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Probing the Foundations of Tully's Public Philosophy

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1 James Tully's *Public Philosophy in a New Key* is a edifice. Tully deftly deploys the philosophical tools of others, Wittgenstein, Arendt, Foucault, and Skinner, to probe the architecture of modern political reason in order to build a more robust structure adequate to the needs of a "new age." The resources he uses are unusually diverse, drawing on the whole canon of Western political thought, via historical and critical philosophy, to the works of contemporary political theory. The result, to paraphrase one philosopher who is central to his synthesis, is a building for dwelling, and a dwelling.

But what are its foundations? There could be many questions, depending on whether one is concerned with the theory of history, its epistemology, its critical ontology, or its gestures toward the empirical. In the opening chapter of *Public Philosophy and Civic Freedom*, the first volume of *Public Philosophy*, Tully lays out his inspirations and generously acknowledges the debt he would be jejune to retrace his argument. Instead, he probes several aspects of the foundations of his project. One is explored in its appearances across his two volumes; the other is directly confronted. The first is the historical and the tension between humanist and juridical traditions of political thought. The second concerns the background conditions, both

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that might make possible the practical pursuit of the public philosophy Tully recommends.

2At a moment when almost every major political philosopher of our time seems to be producing definitive, comprehensive accounts of justice *contra* Rawls,³ Tully's imposing project is distinctive for refusing to make justice its central focus. As he notes, "If political philosophy is approached as the activity of developing comprehensive theories, the questions of politics tend to be taken up as problems of justice, of the just way to recognise free and equal citizens and for them to govern their stable institutions of constitutional, representative democracy."⁴ Tully associates himself instead with a "subaltern school" of public philosophy skeptical about such an approach and in which "questions of politics are approached as questions of freedom." He shows that this school is profoundly rooted into Western intellectual history and has more recently entwined with similar practices of action and reflection among non-Western communities, particularly among Indigenous peoples around the world. By drawing on such deep and wide traditions, Tully renders contemporary Anglo-American discussions of justice parochial; he can then propose a cosmopolitan model of *practical* politics that transcends familiar theoretical divisions such as liberalism, republicanism, and communitarianism.

5The terms *practice* and *practical* are in fact so recurrent in Tully's *Public Philosophy* that they might be seen as the ground-bass over which he lays his philosophical improvisations "in a new key." His aim is not to produce a comprehensive theory, whether of justice, freedom, or anything else. Tully associates such ambitions with the universalizing juridical tradition whose main exponents he takes to be Kant—the Kant of the *Critiques*, at least—and Habermas. The highest aim of that tradition is to produce a systematic political theory; Tully takes it as his goal to create something nobler still, a public philosophy with practical intent. In this, he aligns himself with the critical tradition of earlymodern humanism, represented for the purposes of contrast by the Kant of "What is Enlightenment?" and the later Foucault, student of governmentality and, especially, of speaking truth to power.

6Nowhere is Tully's commitment to drawing on the resources of history more apparent than in this opposition of genealogies and the choice he

makes between them. Following John Pocock, Quentin Skinner, and Richard Tuck, among others, he relies on a sequence of polarities grounded in the history of political thought: rhetoric versus dialectic; dialogue versus system; contingency versus universality; immanent critique versus transcendence; freedoms versus rights; and civic freedom versus civil liberty. These oppositions mark a more fundamental division between the humanist and the juridical traditions that Pocock, Skinner, and Tuck have variously excavated and distinguished. Yet Tully goes further than any of his predecessors in finding the

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humanist–juridical divide a live one that lies at the heart of many contemporary political dilemmas; indeed, it structures his choice between a public philosophy (humanist) or a political theory (juridical).

⁷Tully's own recommendation is firm and persistent across the two volumes of *Public Philosophy*: "If there is to be a distinctive political philosophy in the twenty-first century," he argues, it "would be a philosophy that combines the wisdom of the owl, who seeks to understand who we are and where we have come from, with the transformative ways of the raven, who is endlessly curious about where we are going": in short, the dialogic, contingent, and critical philosophy of civic freedom associated with a questing humanism rather than the monologic, universalist, and transcendent theories of justice, rights, and civil liberty that spring from the now-dominant juridical tradition.

⁸Despite the weight of learned opinion that distinguishes these two traditions in the present, it is not quite so clear that they were equally distinct in the past. This is especially the case in relation to the question of empire that has long bulked large in Tully's historical work, and that has increasingly assumed a prominent place in his accounting of the conditions under and against which any workable public philosophy must strive.⁹ In *Democracy and Civic Freedom*, Tully states that "classical humanism developed in opposition to the universal natural law tradition".¹⁰ In general terms, that is of course true, but the opposition was surely clearer in relation to the conceptualization of governance *within* European polities than it was in the context of colonization *beyond* them. In early seventeenth-century locales from English Virginia to the Dutch East Indies, and in the metropolises from which the earliest settler colonies in the Indies were debated, the distinction between humanist and juridical arguments—for sovereignty, for possession, for the alleged superiority of European peoples over non-Europeans, especially nonagricultural peoples—was never quite as clear-cut as Tully's typology might suggest. Humanist arguments for the settlers' civic virtue in pursuit of their civilizing mission sat quite comfortably with natural-law arguments, often couched in humanist genres, for their rights of *imperium* over indigenous people and *dominium* over their lands.

Tully is acutely aware that just because our world is formally postcolonial it does not mean it is also postimperial. He is therefore amply

justified in wanting to give his own conception of public philosophy a distinctively humanist foundation, against the universalist-juridical tenor of our times. However, it is also appropriate to ask what the enduring consequences of the hybrid humanist-juridical foundations of the early-modern European empires and their successor states have been. One result, I submit, is the difficulty even Tully experiences in making claims on behalf of Indigenous peoples without falling into juridical language. When he condemns the reduction of

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¹¹Indigenous self-determination to the ability “to exercise the same individual rights of participation as other citizens. . . . Given the dispossession, usurpation and cultural genocide this ruse conceals,” he writes angrily that “it is beneath contempt.”¹² Yet in response he still speaks the language of “continuing rights to the land,” “prior sovereignty,” and “the rights of Indigenous peoples to self-determination” when describing their claims against the hegemonic assertions of settler states to subsume them.¹³ How do these appeals to “rights” and “sovereignty” cohere with a public philosophy firmly committed to Foucault’s regicidal project of “cut[ting] off the King’s head”? Is the international sphere still so clearly inflected, even infected, by the habits of empire that these juridical languages alone can have practical purchase for Indigenous peoples in their struggles of and for recognition, and in the resulting processes of negotiation and dialogue with other peoples?

¹⁴This is very much an open question. Tully’s admission that “we do not know if post-colonial forms of individual and collective anti-imperial contestation will lead to modifications that only reproduce the hegemony of the informal imperial features” suggests as much.¹⁵ However, we might say that there is already much material for reflection in the history of the half-century since formal decolonization began in the global South. The legacies of inequality, malnutrition, disease, and lack of education have been exacerbated by political instability, personal displacement, and civil conflict disproportionately among those the development economist Paul Collier has called “the bottom billion.”¹⁶ Tully is sensitive to their plight, and rightly indignant about the imperial and neo-imperial causes of their misery. Still, one might push him to speculate on the practicability of his public philosophy for the tens of millions of people who still lack some of the most basic forms of human security. He notes in passing that “dialogical negotiations” can include armed struggle (*Public Philosophy I*, 308), but how can his philosophy take account of widespread armed struggles driven by greed or grievance rather than directed strategically toward peaceful negotiation?

¹⁷How then might Tully’s public philosophy need to be reshaped or extended if the plight of the bottom billion were as close to the heart of its concerns as those of the 250 million or so Indigenous peoples around the world? The practice of civic freedom implies, at the very least, the

existence of a *civitas* within which all agents may conduct themselves as a *cives*. What, more broadly, are the implied basic background conditions that are necessary to what Tully calls “challenging yet rewarding civic relationships”? Among them would surely have to be peace and security, both internal and external. Of course, this implies the need for a functioning government, equipped with the coercive and regulatory powers of a state, to ensure protection and stability. Is it

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18possible to conceive of the “institutions of self-rule of a free people” working in the manner Tully would wish without a Weberian state standing behind them?¹⁹ Even in an era of globalization and “networkisation,” is not the state still very much with us, as the repeated desire of “nations,” from Greenland to South Sudan, to shelter under the carapace of their own states still shows? Can we, in short, “jump over Rhodes,” as Tully puts it, citing Hegel, to escape the inevitability of the state?

20This is simply to ask Tully to extend the logic of his examination of our postimperial age to those parts of the world where the legacies of empire are more ruinous and widespread even than in the common-law settler states of the anglophone world. It is also to ask whether his public philosophy is what Rawls might have called a “realistic utopia”? Is it quite as practical as Tully hopes it might be? And, if so, for how many of the world’s peoples? I pose these questions not to unsettle Tully’s grand project but rather to probe its foundations very much in his own critical, Foucauldian spirit. And in pursuit of the answers, the best advice is surely John Locke’s: “constantly and sedulously read Tully, especially his philosophical works.”

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Notes

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18. Tully, *Public Philosophy I*, 162.

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