the environment resonates with this tradition, which of course has made critical use of incentive-based analyses. The author himself suggests that rational choice theory is more legitimation than motivation for the sort of actions he decries, and that other intellectual justifications have been offered in the past.

In any event, the idea that there are no irremediable losses is not a necessary implication of portraying choice as driven by incentives—one can either employ ranked rather than numeric payoffs, or assign a negative payoff so large that it cannot be compensated by anything possible in a particular game. Nor are the interpersonal comparisons of utility involved in cost–benefit analysis sanctioned by rational choice theory. The author is aware of these points, but his responses are not entirely satisfactory.

Taylor's positive intellectual program of offering alternative microfoundations is fully developed, but his positive political program is less so. His rejection of cost–benefit analysis, as incompatible with the importance of regarding certain things as invaluable, risks degenerating into an assertion that there can be politics without hard choices. Deliberation may make people "more likely to consider what ought to be done for the common good" (p. 79) but the oft-posed question of how to deal with dissent over the common good is not addressed. And what is there to do when what is invaluable to me is incompatible with what is invaluable to you? One does not have to support a soulless technocracy to worry that exalting the moral significance of what we consider unique and irreplaceable could have pernicious effects of its own.

Taylor attacks rational choice theory with the fervor of an apostate. As he notes, he was previously a prominent practitioner of the approach himself. When confronted with evidence that people were far more willing to disregard incentives than he had previously held, he reports, his initial inclination was to argue that a numerically understood rationality still ruled human acts, but its reign might be limited to situations of relatively high stakes. In this book he abandons even this retreat, in light of the evidence he presents that quite massive incentives have often proved impotent against convictions. On the other hand, Taylor makes clear that he accepts that incentives do sometimes guide our acts. Indeed, it would be surprising if they did not, given the many institutions (including the cooperation-sustaining ones described by Cook, Hardin, and Levi) that are engineered precisely to steer human behavior through the manipulation of incentives. For their part, these authors note that materialist considerations are not the only foundation of trust. These mutual concessions suggest that to the extent the battle over rational choice theory is a search for the ultimately "correct" microfoundations of action, it is futile. Conviction and cupidity will both have their day, and we would all benefit from regarding them as mechanisms (see Jon Elster, "A Plea for Mechanisms," in P. Hedström and R. Swedberg eds., *Social Mechanisms: An Analytical Approach to Social Theory,* 1998, pp. 45–73), rather than final answers about human nature.

Punishment and Political Order. By Keally McBride. Ann Arbor: University of Michigan Press, 2007. 194p. $55.00 cloth, $19.95 paper.
DOI: 10.1017/S1537592708080171

— Timothy V. Kaufman-Osborn, *Whitman College*

What part does punishment play in the constitution of political order, and under what circumstances does punishment reinforce or undermine that order? In recent decades, suggests Keally McBride, this question has too often been ceded by students of political science to sociologists, legal scholars, and criminologists. In this discerning collection of essays, McBride seeks to reclaim this turf by asking, first, how certain pathbreaking texts have responded to the dilemmas generated when political orders, real or imagined, inflict suffering in response to misdeeds and, second, how we might make, specifically, political sense of controversies engendered by contemporary practices of punishment, especially but not exclusively in the United States.

The volume's opening essays offer intriguing juxtapositions of otherwise familiar texts. The first plays Thomas More's *Utopia* against Franz Kafka's "In the Penal Colony" in order to show how the traveler's tale, related in each, encourages readers to find strange those penal practices otherwise considered unexceptional, while the second essay opposes the inscrutable suffering endured by Job, as recounted in the Hebrew Bible, to the rationalist account of punishment offered by Hobbes in his *Leviathan.* Anticipating a theme that recurs throughout the book, McBride concludes the latter essay by arguing that any effort to redeem deliberately imposed political suffering via a purely secular logic is in perpetual need of shoring up, which explains why Hobbes insisted that the sovereign be considered a "mortal god." Much the same theme is key to the third essay's discussion of punishment in relation to the current debate about the contemporary status of state sovereignty. Following the obligatory review of Carl Schmitt, Giorgio Agamben, and Michel Foucault, this essay reiterates McBride's contention that, absent divine sanction, modern political orders must forever invent new ways to negotiate the destabilizing potential that attends any affirmation on the part of some of a right to inflict harm on others.

In one way or another, the remaining essays all concern the United States. Chapter 4 indicates how certain of the Republic's Founders articulated a penology predicated on a form of "democratic idealism" (p. 13) in order to confirm the new nation's repudiation of the authoritarian punishments characteristic of England, whereas Chapter 5 argues that this idealism has now almost entirely disappeared from contemporary discussions of punishment in

https://doi.org/10.1017/S1537592708080171 Published online by Cambridge University Press

the United States. What happens when punishment becomes merely punitive, McBride contends in Chapter 6, is indicated by the "spectacularly unproductive" (p. 14) practice of prison labor; and, in much the same vein, the final chapter concludes that the atrocities committed at Abu Ghraib reveal the United States to be a regime in which the claims of imperial power now trump the ever more faint imperatives of justice.

Considered collectively, the essays in this volume appear to be animated by two impulses, one of which is more modest and, in my view, more defensible than the other. Sometimes, McBride seems to want to offer something akin to a comprehensive theory of the categorical relationship between punishment and political order. Now and then, this impulse leads her astray. For example, on occasion, it encourages ahistorical claims that are suspect or, at the very least, insufficiently nuanced: "The basic task of political order is to create harmony out of what is a volatile and varied population" (p. 18). Moreover, this impulse sometimes engenders claims that are unlikely to be disputed, not because they are incontestable but because they are not particularly interesting: "What transforms punishment into an injustice is perception" (p. 148). Finally, the principal categories of this general theory, which are suggested by the author's claim that punishment serves as the conceptual linchpin of her effort to show "how behavior, law, institutions, perception, and ideals all work together in creating a political system" (p. 3), are never elaborated with the care they would require if the articulation of such a theory were indeed her aim.

At other times, however, McBride disavows the theoretical ambitions that appear to animate these problematic assertions: "Like all the other dynamics this book describes, the role that punishment plays in the creation of political disorder cannot be pinned down" (p. 147). If the ineradicable ambiguity of political affairs invariably thwarts efforts to pin them down, theoretically speaking, then her essays can be profitably read as a set of diverse meditations bound together by nothing more, but also nothing less, than a fascination with the politics of punishment.

Construed in this way, the success of McBride's project is perhaps most fully evident in her provocative discussion of prison labor in the United States. There, she begins by inviting her readers to consider the continued use of prison labor in an era of chronic unemployment. If the expropriation of wealth is no longer the aim of such labor, as was the case when convict leasing programs flourished in the era of Jim Crow, what is its contemporary role? Her intriguing answer suggests that prison labor provides a means of negotiating the tension between the inadmissible reality of structural unemployment, especially among black and brown populations, and neoliberal ideologies, which contend that those who can but choose not to work are not citizens but criminals. The incarceration of significant portions of these populations substantially reduces the state-certified unemployment rate, and compulsory labor confirms the inability of these persons to secure the status of full citizens. That this is little more than a pernicious sham is made apparent when, for example, the states of Alabama and Arizona pay for boulders to be shipped to prisons, and the gravel produced inside their walls is left idle in nearby pits. The myth to be invoked in making sense of this labor, the author proposes, is that of Sisyphus.

Toward the close of *Punishment and Political Order,* McBride expresses her hope that one day the senselessness of the penal state in America will become visible, that "the standard of reason" will be invoked genuinely, rather than farcically, in assessing the politics of punishment, and that there "may yet be a day of reckoning and reform" (pp. 124–25). While her own analysis gives us little cause to think this day is near, she is to be commended for recalling the democratic ideals that might inform critical reflection about modalities of punishment, which, today, are exercised in the name of justice, but for the sake of power without justification.

Constitutional Democracy: Creating and Maintaining a Just Political Order. By Walter F. Murphy. Baltimore: The John Hopkins University Press, 2006. 568p. $55.00.
DOI: 10.1017/S1537592708080183

— Ralph Ketcham, *The Maxwell School, Syracuse University*

This fine book brings to bear Walter Murphy's manifold gifts: breadth of knowledge about political systems around the world and throughout history, keen critical learning about ancient and modern political thought, deep understanding of constitutional law, and a clear and clever style. It is thus a perfect place for relative novices to get an overview of the search for the best possible political system for sustaining Murphy's highest value, "respect for the great and equal dignity of all human beings" (p. 341). "Constitutional democracy" is for him this best possible system. At the same time, graduate students preparing for field exams in political or constitutional theory can find in Murphy's references and footnotes an excellent bibliography for their studies.

The best thing about the book is the lively, learned, and interesting scheme Murphy devises to present his analysis of the current state of the search for answers to *the* Aristotelian question: What for man, a political animal, is the best political system for seeking not life only, but the good life? (Murphy is basically Aristotelian, it seems to this reader, in his approach to political questions—a boon for the wisdom and usefulness of this book.) The author creates a mythical country, Nusquam, recently freed in a coup by some Colonels, from the long, despotic rule of a Junta. Nusquam seems to be a middle-sized nation somewhere in the Mediterranean-Balkan-post-Soviet world. Happily

https://doi.org/10.1017/S1537592708080171 Published online by Cambridge University Press