrats will bother to read this well-reasoned book, or that Swaine’s tactics for “inspiring public reason” (as chapter four is titled) will be effective. In short, Swaine has marginalized the question of power and how difficult it is for those who have it to give it up. Sure, the act of governing will transform and perhaps even corrupt an ideologically principled social vision, but will the argument for liberal conscience be convincing enough for the Mullahs in Iran to give up power, or for Richard John Neuhaus to stop his vociferous anti-liberal crusade in the United States?

In addition to this question of power, tying Neuhaus to the Mullahs is another problem with the book. Swaine defines “theocrats” really broadly, as those who support “a mode of governance prioritizing a religious conception of the good that is strict and comprehensive in its range of teachings” (p. 7). But it is highly debatable if the American religious Right can legitimately be called a bunch of theocrats yearning to make a theocracy. Rather, it seems that the American religious Right sees itself as liberal democrats who believe the project of liberalism has become unmoored from its foundation in Judeo-Christian morality, as the nation has been led astray by secular humanists who have transformed liberalism into a community-denying search for individual rights. Although the American religious Right might be guided by a religious sense of right and wrong, there are very few

serious calls to create an American theocracy. Regardless of whether or not this assessment is correct, by calling the American religious Right a bunch of theocrats and by tying them to militant Islamo-fascists is surely one way to continue to alienate one of the groups Swaine most seeks to engage.

I do not want to come down too hard on Lucas Swaine. After all, he is doing what political theorists should do by advancing what he calls the “least-worst” theory of governance for a plural society (p. 65). And his book is a model of theoretical eloquence and plain-spoken argumentation. Plus, he puts forward some persuasive techniques for how a polity can handle large communities of retiring theocrats like the Amish or Kiryas Joel through a system he calls “semi-sovereignty,” which would create a principled way in which a liberal state like the United States could honor retiring theocrats while granting them a significant amount of autonomy (basically by granting them sovereignty over a closed geographical area while ensuring that these communities provide members with basic needs like food, shelter, clothing, basic rights, necessarily extending to women and children, that must include a right of exit, and a duty to educate the group’s children with basic literacy, mathematical competence, civic knowledge, and a sense of the community’s place in the larger nation. Once these basic principles are met, the communities can be as sovereign as they want. They can also benefit from some of the outside society’s resources, for which they must pay some percentage of normal taxes). While the details of such a scheme would be a nightmare for policy wonks to work out, creating such a legal category would allow communities of retiring theocrats to remain vested in the liberal society that surrounds them, and it would allow the liberal society to remain true to its cornerstone principles of toleration and religious freedom. Gone would be the wishy-washy rationales like the kind offered to Mormon polygamists by the U.S. Supreme Court.

At the same time, it is praiseworthy for Swaine to ask each of the dissenting traditions to look at their own principles in an effort to find common ground and locate a peaceable future. For liberals, his book is treasure chest of arguments that can readily be deployed at your office water cooler (depending perhaps on what department your office is in). Still, one wonders how liberals can “involve themselves in ambitious theocrats’ social networks, to enter into dialogic partnerships and provide arguments in favor of liberty of conscience” (p. 136). And one wonders how effective liberals can be at influencing the identity of the growing adherents of some sort of

theocratic vision, especially since large numbers of these followers report being alienated from mainstream society. And one wonders how much they will hear once someone with liberal inclinations calls them a theocrat. Nevertheless, if one is attempting to bridge the gap, if one is looking to minimize that sense of alienation, if one is searching for arguments to levy against the “theocrats” they find at the office, one could do a lot worse than to harness Lucas Swaine’s argument for the liberal con-

science.

Note

[1]. Ami Pedahzur, William Eubank, and Leonard Weinberg, “The War on Terrorism and the Decline of Terrorist Group Formation: A Research Note,” *Terrorism and Political Violence* 14 (2002): 141-147; quoted by Swaine, 127.

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Citation: Kevin M. Schultz. Review of Swaine, Lucas, *The Liberal Conscience: Politics and Principle in a World of Religious Pluralism*. H-Ideas, H-Net Reviews. February, 2007.

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