read alongside A. A. Long's contribution ("Cicero's Politics in *De officiis,*" in André Laks and Malcolm Schofield, eds. *Justice and Generosity,* 1995), but whereas Long presents *De officiis* as Cicero's "political testament," Baraz urges us to read it as "a new beginning," the dedication to his son Marcus indicating that Cicero's audience has changed, and that instead of continuing to speak to his own contemporaries he was now turning specifically to address a rising generation of *adulescentes,* of young men on the threshold of their public lives (p. 217).

The attention to detail, textual and contextual, throughout *A Written Republic* makes Baraz's argument a persuasive one. Yet the wider puzzle persists. Cicero might have kept returning to the idea that philosophy might be beneficial for his beloved republic, but this remains more than a vague thought. It seems a strikingly implausible one in the face of the scale of the crisis that engulfed Roman politics during his lifetime, the era of what Cicero himself once so memorably described as the "dregs of Romulus" (*Epistolae ad Atticum,* 2.1.8). But perhaps if we are fully to address the question Baraz asks early on in her study, of "what could stabilize this structure that we call *res publica*?" (p. 2), we would need to shift our attention away from Cicero's front matter and have another look at the main texts of his major works on politics.

In Our Name: The Ethics of Democracy. By Eric Beerbohm. Princeton: Princeton University Press, 2012. 368p. $45.00.

When the State Speaks, What Should It Say? How Democracies Can Protect Expression and Promote Equality. By Corey Brettschneider. Princeton: Princeton University Press, 2012. 232p. $35.00.
doi:10.1017/S1537592713000285

— Andrew Sabl, *University of California, Los Angeles*

Both Corey Brettschneider and Eric Beerbohm have written books about democratic complicity: the danger that citizens who have won the right to claim that the government acts in their name will find themselves responsible for political outcomes and statements that they abhor. But the two books take very different approaches. They differ in style and ambition: Brettschneider's book is a readable, manageable monograph, accessible to nonspecialists and nicely situated in an existing debate between proponents and opponents of state neutrality toward inegalitarian viewpoints, whereas Beerbohm's aspires to be a comprehensive and meticulous treatment of its topic, proceeding from truly impressive scholarship yet building up its main arguments from scratch. They differ in normative assumptions: Brettschneider is a late-Rawlsian "political liberal" who thinks that a reasonable range of comprehensive conceptions is a permanent condition and that we should tolerate a variety of such conceptions provided they do not endanger our common life as free and equal citizens. Beerbohm's sympathies lie, mostly quietly and implicitly (see pp. 9, 235), in a purer tradition of moral philosophy that suspects that stark disagreement reflects a lack of clear thinking.

Above all, these books differ in sensibility. *When the State Speaks, What Should It Say?* is establishmentarian: It affirms the revised standard version of contemporary Anglo-American political theory; mostly trusts the state and its officials; and worries that those officials are, if anything, too reluctant to express the importance of free and equal citizenship in the face of backward social groups' resistance to these values. *In Our Name,* in contrast, is the work of an individualist and temperamental pessimist. It stresses the evils that modern states can inflict on a great scale—torture, discrimination, a cruel and indifferent economic system, unjust wars—and worries that current structures of political representation give ordinary citizens too few resources to dissociate themselves from such collective, coercive wrongs, let alone prevent them. Even readers who reject the authors' premises will admire these books' force, consistency, and rigor. Sympathetic readers will admire much more.

When the State Speaks is essentially about hate speech and what the state should do about it. Brettschneider puts forth, and defends, a principled middle position: "[T]he state should simultaneously protect hateful viewpoints in its coercive capacity and criticize them in its expressive capacity" (p. 3). Against those who believe the state should ban hate speech—as most, perhaps all, advanced democracies other than the United States do—the author upholds viewpoint neutrality with respect to coercion: Speech should be free, with any limits placed on it to be unrelated to its content. Against those who believe the state should not affirmatively favor any viewpoint, he grounds a more assertive policy on what he calls "value democracy." Because all legitimate government action, including government respect for free speech, rests on principles of free and equal citizenship, government may promote those principles and take a stance against denials of them, through exercises in "democratic persuasion" that fall short of coercion; the state should aggressively promote principles of freedom and equality through its role as "speaker," "spender," and "educator" (p. 46). The goal is to avoid two dystopias: an "invasive state" that flouts private judgment and conscience and a "hateful society" in which bias against women, racial minorities, and gays propagates while state actors do nothing.

By means of this middle path, Brettschneider aims to show that civil liberty and social equality need not—as critics of American free speech doctrine have long claimed—collide. In a series of clear and logical chapters, he argues that citizens have a duty to internalize values of civic freedom and equality, even when this entails transforming their religious beliefs (as many past beliefs have in fact changed to accommodate modern views on equality and liberty). But this duty, which Brettschneider calls

https://doi.org/10.1017/S1537592713000285 Published online by Cambridge University Press

"reflective revision," applies only to the extent that departures from civic values would imply actions of "public relevance" to fellow citizens; what citizens believe theologically, and only in that respect, is their own business. In any case, the state's agents (and, in passing, ordinary citizens) should not try to instill this duty of revision coercively; they should use only their speech and their wallets, explicitly allowing for a "right to 'opt out' of attempts at transformation" (p. 63). While assigning to state actors not just a right but an obligation to affirm freedom and equality, by denouncing and defunding groups that deny it, the author calls for this obligation to be limited (in principle, not apparently through institutional checks) by "means-based" requirements of civility and, more crucially, a "substance based" requirement that the objects of denunciation and defunding be not just marginally offensive but "openly hostile to the ideal of equal citizenship, or implausibly compatible with it" (p. 90).

This book starts from the assumption that government's legitimacy rests on common principles, as opposed to common habits, institutions, or symbols that mask lack of agreement on principle. Accepting this assumption for the sake of argument, one might worry that some of Brettschneider's principles might be dangerous in the hands of someone less wise in applying them than he is. The standard of public relevance is logical but might prove porous once all-or-nothing restrictions on state action were abandoned. For instance, the author himself thinks that Ku Klux Klan members should be banned from teaching in public schools, while sharply distinguishing the Klan from groups like the Catholic Church, whose ban on female priests does not reflect a larger opposition to women's legal equality or their civic role. But once such bans were entertained, there would surely be calls to extend them to orthodox Catholics (who oppose not just religious but civil marriage for gays), not to mention Mormons. In addition, one might wish that Brettschneider's lack of excessive deference to religious dogma extended to state dogma as well. Although he speaks of a "dialectic" between civic principles and religious views, that dialectic seems one-sided: While calling for religious and social groups to adapt their doctrines to civic principles, he does not discuss how those principles can, should, or did evolve in response to encounters with dissent.

Overall, however, this book's argument is very strong, and its attention to anticipating and rebutting objections is both exceptional and laudable. *When the State Speaks* is likely to become the standard political-liberal treatise on the ways in which a democratic state should treat inegalitarian viewpoints—no small achievement given the persistence and quality of debates in this area.

In Our Name starts from a very different experience: not outrage at the discrimination perpetrated by society and the state's seeming inability to combat it, but "the special horror that you experience when state-sponsored injustices are committed in your name" (p. 1). This moral intuition inspires an inquiry into the way we should "distribute responsibility for injustice" among all the political actors who might be said to contribute to it (p. 2). Beerbohm claims that we should reject a "causal impotence" hypothesis, whereby each citizen, being unlikely to affect collective outcomes, bears no responsibility for them; in a careful, convincing treatment of causality, he argues that we should take a cause to be something that influences an outcome, without necessarily determining it. He also claims that we should reject a "strict liability" view whereby the citizen's responsibility for political evils is total. The rest of the book, which rejects the "ideal legislator" model for politics in favor of an "agent-centered," "non-ideal," "micro-democratic" theory that can guide individual action (and only secondarily institutional reform), covers the messy moral ground in between.

This ambitious book covers the ethics of participation, of belief, and of delegation, and seeks to incorporate the political science literature into a work that "is sensitive to our bounded rationality and our morally bounded institutions" (p. 7). Beerbohm argues that citizens can be liable for what their representatives do but can mitigate or avoid responsibility through political action and opposition; that citizens have moral reason, so as to avoid complicity, to participate in politics but probably not a general duty to engage in fully rational deliberation of the kind deliberative democrats often demand; that citizens whose political power has been undermined or marginalized bear lesser responsibility for collective outcomes; and that political reforms should try to do more to accommodate citizens' desire to avoid complicity (e.g., by requiring politicians to call, and attend, town meetings around an issue when citizens gather enough signatures calling for them to do so).

Along the way, the author comes up with a variety of principles covering all aspects of these questions. Democracy being a matter of "shared liability" (p. 21), we must not only pay a certain kind of attention to politics but also note, and take steps to correct, the ways in which (as political science shows) our attention is likely to be biased and partisan. The more important a political decision is, the sharper our duty to seek out people who disagree with us, to test our conclusions. Finally, he argues that representatives have reason to respect their constituents' principles of justice (though not necessarily their uninformed beliefs about the policy details that govern those principles' application), but only provided that those citizens have reflected sufficiently on them.

Beerbohm's research and range are impressive; he is precise in definition and argumentation; he tests his proposed principles against a staggering variety of hypothetical situations (and the occasional real one); and he is fearless in suggesting that our current political practices may defy justification. There is no space here to summarize the range

https://doi.org/10.1017/S1537592713000285 Published online by Cambridge University Press

of his theses and arguments. Put briefly, they are likely to define the agenda of moral and political philosophers' study of civic responsibility for years to come. Although other books have sought to treat the theme of citizen complicity in public wrongdoing, none approaches this one in its care, seriousness, and sophistication.

While one could question many of Beerbohm's assumptions, I found, astonishingly, only a single inconsistency in his argument. Out of a desire not to blame politically weak groups for public decisions they could do little to prevent, he claims that "[i]ndividuals whose share of political power has been seriously diluted—by a system where material wealth tracks political power—retain a prerogative to refrain from voting" (p. 11; cf. p. 248). But when discussing whether individuals in general should let themselves off the hook because their effect on the final decision is very small, Beerbohm denies it, calling it "deeply mistaken" to suppose that "wrongful action could be diluted as the number of participants increased. If anything, unjust collaboration can amplify blame." It does not matter, he maintains, whether a "shared injustice" is "shared by two or two million" (p. 227). Surely, one kind of dilution cannot reduce responsibility if the other does not. I would submit that both do.

One should, however, take note of this book's method and its salient strengths and weaknesses. Beerbohm's roots clearly lie in neo-Kantian moral philosophy (though he courageously dissents from some of that school's orthodoxies, some of which, like the unrealistic ideal of the philosopher-citizen, he shows to be affirmed by the late John Rawls as well). His starting point is moral intuitions—ideally drawn from contexts *outside* politics because we are trying to find and apply moral principles, not maxims corrupted by "self-serving attitudes about our liability for state-sponsored injustices" (p. 12). He then searches for "a relatively small folder of moral principles that can explain and justify these particular judgments" (p. 202). He takes for granted that avoiding evil actions is more important than achieving good outcomes; in his view, the immense collective power of political institutions serves mostly to make politics more "hazardous" since the scale of injustice we can inflict through public life exceeds the evils any individual could do (p. 173). Finally, and most strikingly, Beerbohm's treatment is, to a degree that will startle many, avowedly "nonconsequentialist." His introspection, informed by Kantian or Rousseauian assumptions, tells him that we value democracy not because of the outcomes it produces or prevents but "for the web of relationships that it makes possible"; "democracy is fundamentally a way of relating to others as simultaneously coauthors and cosubjects" (p. 37). He concludes that "the problem of democratic citizenship" is therefore: "How can I avoid complicity with an unjust state of which I am putatively a coauthor?" (p. 62).

One might dissent from this method at any point (a self-styled realist presumably would at every point). One could, like Hume, aim to draw moral primitives from what most people empirically value, rather than from the intuitions of those who have an extraordinary sensitivity to morality and a particular vocation for studying it. One could deny that the maxims for acting well are likely to be reducible to a few principles. One could seek out, rather than avoid, lessons drawn from political experience, on the grounds that self-serving bias often does less harm than ignorance of the way in which politics demonstrably works. One could be impressed by the ability of politics to produce public goods rather than its tendency to do public evils, and might question the degree to which most citizens even perceive the existence of democratic relationships (let alone cherish their egalitarian character). The result might be to stress the costs of moral and deliberative checks on politicians, not merely their benefits, and to emphasize the degree to which our greatest acts of omission often involve less a failure to take responsibility for the injuries we do than a failure to sympathize with interests and situations that we easily neglect.

In response, Beerbohm would undoubtedly argue that too many concessions to political reality or personal comfort can mask a simple refusal to face up to the fact that injustices exist and that most of us could be doing much more to prevent them than we do. *In Our Name* may be more of a work of moral autobiography than the author realizes; his intuitions may reflect a highly acute sense of civic responsibility (and the guilt that goes with it) rather than a typical one. But if that renders his book less successful than it might be as an attempt to make sense of typical intuitions, it may render it more important than Beerbohm realizes as a work of moral critique. Even if we regard democratic politics not as a realm of egalitarian relationships but as a rough mechanism for achieving good political outcomes and forcing politicians not to ignore what people want, we might still have reason to want to reform a country where politics does not do that—or where, to the extent it does do that, gross injustices remain because too much of what too many people want is callous, myopic, or bigoted. Have we no tendency to the latter condition?

Under Weber's Shadow: Modernity, Subjectivity and Politics in Habermas, Arendt and MacIntyre. By Keith Breen. Burlington, VT: Ashgate, 2012. 253p. $114.95.
doi:10.1017/S1537592713000297

— Lars Rensmann, *John Cabot University*

Keith Breen's new book responds to two recent developments within the subfield of political theory. First, it is situated against the backdrop of a growing interest in comparative investigations that systematically engage with two or more thinkers and their concepts. Second, the work is

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