The Review of Politics 68 (2006), 329–359.
Copyright © University of Notre Dame
DOI: 10.1017/S0034670506000131 Printed in the USA

Book Review

RETHINKING AUTHORITARIAN INSTITUTIONS, RULES AND PROCEDURES

Ellen Lust-Okar: *Structuring Conflict in the Arab World: Incumbents, Opponents, and Institutions.* (Cambridge: Cambridge University Press, 2005. Pp. vii, 279. $75.00.)

Careful inspection of state-created institutions and of interactions that surround them may explain many ambiguous details about domestic politics in the Arab world. Advancing this broad message in *Structuring Conflict in the Arab World*, Ellen Lust-Okar provides analytical tools and case studies that explain the abilities of incumbent elites to use different structures and rules to control their opponents. She tackles gaps in available research affiliated with the conventional wisdom that has failed to explain the absence of unrest in countries experiencing prolonged economic crises or to clarify the strengthening of regimes in countries promoting political liberalization and inclusion of reformist oppositions. This work uses a formal model of politics to study "how state created institutions shape government-opposition relations" (20). It also reviews literatures ranging from modernization, the Third Wave, liberalization, and rational choice theories to the politics of protest and theories of social revolution. To build on earlier models and point to new directions in research on government-opposition relations, Lust-Okar uses Robert Dahl's classic work and diagram of the paths to polyarchy (37).

Another main contribution of the text is its case studies based on extensive fieldwork and in-depth interviews with members of incumbent elites, their oppositions, and the general public of Jordan, Morocco, and Egypt. Her findings substantiate assumptions and concepts that uncover complexities relating to what she refers to as the "structure of contestation," the various unified and divided forms of relations created on the basis of available institutional rules by the ruling elites in the three countries (18). Lust-Okar offers detailed explanations and raises some unanswered questions about changes in the institutional procedures and in the strengths of relations between incumbents and their opponents and among moderates and radical opponents in the three countries (175).

Along with its use of game theory, the book offers less confusing conceptual arguments and normative conclusions backed by examples from the three countries. It suggests that the ability of the incumbents to plan exclusive institutional structures of contestation may explain the absence of major social and political changes in Jordan, Morocco, and Egypt. In testing the conventional wisdom that downplays the role of institutions in authoritarian settings, the text reveals that the creation of different institutional games by incumbents in the three countries has hindered the

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

willingness of moderate opponents, not hard-core ideologues, to mobilize against incumbents even if they were likely to succeed. Contrary to those who may consider personalities, beliefs, or other features of incumbents as tools of explanation, the book highlights the roles state institutions play in shaping relations between incumbents and opponents and among opponents themselves. Despite the significant services that institutions provide for incumbents, Lust-Okar points out that there are no definite guarantees about the success or failures of an incumbent's efforts to preserve the status quo. King Husayn of Jordan and King Hassan II of Morocco used different structures of contestation to create loyal oppositions, allowing them to promote guided political liberalization that did not hinder the stability of their power.

Given that among Lust-Okar's main themes is how to understand the ability of state-created institutions to influence government-opposition relations, the book details various rules and games that are made and played by incumbents and their opponents to preserve the status quo. At a unified structure of contestation, incumbents may establish rules that allow them to observe their opponents becoming more dependent on state-created institutions. Realizing that repression is not always an effective means to maintain power, incumbents in a divided structure of contestation may put together procedures that are likely to situate most opposition groups to balance each other's demands in relatively predictable and stable manners (39).

The author's new assumptions about the three case studies reinforce more skepticism about the conventional wisdom. For example, in the unified structure of contestation, the oppositional elites in Jordan demanded reform, although Jordan's experiment with democratization ended in the mid-1950s. In the divided structure of contestation, the Moroccan opposition initially managed to challenge the regime but gradually became, like Jordan, less willing to do so despite the continuation of the economic crisis and its potential for success. The unified structures of contestation in Jordan under King Husayn and in Egypt under Nasir and in Sadat's earlier years were similar, but they brought different results. In Morocco in the 1980s and in Egypt under Mubarak, the divided structure of contestation created divided loyalties, and moderates became increasingly less willing to mobilize against their governments. Also, in contrast to those who regard Egypt's pursuit of liberalization as leading to democratization and pluralism, Lust-Okar assumes that Mubarak's ability to use the rules and procedures of a divided structure of contestation was aimed at preserving the status quo, confronting radical oppositions, and unifying the regime (66).

Among the strengths of the book is its clarity in raising the types of questions that attempt to both answer anticipated criticisms and reflect on new directions for future research. Another strength is the text's ability to uncover what is often seen as unexplainable abilities of Arab rulers to survive not just by using repression and cooptations but also through their skillful use of state institutions, rules, and procedures, thereby manipulating their opponents and maintaining the stability of their regimes even in times of economic crises or liberalization in their countries. Readers may, however, question whether the author overstates the capabilities of Arab leaders to initiate and manage the use of various institutional rules in such complex structures of contestation, when, in fact, there might be simpler explanations for the longevity of their rules and the absence of major transitions. Her insights may

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

hopefully lead to greater interest in reexamining not only the obvious conclusions of the conventional wisdom or the studies made on state institutions—many theorists have called for "bringing the state back in" —but also in terms of critically assessing rules and procedures made by ruling elites and regimes to manage "government-opposition interactions" (26).

Thoroughly researched and backed by analytical tools, this work not only builds upon the existing government-opposition literature but offers additional important conceptual and fieldwork contributions. As a thought-provoking text, mainly in terms of its challenge to the conventional wisdom, this work will likely entice scholars of Middle Eastern politics to readdress their research in light of the new interpretations. The relatively limited number of theoretical studies offered by researchers on the Middle East may make this text attractive for graduate students. Finally, although the text is not about democratization, its detailed examination of the structure of conflict in the Arab world may also provide new lessons to policy-makers and advisors in the United States who continue to advocate misguided and misinformed strategies for democratizing the larger Middle East.

–Husam A. Mohamad

AMERICAN POLICY ORIENTALIZED

Seth Jacobs: *America's Miracle Man in Vietnam*. (Duke University Press, 2004. Pp. x, 381, $22.95, paper.)

America's Miracle Man in Vietnam presents a prime example of the controversial new cultural trend in U.S. diplomatic history. On the surface, the author's depiction of the process whereby Ngo Dinh Diem became America's candidate to head the new country of South Vietnam is familiar (see, for instance, George Herring, *America's Longest War*, Temple University Press, 1986, 50–69). Echoing others, Jacobs argues that the U.S. promotion of Diem ultimately led to severe setbacks in Southeast Asia. So blatant were Diem's flaws, Jacobs insists, virtually any prescient observer could have predicted his unsuitability to lead nascent South Vietnam. Diem had no political base, was "undeniably an autocrat," and appeared to be an eccentric loner by virtually all accounts (38). Once in office, Diem predictably launched his "reign of terror and error," alienating legions of his countrymen and strengthening his opposition, which emerged officially as the National Liberation Front in 1960 (17).

Given these egregious facts, what possibly accounts for American blindness in backing Diem? Culture—specifically religious and racial prejudice—explains the unexplainable for Jacobs. American officials, the author argues, were not interested in democratic nation-building. They considered the Vietnamese (like all "Orientals") to be "a people who do not understand democracy," in the words of Senator J. William Fulbright (39). Thus, a "strongman" like Diem was not only an acceptable but an appropriate choice to lead South Vietnam. Diem's Roman

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

Catholicism, likewise, appealed to policymakers such as Senator Mike Mansfield and Secretary of State John Foster Dulles, who "in the 1950s tended to view events at home and abroad though a religious lens" (11).

The notion that Diem represented a particularly bad selection for which U.S. officials should be chided is hardly novel. Nevertheless, Jacobs is bucking an emerging revisionist school, led by Edward Miller and Philip Catton, that presents Diem in a more positive light. Jacobs—who relies solely on American sources—provides only a cursory examination of Diem's character and career to back his attack on South Vietnam's first president. At one point, Jacobs veers to acknowledge grudgingly that "Diem was nothing if not courageous," but insists his bravery was not what appealed to American policymakers (30).

To Jacobs, Diem's appeal can only be explained through an expansive examination of American religious and racial attitudes in the 1950s. The era, we are informed, was marked by an intense religious revival. President Eisenhower, known conventionally as a nominal Protestant, was, in fact, deeply religious. But Jacobs is most concerned with his secretary of state, John Foster Dulles, the single-minded "high priest of the Cold War," who was convinced that "Soviet godlessness was as menacing as Soviet H-bombs" (77).

In depicting this religious frenzy, in which the Cold War becomes "in essence a holy war" (60), Jacobs enlists not only Dulles but the crusades of Billy Graham, Hollywood religious epics, the popularity of "Dial-a-Prayer," and Norman Vincent Peale's best-seller *The Power of Positive Thinking*. This was not just a Protestant revival, insists Jacobs, it was primarily a Roman Catholic enterprise. Catholics in the 1950s carried such cultural currency that Jacobs quotes approvingly George Morris's dubious claim that "alien anthropologists" would have reported that "1950s America was a Catholic country" (85). The Cold War fed feverishly on this intense, Catholic religiosity, resulting in a Manichean anti-Communism. Awash in this climate, American officials—"because of who they were: culturally conditioned personalities largely incapable of seeing possibilities outside the dominant ideological framework"—could not help but endorse Diem, an Asian who pleasingly combined Christianity and anti-Communism (274).

Religion, however, is only one of two essential "categories of analysis" employed by Jacobs. Race (really racism), of course, is the second. Jacobs again casts his cultural net widely. He expropriates James Michener's writings, Rogers and Hammerstein's *The King and I*, a forgettable Jerry Lewis movie, the U.S. Army-produced television series called *The Big Picture*, *Time* magazine's promotion of Chiang Kai-shek, and novels *The Quiet American* and *The Ugly American*. Wielding the term "racist" with abandon, Jacobs denounces these cultural productions as exhibiting "the same racist paternalism" (98). The author's analysis, of course, owes much to Edward Said's "orientalism." Jacobs highlights the frequent usage of the term "oriental" by U.S. policymakers, who probably did tend to stereotype Asians into certain reductive categories—much as Jacobs simplifies and essentializes the words, motives, and thoughts of American officials.

A key cultural figure, whom Jacobs sees as combining messianic zeal with racism and religion, was Dr. Thomas Dooley, the humanitarian who worked among

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

Vietnamese refugees. Dooley long has been discredited as a particularly conflicted individual who probably did more harm than good in Southeast Asia. Undeterred, Jacobs revives and accelerates the attack, noting, for instance, Dooley's "almost pornographic descriptions of Viet Minh atrocities" (154). Dooley reinforced impressions of Asian "passivity" and "malleability," even convincing "many Americans ... that Vietnam was a predominantly Catholic country," at least according to a biographer of Cardinal Spellman, the only support Jacobs provides for this claim (137).

Focused on American culture, Jacobs devotes scant attention to important diplomatic/political questions necessary to sustain his argument. If Diem, in fact, was such an incomprehensibly poor choice that only a cultural analysis can explain his selection, there must have been logical alternatives overlooked by narrow-minded Americans. Jacobs does mention Dr. Pham Huy Quat, the choice of Eisenhower advisor General J. Lawton Collins to serve as Saigon's chief administer. In retrospect, Quat's devotion to his country cannot be questioned: he died in a Vietnamese prison camp in the late 1970s. But in the mid-1950s, he was a figure largely associated with the failed Bao Dai government, having served as defense minister, 1950–1954, in the failed quasi-independent government set up by the French. U.S. officials, understandably, were looking for a fresh start, free from the vestiges of colonialism. Collins commended Quat as "modern-minded" compared to Diem. Yet such an assertion seems to smack of the American chauvinism that Jacobs finds so odious. Given his independent streak, the courage that even Jacobs grants him, and his "Confucian" bearing (37), Diem's attractiveness to desperate U.S. officials, who were never all that enthusiastic about him, appears understandable. Likewise, while Jacobs insists Diem had no political base, Ngo Dinh Nhu, Diem's brother, had been actively organizing supporters for several years. The Ngos could be expected to cause trouble for any government not headed by them—yet another reason for U.S. officials to bite the bullet and support Diem. In the end, hard, cold, political calculation drove the American decision—cultural considerations appear superfluous.

Reading cultural history often feels like walking on spongy ground. To make a point, Jacobs strings together a series of references to popular and religious culture. But why does the author choose one example over another? Exactly when does one reach critical mass? Can one really know how audiences received and interpreted the "evidence" harnessed by Jacobs? What makes one cultural argument more valid than another? Indeed, many if not most historians of American religion present the 1950s as an era of "feel good," shallow, perfunctory practice—hardly the intense revivalism Jacobs depicts (see Jon Butler et al., *Religion and American Life*, Oxford University Press, 2003, 366). Likewise, rather than representing U.S. views of Asians as grounded in static, racist paternalism, an equally valid argument might posit such attitudes as an evolutionary step away from overt racism toward real tolerance and understanding.

Finally, while historians must judge, to some degree, their subjects, there is a pronounced presentism running through Jacobs's study. Lynn Hunt recently warned against a certain type of history informed by "identity politics" in which "[o]ur

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

forbears constantly fail to measure up to our present-day standards" (Lynn Hunt, "Against Presentism," *Perspectives*, May 2002, 8). Just as the Vietnamese of the 1950s deserved to be understood free of stereotypes, on their own terms, so, too, do the Dulleses and Dooleys, no matter how much they offend present-day paradigms of thought.

–Edmund F. Wehrle

RECKONING WITH THE PAST

Naomi Roht-Arriaza: *The Pinochet Effect: Transnational Justice in the Age of Human Rights.* (Philadelphia, Pennsylvania: University of Pennsylvania Press, 2005. Pp vii, 255, $55.00.)

Augusto Pinochet's unexpected 1998 London arrest provided a rare opportunity for a trial of a former head of state outside his own country for crimes committed while in office. The drama and visibility of the arrest and subsequent trial also prompted a wave of scholarly research on the case and its consequences. Among a crowded field, Naomi Roht-Arriaza's book stands out for doing much more than simply recounting the Pinochet story or discussing its significance for international law. Her meticulously researched book goes beyond a simple focus on the Pinochet case per se, to artfully weave together the series of interactions that helped the case possibly transform transnational global justice. In the process, she provides insights for students of law, democratization, human rights, and international relations.

First, Roht-Arriaza expertly conveys the complex interaction of domestic and international law for cases involving crimes against humanity. She shows how differing domestic legal traditions, distinct interpretations of international law, and simple politics affected how the Pinochet case and the numerous other cases it inspired moved through legal systems in Europe, Latin America, and the United States. She shows how those seeking justice are faced with risks, complications, and a series of trade-offs, underscoring the myriad difficulties that inevitably arise with respect to jurisdiction. In addition, she analyzes the dynamic and contextual interaction between domestic and international variables that helps to determine success in the judicial arena. When Pinochet boarded the plane for London, he was virtually untouchable, yet when released approximately a year and a half later, he was fair game for legal proceedings in Chile. One of the study's most interesting findings is how international notoriety, Pinochet's demonstrated vulnerability, and domestic judicial reform in Chile conspired to provide a context in which Pinochet could finally be tried at home. Thus, the author shows that while there is a real chance for the application of transnational justice, the road toward its more universal application is likely to be messy and paved with complications, setbacks, and challenges to jurisdiction.

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

Second, the author explores the numerous, multifaceted, and sometimes serendipitous interactions between major actors that ultimately determine what it takes to get a case to trial. Roht-Arriaza underscores the importance of the activities of now globalized NGOs, exile organizations, and the coalescence of transnational advocacy networks for success. While there is no formal recipe for moving a case to trial, she underscores the importance of the interaction of these variables in determining how far a case goes. Indeed, she argues that the relatively high level of education, activism, and social integration of Chilean and Argentine exiles into their adopted countries tipped the balance in allowing trials to move forward, while exiles with fewer of these characteristics from other countries had less success in pushing for an agenda of justice in their countries of origin. What is more, the study holds important insights for the type of tribunals that ultimately emerge. She finds that transnational investigations are potentially more successful than ad hoc tribunals, primarily because the former involve victim agency, and victims rather than prosecutors are the driving force behind the investigations. Roht-Arriaza's case, therefore, has important implications for our understanding of the variables that create the context for a potentially successful trial.

Third, Roht-Arriaza analyzes the interaction between diffusive and demonstrative effects, skillfully combining theory and empirical analysis. She theoretically explores the boomerang/spiral effect of activists interested in particular cases, who pressure governments to offer concessions, and in turn, hearten activists to demand even more concessions. Further, she shows how the unfolding of investigations in one country often spills over into others, prompting similar investigations and a similar boomerang/spiral effect. Perhaps the most important contribution of the book is its very sophisticated analysis of how the Pinochet case provided inspiration and legal standing for cases in other countries. While the author's main comparative referent is Argentina, which is analyzed just as carefully as Chile, she shows how the Pinochet case has had a ripple effect in countries as wide ranging as Guatemala, Peru, Chad, and Rwanda. Thus, she shows that the Pinochet case also helped to establish the more general principle in international law that torture and crimes against humanity are not protected by virtue of former state position. At the very least, while leaders who have committed crimes against their own citizens may not face trials, the unfolding of the Pinochet case will give pause to any former criminal head of state contemplating international travel.

In addition to exploring these interactions, Roht-Arriaza's study is notable for going beyond simple case analysis to ask deeper and more complex questions about international jurisprudence. The issue of how high to go in the command chain in assigning guilt was significant even before Nuremburg. However, Roht-Arriaza pushes the reader to think seriously about how far transnational prosecutions should and can go, where culpability ends, and whether elected heads of state or their appointees are fair game for prosecution. Indeed, the always blurry lines of assigning guilt have shifted in recent years. As a result, Henry Kissenger has had to think just as seriously about the wisdom of international travel as nondemocratic heads of states, given his involvement in providing arms and support for the coup plotters that overthrew Salvador Allende in Chile and the numerous suits

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

filed against him around the world for these and other alleged crimes committed while serving in the Nixon Administration. Roht-Arriaza goes even further to suggest the possibility of trials for governments and powerful companies whose acts and omissions have contributed to human rights violations around the world, raising even knottier questions with respect to how far transnational justice can go. However, it is precisely in answering these types of questions where the one weakness in this otherwise outstanding analysis lies. The author underscores the centrality of reckoning with the past in order for democracy to be legitimate. Nonetheless, it is precisely questions related to where to draw the line that make the notion of dealing with the past quite ambiguous. When has a country reckoned with its past? When is a country reconciled? Does reckoning and reconciliation involve investigations, reparations, trials, or convictions? However, this weakness is mostly a function of the ambiguous nature of justice and the complexity of the process of national reconciliation rather than any oversight by the author.

Finally, there is seemingly limitless potential for tracts on domestic and international law to be dry and boring. Roht-Arriaza's analysis is refreshingly readable and almost novelistic in its tone and approach. In developing her account of the Pinochet and related cases, she holds the reader's attention and captures the drama, but at the same time she demonstrates careful and painstaking empirical research. This book is a very welcome addition to the literature on transnational justice and essential reading for understanding the Pinochet case and its ripple effects.

–Peter M. Siavelis

AMBIVALENT ASSIMILATION

Nicola Lacey: *The Life of H. L. A. Hart: The Nightmare and the Noble Dream.* (Oxford: Oxford University Press, 2004. Pp. xxii, 422, $35.00.)

Legal philosophy as a discipline, was, at best, a marginal topic of philosophical inquiry before H. L. A. Hart turned his attention to it. It may be said of Hart that no philosopher after Hart's work in the philosophy of law could ever reasonably regard legal philosophy as marginal again. Before Hart, legal positivism had, of course, its important advocates, but Hart's *The Concept of Law* showed that its earlier proponents had been wedded either to a command theory of law that was clearly indefensible (Hobbes, Bentham, and Austin) or a conception of norms that was inadequately defended (Kelsen, Hagerstrom, Alf Ross). In the place of the foundational concepts of command or norm, Hart rigorously defended a sociologically informed account of the operation of legal systems (marked by certain indicia of observance and acceptance) and an illuminating distinction between primary and secondary rules that explained important distinctions in law, for example, between the criminal and civil law and the constitutional law establishing the scope and limits of the competence of officials. On this basis,

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

Hart offered an account of law as a subset of social rules, marked by its monopoly of coercive power over a well-defined territory and the finality of its authority over matters involving the scope and limits of such power. Since truth claims about law are made on the basis of ascertaining such rules, determined by observance and acceptance, such claims in law truthfully can be and are made without knowing whether such rules are substantively just according to a philosophically defensible theory of justice. For this reason, Hart argued that legal positivism is the better philosophy of law, since law can be known without knowing its justice, and positivism makes clear the responsibility of independent ethical criticism of law's sometime amorality and immorality. No one after Hart wrote about these matters, would ever think of law in the same way, and the case for legal positivism, as a philosophy of law, had been placed on an altogether sounder philosophical basis.

It may be said only of the most profound intellectual achievement that, after such work, serious students of an intellectual field see the subject in a new way, wondering retrospectively how certain distinctions could not have been made. Hart's achievement in the philosophy of law was of this remarkable caliber, and it carried over not only to his work in analytical jurisprudence on legal concepts (including causation in law and legal rights), but to his more normative work, notably, his essays on criminal law, *Punishment and Responsibility*, and his important public role in Britain in supporting the recommendation of the Wolfenden Committee, in opposition to Lord Devlin, calling for the decriminalization of gay sex acts.

There is almost no topic in substantive criminal law that Hart's lucid, rigorous normative philosophical argument, like his work in analytical jurisprudence, did not transform for the better, both in the practice and theory of law (including his opposition to the death penalty). It was Hart who drew the distinction between distributive principles of justice and the aims of criminal justice. The former principles of equal liberty impose requirements like the principle of legality and a culpable mental state (disfavoring strict liability) that must be satisfied, as a matter of justice, before other aims of criminal justice (for example, general deterrence, protection, and reform) may legitimately be pursued. Hart's emphasis on personal culpability, as a necessary condition of just punishment, clarified the normative foundations of one of the most vexing topics in criminal law, the law of attempts, a body of law, Hart argued, that turned on a certain kind of culpability in intending to harm, whether or not the act in question resulted in actual harm. The requirement of actual harm, which makes sense as a requirement for the law of torts (resting on just compensation for harms inflicted), makes no comparable sense in criminal law, which turns not on compensation but on more retributive principles of culpable violation of appropriate legal norms. And it was Hart's lucid discussion of what should count as culpability in the law of criminal negligence which led to the view, now widely accepted in the United States and Britain, that appropriate standards of reasonable care, as the benchmark of criminal negligence, must be individualized: taking into account the circumstances and capacities of the putative criminal. Otherwise, persons would be held to criminal liability for unintentional actions where the relevant standards are not ones that we could reasonably expect a person to observe. Such a nonindividualized

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

standard of liability for criminal negligence would be a form of strict liability, failing to require the personal culpability that is a necessary condition of just punishment. What is acceptable in the law of torts (strict liability) is not acceptable in the law of crimes.

Hart's normative argument in support of the Wolfenden recommendations helped secure the decriminalization of gay sex in Britain in 1967. It was one of the important moments in the historical development that has led to the recognition, as a constitutional minimum, of a right that such acts not be subject to criminal penalty in the constitutional law of the nations of the European Union and, more recently, in the constitutional law of the United States. Hart argued before the development of the view that this question involved a basic human right, but his argument made it thinkable. Hart made his influential argument when much conventional morality and law, exemplified in Lord Devlin's arguments, rejected decriminalization as outside acceptable moral and legal thought. It was Hart's brilliant normative insight to make clear that this narrow view must be fundamentally rethought in light of the basic values of liberal democracy.

Hart's central contributions to analytical and normative jurisprudence were made largely in the relatively brief period that he occupied the position of professor of jurisprudence at Oxford University. Many of his admirers, including myself (I studied with Hart as a graduate doctoral student at Oxford in 1966–67), were surprised at his taking early retirement from this position, to be followed by work in more administrative positions in Oxford University colleges and in government. His writing also took a puzzling turn into close historical studies of the jurisprudence of Jeremy Bentham, a command theory of legal positivism that Hart had decisively rebutted in *The Concept of Law*. Finally, we learned of a crippling depression that haunted his later life, with some lucid productive intervals, until his death.

The great importance of Nicola Lacey's *A Life of H. L. A. Hart* is that it deals in depth with Hart's towering achievements in analytical and normative jurisprudence, and yet it also gives us a superb biography of the man, one arising from Lacey's close relationship not only to Hart but to his wife, Jenifer, who gave Lacey unparalleled access to Hart's personal papers and facilitated Lacey's remarkable range of interviews with the people who knew and worked with Hart, including his leading colleagues and students, several of whom are now leading figures in the philosophy of law (including Ronald Dworkin, Joseph Raz, John Finnis, and others). This is a superb, riveting intellectual biography, a labor of what must be called love, for Lacey gives us a sensitive, appreciative, and deeply informative portrait of Hart the man, including his remarkable achievements, certainly, but also his struggles with issues of sexuality and background that at least go some way to explain what appears to have been a growing sense of crisis in Hart's creative life as a philosopher and the roots of the crippling depression at the end of his life.

Thomas Nagel has recently questioned the degree to which Lacey's account depended on Hart's wife, Jenifer, including access to his personal papers (see Thomas Nagel, "The Central Questions," *London Review of Books*, February 3, 2005, pp. 12–13). What really offends Nagel is her disclosure and discussion of what these personal papers tell us, namely, that Hart, before he met the beautiful, brilliant,

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

and vivacious Jenifer, regarded himself as an exclusive homosexual, someone who expressed doubts (to Jenifer) about his ability to lead a fully heterosexual life. His marriage to Jenifer (including four children) was undertaken very much in the spirit of sexually open marriages of Bloomsbury, marriages open to both gay and straight sexual relationships with other partners. Jenifer had many extramarital affairs, certainly known to Hart, including with one of Hart's closest friends, Isaiah Berlin. It is less clear that Hart lived out this Bloomsbury spirit in his marriage; in a telling inversion of the usual double standard, Hart, in contrast to his wife, may not have had such extramarital relationships, gay or straight. Jenifer, both in her own autobiography and in picking Nicola Lacey as her husband's official biographer, clearly wanted these facts well known. Nagel objects that they are too private and result in a view of Hart hostage to his wife's highly personal, rather narcissistic obsessions.

What Nagel fails to appreciate is the importance of the story Jenifer clearly allowed Nicola Lacey to tell, a story that not only clarifies the drives that led Hart to his astonishing intellectual contributions to the philosophy of law, but his struggles and anxieties during that period and later. At the heart of Lacey's brilliant, sometimes harrowing narrative lie the two issues with which Hart apparently struggled in his personal and professional life: his sense of himself as a bisexual man in homophobic Britain and his sense of himself as Jewish in the face of British anti-Semitism. What Jenifer wanted the world to know was, I believe, the struggles and anxieties of her husband over these matters, including how much he had suffered, sometimes at her own careless, possibly even cruel hands. The motivations of this disclosure do not suggest to me narcissism, but a remorse based on love.

What makes Nicola Lacey's biography so remarkable, indeed path-breaking in the genre of intellectual biography, is her feminist eye and ear for what Hart's personal papers and her interviews told her about the character of Hart's struggles with his sense of himself as a man in both his professional and personal life, struggles that led to his stellar intellectual achievements while occupying what was the most distinguished and influential chair of jurisprudence in the world. No one could reasonably occupy such a public role in the Britain of that period who had not undertaken the burden of assimilation into the pervading standards of Britain at that time. Hart found in his education, in particular his Oxford education, a way into a world of universal philosophical argument that would transcend and nullify the sense of himself as a Jewish outsider to Christian Britain. Those burdens of assimilation were heightened and complicated as well by Hart's sense of himself, certainly before his marriage, as an exclusive homosexual. His marriage to Jenifer afforded yet another mode of assimilation, a married man with children, a position consistent with an ambition to occupy a public role like the Oxford professor of jurisprudence. Both these forms of assimilation clarify how remarkable were the central ambitions and achievements of Hart's most creative years as a philosopher of law, the years of the contribution to jurisprudence earlier described. Hart put his assimilation to work not in accommodating himself to British homophobia or anti-Semitism, but in taking an influential, courageous position as a liberal public philosopher, who subjected British institutions

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

and practices to independent ethical criticism in light of what was central to Hart's contributions to legal philosophy, his secular liberalism.

What Lacey's brilliantly analytical biography shows is the impact of such assimilation on creative voice. Such assimilation, on Hart's highly individual terms, made possible his creative voice, which challenged the society to which he assimilated himself to be more liberal and more tolerant, particularly to a religious minority and a sexual minority whose unjust suffering Hart understood all too well. What Lacey shows as well is the psychological fragility of such creative voice, as the conditions of Hart's assimilation imposed on him losses that may eventually have outweighed the gains, explaining what had puzzled so many of us who loved Hart and his work, the growing sense of creative crisis and decline in his sense of vocation and his work, and the terrible depression of his later years. Lacey casts a flood of light on much else in Hart's work, including his indispensable support of Ronald Dworkin, his successor in the chair of jurisprudence at Oxford, and yet his skepticism about Dworkin's work. Ambivalence was, for Hart, always the condition of love, and Lacey brilliantly shows why, revealing how the personal and political intersect in the lives of surely the most sensitive and ethically demanding of men. Finally, it is Lacey's very insight into Hart's struggles that makes his achievements all the more exemplary. His courageous liberal voice made possible, at what appears ultimately to have been great personal cost, a tolerance for gays and lesbians from which Hart, a closeted bisexual man, never benefited. Thus, Hart's achievement finally appears in its full human dimensions, brilliant and terrifying.

–David A. J. Richards

IN HER CONTEXT

Michael P. Winship: *The Times and Trials of Anne Hutchinson: Puritans Divided*. (Lawrence, KS: The University Press of Kansas, 2005. Pp. xi, 168. $35.00, cloth; $14.95, paper.)

Anne Hutchinson is one of those iconic figures whose place in living memory is bought at the price of dislocation from her own space in time. Hutchinson's spirited witness against Puritan power and orthodoxy, displayed in her famous trials before the Massachusetts General Court and the Boston Church, has encouraged modern scholars to portray her as, among other things, a prophet of civil, religious, and women's liberty; the specifics of these interpretations matter less than the interpreters' shared sense that Hutchinson was a woman who stood apart from her culture. By contrast, Michael Winship wants to tell the story of "[t]he historical Anne Hutchinson [who] fit fairly comfortably into that seemingly alien and claustrophobic world" of Puritanism (4).

His first task is to establish the outlines of the Hutchinson controversy. Others have identified antinomianism (i.e., the unorthodox belief that those who have received

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

the grace of God are no longer subject to moral laws) as the contentious doctrine. Winship shows that this heresy did haunt Hutchinson's trials but that these trials are best understood as the culmination of the "free grace" controversy. Briefly, most Puritans sought assurance of their salvation and inward regeneration in the evidence of their own good works. The Puritan minister John Cotton attempted to move beyond the circularity implicit in this doctrine by finding assurance of salvation through scripture made alive or personally real by "the immediate witness, or seal, of the Spirit" (15).

Among Cotton's followers were Hutchinson and her brother-in-law, the minister John Wheelwright. All three fled to Boston from the same county in England between 1634 and 1636. They arrived, Winship explains, in a colony facing instability on several fronts; the doctrinal difference they imported would serve to heighten this anxiety. The Massachusetts charter was under attack, and citizens of the colony feared the revocation of their charter and the possibility that the Church of England would impose its authority over their "godly commonwealth." In this uncertain political environment, Roger Williams's radical theological and political agenda—which challenged the whole framework of Puritan society in Massachusetts—was particularly distressing. Though the Puritan establishment prevailed over Williams's challenge, Puritan political and religious leaders became acutely sensitive to the divisive potential of theological controversy, and they grew even more defensive of their political and ecclesiastical institutions. Winship concludes, "The protracted judicial and ecclesiastical campaign against Williams was in many ways a dry run for the campaign that brought Hutchinson and her allies to trial" (30).

In connecting Hutchinson's trials to a broader series of political and religious crises within Puritan Massachusetts, Winship provides new insights into the roles of oft-overlooked characters like Henry Vane, the well-connected son of a member of King Charles I's privy council and a young man with "a prodigious appetite for unconventional speculation" (2). Vane may have had a far greater role in the theological controversy than studies of Hutchinson typically acknowledge; against the common belief that Hutchinson was the theological leader of the Boston heterodoxy, Winship observes, "Some sources indicate that Vane. . .introduced these [strange theological] opinions" (36). Some of these opinions can be linked to the most radical branch of the Reformation—to a doctrine known as "familism," which taught that "Christians under the illumination of the Holy Spirit could eventually enjoy revelations, perfect union with God, and freedom from both sin and the responsibility for it" (37). On the side of the prosecution, Winship gives special attention to Thomas Shepherd, "an angry militant heresy hunter" (2). Shepherd, who in Winship's account is emblematic of Puritanism's tormented psyche and its need for enemies (46), had briefly flirted with radical familist doctrines in the time of his darkest desperation about the eternal state of his soul before seeking assurance as a condemner of heretics.

Winship argues that Shepherd most vigorously pressed the orthodox case against Cotton's party. But in focusing on the most doctrinaire among the Puritans—Shepherd and his allies on the one side, Vane, Hutchinson, and Wheelwright on

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

the other—Winship slights other Puritans who went to great lengths to minimize doctrinal differences and to offer conciliatory solutions. John Winthrop, Massachusetts's provincial governor who is typically presented as the leader of the reaction against heterodoxy, appears in Winship's account as "more tolerant and patient than Massachusetts's most severe leaders" (56) in his dealings with the Cotton party prior to the outset of the trials and after their start as "a moderate among the activists against Cotton's party, restraining the Court's most aggressive members and frustrating the most aggressive ministers. . ." (82). Further, during Wheelwright's trial (which preceded Hutchinson's), the ministers "gave Wheelwright a facesaving way to back down, [but] he expressed no interest in reconciliation" (73). For his part, Cotton attempted to reconcile the doctrines taught by his followers with orthodoxy until the embarrassment of Wheelwright's conviction for sedition; at a subsequent synod called to address the doctrinal issue, Cotton "realized there was a 'real and broad difference' between himself and the most radical members of his congregation" (96).

This unexplored theme of reconciliation tends to undercut Winship's surprisingly strident claims in the Introduction and concluding paragraphs that American politics today is threatened by the Puritanism's legacy of intolerance. Notwithstanding the difficulties Winship faces in drawing such explicit and direct lessons from a culture almost four hundred years old, it could just as easily be argued that the Puritan desire to achieve consensus in collective decisions stands as one of the most salutary ideals of American democratic practice. Against Winship's charge that Puritan establishmentarianism "remains alive, as recent controversial efforts by the Bush administration to strengthen ties between the churches and the national government demonstrate" (150), it should be noted that the establishment of religion in one form or another was the rule throughout the whole of human history until the late eighteenth century and, therefore, it cannot profitably be understood or plausibly explained solely as a Puritan practice. Further, disestablishment arguably owes just as much to Protestant theology and political experience as it does to secular rationalism. These few gratuitously polemical paragraphs mar an otherwise thoughtful, balanced, and enlightening account.

Finally, the reader of this review may wonder where Anne Hutchinson has gone. The story of Hutchinson's trials is confined to two of Winship's nine chapters. "In spite of all the attention it gets from scholars," Winship argues, "Hutchinson's trial was not nearly as important as [Wheelwright's] to the free grace controversy itself" (114). Indeed, the most significant implication of her trials is that the defiant Hutchinson—left alone after Wheelwright's conviction, Cotton's theological clarifications, and Vane's return to England—proved attractive as a scapegoat for Massachusetts's tribulations. It is said that the victors write history, and that is true in Hutchinson's case. John Winthrop's portrayal of her as an "American Jesebel" who seduced a significant number of Puritans into error continues to influence historical treatments of her life and trials. Winship's is an admirable effort to look beyond this familiar story.

–Jason C. Ross

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

REAL POLITICAL HISTORY

Sean J. Savage: *JFK, LBJ, and the Democratic Party*. (Albany, New York: State University of New York Press, 2004. Pp. ix, 429. $35.00, hardcover.)

For too many political scientists, "political history" means little more than poll results, aggregate vote totals, and DW-NOMINATE scores. Useful as these data may be for narrow purposes, they miss the complexity of political life. Real political history concerns the interplay of ideas, interests, institutions, and individuals.

Sean Savage's book about Lyndon B. Johnson and John F. Kennedy is a work of real political history. Drawing upon deep archival research, Savage ably explores the two presidents' long and ambiguous relationship to their party. Both entered elective politics in a hurry, and they refused to let old structures weigh them down. Kennedy had the easier time, at least at the start. His father's money relieved him of dependence on Massachusetts machines and enabled him to build a personal organization. Johnson had to work hard for his political funds, but he also shunned entangling alliances. Like Kennedy, says Savage, "Johnson was careful not to clearly and consistently identify himself with an ideology or party faction that might currently or eventually threaten his progressive ambition" (21).

As senators, both retained the flexibility to practice bipartisanship when it suited their ends. Massachusetts still had a fair number of Republicans in JFK's day, so he included some in his campaign organization. Johnson faced little danger of losing his seat to the other party, but he knew of President Eisenhower's popularity both in Texas and the nation. As Democratic leader in the Senate, he worked with Eisenhower, who kept his own party at sword's length. And because of the large bloc of conservative Southern Democrats, Johnson often needed the votes of liberal Republican senators.

As presidents, JFK and LBJ stumped for Democratic congressional candidates. Yet with so many Democrats bucking liberal priorities on civil rights and other matters, both presidents had to keep up their courtship of Republican lawmakers. Johnson's greatest achievement, the 1964 Civil Rights Act, would have died without GOP support. In the 1964 presidential campaign, LBJ sought the votes of moderate and liberal Republicans. Savage quotes a story by David Broder: "In Johnson's world, one can be nonpartisan, bipartisan, and super-partisan all in the same speech" (242).

Neither president exalted the Democratic National Committee (DNC). For Kennedy, the party organization was subordinate to his legislative agenda. He said: "The party is not an end in itself—it is a means to an end" (151). Johnson, still nursing grievances from his early career, was even cooler to the national party organization. His feud with Robert Kennedy deepened his suspicions. Writes Savage: "LBJ did not want a well-staffed, well-financed, active DNC apparatus that could become infiltrated and eventually captured by pro-RFK, anti-LBJ Democrats before the 1968 presidential primaries" (160).

This book will not fundamentally change our understanding of the 1950s and 1960s. The outlines of the story should be familiar to any student of American parties. Unlike LBJ biographer Robert Caro, Savage does not find startling news

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

under historical rocks. Nevertheless, this book is a careful, balanced, readable account that should have significant value to scholars.

Savage never lets abstract theorizing get in the way of his solid narrative. If anything, he may be too modest in his theoretical ambitions. He does examine the turmoil of the 1960s, noting that JFK-LBJ consensus politics faltered in the face of the New Left and the rising demands of participatory democracy. He ends there, however, implicitly inviting readers and scholars to ponder what happened next.

In a sense, the book tells two-thirds of a great story. The other third involves Richard M. Nixon. Kennedy, Johnson, and Nixon were the Tragic Triumvirate of twentieth-century American politics. They served in Congress together, knew each other well, and were alternately allies and enemies. And all their administrations ended badly, through death, forced retirement, and resignation in advance of impeachment.

Like his two predecessors in the White House, Nixon was a nonideological pragmatist who tried to transcend party boundaries. The Committee to Reelect the President was an extension of the suprapartisan politics that Kennedy and Johnson had pioneered. It allowed Nixon to bypass the Republican National Committee and focus on winning conservative Democrats who spurned their party's liberalism. But serving a single man and lacking internal controls, CREEP was prone to the abuses that ended in Watergate. As if to bring the story full circle, the burglars were breaking into the office of DNC Chairman Lawrence O'Brien, who had served as a top aide to both JFK and LBJ. Furthermore, the White House taping system, which created the evidence that destroyed Nixon, was an idea that Nixon had gotten from LBJ himself.

In our own time, it has become tougher for presidents to slip the surly bonds of partisanship. Both among voters and elected officials, liberal Republicans and conservative Democrats have grown scarcer. In the 2004 election, both presidential campaigns concentrated less on attracting votes from the other party than on mobilizing their own supporters. On Capitol Hill, bipartisanship is ebbing. Many lawmakers in each party barely speak to colleagues across the aisle.

In 1962, President Kennedy and Vice President Johnson refrained from actively campaigning for Representative Sidney Yates of Illinois, the Democratic challenger to Senate Republican leader Everett Dirksen. Explains Savage: "Kennedy did not want to antagonize Dirksen or contribute to his defeat and risk his replacement as minority leader by a more confrontational, less cooperative Republican" (108). Such restraint seems quaint. In 1996, Senate Republican leader Bob Dole resigned because Democrats were using floor tactics to hamper his presidential campaign. Eight years later, the Bush White House actively backed the challenger to Senate Democratic leader Tom Daschle.

It is an open question as to whether increased partisanship is better for the county. It surely means that national politics has changed from the Kennedy-Johnson era. This book provides a starting point for understanding how great the differences are.

–John J. Pitney, Jr.

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

IN IMITATION OF THE SUN

Gerard J. DeGroot: *The Bomb: A Life*. (Cambridge: Harvard University Press, 2005. Pp. xv, 397. $27.95.)

Accessible and thought-provoking, DeGroot's history of nuclear weaponry from its theoretical origins through its Cold War escalations makes a diverse cast of characters seem familiar and a tale of earthshaking proportions unfold in a relatively sensible fashion. Written for interested nonexperts, the book does not engage scholarly debates directly. It covers the race to beat the Germans to the bomb through to the entrenchment of nuclear deterrence. Disarmament treaties and peace movements concern DeGroot only long enough to discount them. He adds color to the political and technological history of the bomb by supplementing it with considerations of its social repercussions and its representations in literature, film, music, and consumer items.

Relating the roles and views of particular individuals involved—physicists, weaponeers, military men, and politicians from rival regimes—DeGroot describes their motives, disagreements, insights, and blind spots. His portraits of life inside the Manhattan Project and the initial test at Trinity are particularly vivid, reproducing a sense of uncertainty and urgency, excitement and apprehension. He does not insist that the use of the bomb in Japan was unnecessary or wrong, and though he calls it "terror bombing" (77), he shows how it was regarded as a difference only in degree of tactics already commonplace. Nuclear weapons were seen as a difference in kind only after the effects of radiation were understood, especially its psychological impact. DeGroot then describes how bomb-making went from being an adventure to an industry, heeding "a coldly rational approach that left no room for moral nuance" (153). The book relates various tragic and comic aspects of the history of the bomb as well, from the exaggerated promise of nuclear medicine, to the observation that France obtained the bomb absent sound strategic reasons because she "was desperate to demonstrate her greatness" (233), to the realization that the West's nuclear arsenal could not be used to deter Communist expansion waged by conventional means, to Bert the Turtle.

DeGroot dispassionately recounts the efforts of Soviet spies, scientists, and potentates to build their bombs, emphasizing their fears more than their ambitions. He wistfully wonders if "a more conciliatory approach" by the Americans "would have improved relations with the Soviets" (116), though he acknowledges that Sakharov denied it. Not fooled when "the Russians played innocent martyrs, threatened by a nuclear-mad America" (123), DeGroot, nevertheless, thinks Stalin really wanted "to be left alone" and only found himself employing slave labor and causing his people to "freeze and starve" (137) while he built his bombs so that he could "restore the balance" (134).

The theme DeGroot treats most compellingly throughout the book is the folly of scientists when it comes to the human things. They are driven to figure out how things work without due consideration of the consequences, having too much faith in the beneficence of their discoveries. Scientific genius is commonly found among

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

those who are "brilliant and young" (11) but "politically naïve" and "idealistic" (117). Among those who built it, DeGroot reiterates, many scientists were astounded that the bomb was intended for actual use. Though some Western scientists became protestors, DeGroot observes, "[c]reating havoc had been great fun" and the stimulation of cutting-edge research "would continue to smother moral scruples" (125). Meanwhile, in the Soviet Union, "scientists [at first] were young romantics, in love with their country and inebriated by the idea that they would save it" (142), and later, "to protect their sanity, [they] viewed the hydrogen bomb as a physics problem, not a military weapon" (196).

I read the book as a contribution to an understanding of the difference between *episteme*, *techne*, and *phronesis*. DeGroot well illustrates how easily the curiosity of scientific men is exploited by politick men. He shows how distant technological ingenuity is from knowledge of the human good and how to pursue it. We can see how the opinions of modern scientific and technological men with respect to the value of their work, and their intentions and expectations as to its purposes, are distorted by their devotion to it. Accordingly, their desires, convictions, and promises deserve no special respect and probably warrant suspicion. The most sensible view (in my estimation, but not in DeGroot's) regarding the proper relationship between science and politics, one befitting liberal democracy, is attributed to Edward Teller, who is portrayed predictably unsympathetically throughout the book. "It was not for him or his colleagues to decide whether a hydrogen bomb should be constructed or used. Those decisions had to be made by the American people through their chosen representatives," maintained Teller, according to DeGroot (164). "Scientists naturally have a right and a duty to have opinions," Teller recognized, "but their science gives them no special insight into public affairs" (170). This view must be contrasted with Khrushchev's, who insisted that physicists should have no independent political opinions, only a duty to do the work that political "specialists" like himself commanded (259).

DeGroot uncritically accepts a certain conception of "the basic principles of scientific enquiry" (39). According to it, scientific investigation and discovery has a nobility separable from any concomitant "coarse practical purpose," and it operates according to a "liberal ethic" that abhors secrecy (33), in line with its "cosmopolitan nature" (8). But science is always political, as the story DeGroot tells demonstrates. Its wishful self-conception has discernable political presuppositions and it may be approximated only under aberrant political conditions. "In his perfect world, the scientist serves only his discipline and knows no nation" (11), DeGroot explains. But this condition would be theoretically indistinguishable from the rule of scientists. Precisely because that is the perfect world according to the scientist, we must be wary of any claim that science is apolitical or irresistible.

Only a few pages touch upon the realities and anxieties of the present era of the war on terror. If the book contains insights useful to us in the future, they pertain, instead, to other burgeoning technologies which have the potential to alter the human condition worldwide, such as developments in biotechnology. DeGroot notices this in passing, remarking that it is "probably true that no law could prevent" the advent of human cloning any more than the atomic bomb could have been stopped (6). The book, therefore, also invites reflection on the difficulty of reconciling technology

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

with liberty. For all his attention to the actions of individuals, there is in DeGroot's history a whiff of the scholar's condescension, which regards men as generally foolish, especially for fancying themselves free. Today, we already know how to clone a human being. The question now is whether or not the technique will be perfected and the practice rendered routine, which is a political question rather than a scientific one. Is it inevitable? If so, then perhaps the only thing we learn from history is that we do not learn from history.

–Travis D. Smith

GONZO BIOGRAPHY

Sharon Ghamari-Tabrizi: *The Worlds of Herman Kahn* (Cambridge, MA, and London: Harvard University Press, 2005. Pp. 387. $26.95.)

The single organizing fact of the Cold War was "the bomb." In our present age of unipolarity, globalization, and the clash of civilizations, it is useful to remember that our current complexities exist only because the previous age of stark simplicity has passed into history. The decades from the end of World War II until the fall of Communism were years shaped by a nuclear standoff. The threat of nuclear conflict between the United States and the Soviet Union framed the politics and culture of the age. This framing was especially apparent in the 1950s and 1960s, before arms-control agreements lent an air of manageability to nuclear politics.

In the era before arms control, it seemed that the only real question to ask about nuclear war was "When?" and not "What if?" In popular culture, that threat was the subject or point of departure for some of the period's most interesting works of imagination. Science fiction writers made stories of the world after a nuclear holocaust an established sub-category of the genre, and novels such as Nevil Shute's *On the Beach* and Walter Miller's *A Canticle for Leibowitz* still make for compelling reading. Political thrillers, today dominated by fighters against terrorism, were born as stories of nuclear crises; Eugene Burdick and Harvey Wheeler's *Fail Safe*, Fletcher Knebel's *Seven Days in May*, and (of course) Stanley Kubrick's *Dr. Strangelove* presented nuclear confrontation as politics with the highest stakes of all.

Political leaders seemed only slightly less dramatic than characters in the novels and movies that captured popular imagination. John F. Kennedy, bent over his desk during the Cuban Missile Crisis (in George Tames' famous photograph) seemed emblematic of the era. Not only was he movie-star handsome, but he went eyeball-to-eyeball with the Soviets and narrowly avoided the "shooting war" that everyone feared would escalate to mass annihilation. These leaders were surrounded and supported by the theorists, scientists, technocrats, and managers of the national-security apparatus that grew up in response to the nuclear-armed Cold War. Most of these national-security professionals were publicly anonymous, but some rose to national prominence.

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

One of the most famous—or infamous—of these professionals was Herman Kahn. Almost forgotten today, he was a well-known and controversial theorist of nuclear war. He engaged in and repeatedly made a case for thinking about the conduct of thermonuclear conflict and advocated strategies for surviving it. He made his case to government officials in briefings and to the public in books with thriller-like titles, such as *On Thermonuclear War* and *Thinking the Unthinkable*. First from a position at the RAND Corporation and later from his own organization, the Hudson Institute, Kahn pressed his case for considering the hard facts of nuclear destruction, radiation poisoning, and the need to defend the civilian population against them. It was Kahn who proposed the idea of a Doomsday Machine, parodied in Kubrick's *Dr. Strangelove*, as a critique of Eisenhower's policy of massive retaliation and an example of the need for a more complex and subtle nuclear defense strategy.

While Kahn himself may not have been the model for Dr. Strangelove, he certainly possessed a public image that was not too far from Kubrick's mad scientist. The fact that he had an irrepressible sense of humor, even when discussing megadeaths in a nuclear exchange, only added to his reputation as the "real Dr. Strangelove." In an era when serious people wrung their hands over the impending doom, Kahn was quick with a quip and a laugh. He was, as Sharon Ghamari-Tabrizi writes in this book, "the only nuclear strategist who might have made a go of standup comedy" (43).

Herman Kahn's fame and infamy have faded. The Cold War is over, and although it is now Al Quaeda rather than Nikita Kruschev we fear wielding weapons of mass destruction, nuclear war no longer seems inevitable. We are more concerned about dirty bombs than first strikes, and the response required by terrorism is more police-like than exercises in nuclear war-gaming. But that does not mean that Herman Kahn should be forgotten or his thinking ignored. He explored mass destruction in a hard-headed way that still might illuminate thinking about problems of security in our own time. He and his work deserve our attention.

Unfortunately, Sharon Ghamari-Tabrizi's book is not the sort of attention that its subject deserves. *The Worlds of Herman Kahn* is a disappointing and frustrating book. It has many of the negative qualities of much of contemporary professional historiography, and it can be characterized as postmodern in all the negative connotations of that term. Its structure is so nonlinear as to render the book baffling even to readers familiar with Kahn and with American history in the 1950s and 1960s. It employs imaginary anecdotes as evidence. It takes detours into lengthy digressions that are supposedly fraught with meaning but apparently mean something only to initiates who share the author's point of view. (One anecdote about Billy Graham's 1957 crusade in New York City is apparently supposed to say something about American society at the time, but it leaves the reader repeatedly asking "So what?") The book has qualities of television docudramas and cultural commentaries that are meant to entertain more than inform.

Particularly troubling is the author's use of source material. In note 1 to chapter 1, the author states, "Throughout the book, wherever I offer quotes from Kahn's briefing transcripts, in order to transpose his comic delivery onto the page, I have omitted ellipses. While condensed, the transcript quotes do not change the meaning of his

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

original utterance" (322). The first major anecdote in the book, meant as an example of Kahn's style, is an "imaginary briefing from snippets of actual transcripts and published documents . . ." (322). Like other exercises in postmodern writing, the reader just has to take the author's word for it. The author owes it to the reader to do less editing of original words than Bob Woodward does for his readers.

Finally, the book contains too much self-indulgence on the part of the author. Ghamari-Tabrizi tells her readers too much about herself and her reactions to Kahn and his era. Like Edmund Morris in his unfortunate biography of Ronald Reagan, she even imagines herself in Kahn's home early one morning in 1962. Fortunately, she does not claim an imaginary meeting with Kahn (as Morris did with Reagan). Whether this personalization of the subject is inspired by Morris, postmodernism, or gonzo journalism, it is unhelpful and, ultimately, distracting. A reader opens this book to learn about the subject, not about the author.

Whatever one thinks of Herman Kahn, he certainly deserves better treatment than he receives in this book. Yes, he was a man with a playful intellect, but he employed his playfulness, creativity, and imagination much as G. K. Chesterton did: to explore serious questions. He took on some of the most serious questions of the twentieth century. He deserves a more serious book.

–Ryan J. Barilleaux

INSIDIOUS THREAT, EMERGENT RESPONSE

Maxime Schwartz: *How the Cows Turned Mad*. (Berkeley: University of California Press, 2001. Pp. 228, $35.00, hardcover; $15.90, paper.)

How the Cows Turned Mad describes the centuries-long search for the cause of obscure and always fatal diseases that first apparently afflicted sheep and later were found to attack people as well. This search led to the discovery of prions, the paradoxical proteins that scientists now believe are the cause of mad cow disease, Creutzfeldt Jakob disease (CJD), kuru, and scrapie. Along the way, researchers earned two Nobel Prizes. Author Maxime Schwartz is a molecular biologist, former head of the Institut Pasteur, and director of laboratories for the French agency for food safety, among his other scientific achievements. He is also an exceptionally clear writer.

Schwartz's book is not written for students of politics. He is writing a historical account of how scientists in many countries, from several fields, and over centuries, and often limited by the technologies available to them, managed to crack the primary secrets of one of the strangest infectious processes ever encountered: an infectious agent that never provoked an immune reaction, was so powerful that an extract from one mouse could theoretically kill billions, was immune to high heat and formaldehyde, could last for years in the soil, and was dwarfed in size by a virus. Despite the author's technical sophistication, the volume can be readily

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

grasped by any attentive reader. Employing the format of a detective story, his account weaves through this investigation a history of the evolution of medical and biological sciences from Pasteur to molecular biology.

Schwartz depicts "The Disease" as a relentless killer, changing form over time, striking unexpectedly, and always, at least until recently, leaving its pursuers with more paradoxes than answers in their quest. Even now, it is not fully defeated. While this literary conceit works to add some drama to his story, I found it distracting because we have no reason to believe prions are killers in anything like this sense, and neither did the scientists investigating them. However, mine is a mild quibble, and the conceit does help tie the wide ranging narrative together.

While there is an explicitly political element in his story, it is rarely visible. This is because Schwartz's concern is not the institutional and political context within which the scientists worked, so much as it is how the scientific community was able to crack a daunting and paradoxical puzzle, the pieces of which were widely scattered across the disciplinary landscape. The role of institutions gets little notice.

For example, Schwartz describes how human growth hormone was being used successfully to treat thousands of children suffering from pituitary dwarfism. Some of the growth hormone had become infected with the prions that caused CJD. As a result, a small number of the patients, now young adults, came down with the disease.

In March, 1985, the FDA was notified of a young adult who came down with the disease after fourteen years of treatment. The agency immediately alerted doctors of the possible problem, received several confirming accounts, and on April 19, 1985, suspended treatment from extracts derived from human pituitaries (108). Was the FDA's rapid action evidence of a bureaucracy doing its job well, or was it evidence that corporate interests were not seriously at stake? Schwartz suggests this exemplary action was made much easier by the fact that a genetically engineered source of the hormone was nearly ready for medical use (108).

He also briefly discusses whether it was wise to have gone ahead with the treatment, given what later happened. I agree with the author: given what was known, the hormone treatments were justified. Even so, around 140 young adults have died so far from the disease. On the other hand, over 25,000 were treated. Yet, due to the long incubation period for many diseases of this sort, there is no real estimate of what the ultimate death toll will be. Still, he does not delve very deeply into the ethical and policy issues involved in this case, particularly the key role played by uncertainty. Perhaps doing so would detract from the historical detective story that frames his account.

I have frequently written in the *ROP* that science and liberal democracy, along with markets, can be best understood as emergent orders, kinds of Hayekian spontaneous orders, rather than as organizational hierarchies. As such, rather than pursuing particular purposes, they are kinds of all-purpose discovery processes, organized around different rules for investigation. Because of the unfamiliarity of the concept of emergence in political theory—due, I think, to its roots in European conceptions of the state as an instrumental organization—comparative studies of how different emergent processes discover and coordinate information can help deepen our understanding of its role in politics. Schwartz's book is helpful here.

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

Schwartz observes that over 25 million scientific papers are published annually (180). His account of how scientists across many fields have cooperated, without in most cases intending to, in the discovery of this disease's causes and how it can be prevented, is an exceptionally clear illustration of how the discovery process takes place in emergent orders. He effectively weaves together the usually disconnected research in veterinary science, medicine, molecular biology, and medical anthropology that ultimately contributed to the discovery of the prion, for which Stanley Prusiner received a Nobel Prize. He emphasizes the importance of scientists who normally would go all but unrecognized, such as the veterinarian who recognized similarities between the human brain disease kuru and scrapie in sheep, sending a letter to that effect to *The Lancet*, thereby helping bring disconnected research together.

Also of particular interest is how long-discredited theoretical perspectives, such as the "spontenaists" who opposed Pasteur's "contagionist" germ theories, later added important insights when the genetic dimension of these diseases became better appreciated (20, 119–28). Rejected theories can rise again to contribute to their field in new ways. Schwartz's use of the detective story framework helps underline his description of the scientific discovery process.

In his epilogue, Schwartz ties together many threads of his account, emphasizing how dogma in science is unavoidable and necessary and, at the same time, a barrier to grasping how phenomena that flout its strictures really work. The case also demonstrates the importance of supporting good "research on esoteric, apparently minor subjects" (200). While admitting the current vogue of following the money has short-term payoffs, often these unremunerated areas of research ultimately most widen the realms of scientific knowledge. Thus, he provides strong evidence for there being a public good in science, one not easily reducible to individual, utilitarian functions. Finally, he uses his account to warn of the problem of compartmentalization. While unavoidable to a degree, compartmentalization kept scientists in several fields in ignorance of one another, slowing the pace of discovery and making the tragic deaths from CJD-infected human growth hormone far more probable. From a social theory perspective, his taking of the institutional framework of science for granted, and not asking how it might be made more responsive to his concerns, opens up an area where productive research of our own might be performed.

–Gus diZerega

FACING UP TO OUR NATURE

Mark Blitz: *Duty Bound: Responsibility and American Public Life* (Chatham: Rowman & Littlefield, 2005. Pp. 176.)

Mark Blitz's *Duty Bound* is a penetrating treatment of responsibility. Unlike the work of many political theorists, Blitz's work transcends textual interpretation toward the realm of philosophy as such. Responsibility is the phenomenon, and Blitz is the rigorous scientist.

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

Blitz's idea of responsibility emerges from his investigation of common opinion, from current issues wherein responsibility is implicated, and from institutional settings designed to foster responsible action. Normal discussions about responsibility are impoverished, Blitz argues, because they elide responsibility with accountability. This aspect of responsibility is apparent when we try to hold politicians responsible for their errors or when we affix blame to our children when they intentionally thwart rules. Much contemporary liberalism ignores even this low understanding of responsibility, but Blitz is not simply trying to resurrect it. He elevates responsibility by showing that we often mean by it something more robust. Grounded in self-interest, responsibility gives rise to a choice to perpetuate ourselves over the long term and to take charge of common enterprises (e.g., to mind parental responsibilities or to commit ourselves to public service). Responsibility is "the disposition to do your job well, to bring it to a successful conclusion, to secure your future effectiveness, and then to take on burdens that do not belong to you in particular but to help your neighborhood, community, church, and country" (111). Responsibility emerges as a distinctively modern attribute, the "twin of liberty" and, indeed, "its proper limit and guide" (1), the ground of modern communities of choice.

These insights provide the basis for his re-evaluation of how responsibility manifests itself in American public life—and these insights cut both right and left. Consider education policy. Conservatives argue that under-performing schools must be held accountable by testing and then give parents schools vouchers that allow them to escape failing schools. Against this view, teachers unions question the reliability of testing and thereby the manner of holding schools to account for their performance. Conservatives appear as the defenders of responsibility against the irresponsible teachers unions. Blitz sees a more complex picture. Bureaucracies, such as schools, are given "variegated and complex" tasks, and with "so much complexity accountability becomes hard to judge." Narrow-minded accountability is also harmful, in that having strict procedures for every student forces the teacher to ignore individual differences (39). Responsible education must transcend accountability without ignoring it. This might be accomplished by the use of school vouchers simply, so that parents can hold schools to account in the narrow sense while respecting the broader professional responsibilities of teachers to each distinctive child (109). This policy may also increase familial responsibility by binding families with more and important duties, if families are strong enough to execute them so that equal citizenship is maintained.

His treatment of responsibility is a defense of the American Founders' broader conception as against Wilsonian Progressivism's apparently empowering, but ultimately enfeebling, conception. Responsibility demands that we give freedom to bureaucrats, political executives, judges, and philanthropists so that they can exercise their choices within a context of competition and enterprise. Executive power is necessary to complete great enterprises that make the lives of Americans better and more secure, but it is safe only when it emerges from a culture dedicated to equal rights and from a system of balances and checks that allows for the emergence of several aspirants to power from both inside and outside of government (50). Bureaucrats require the freedom to use their discretion in making regulations subject to the checks of

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

Congress, political executives, the regulated, and other regulators (40). Effective judges must be given the freedom to transcend "strict rigidity" so that they can maintain a "prudent flexibility" in interpreting the law, but they must also be subject, once again, to (currently weak) political checks on the judiciary (84). Philanthropists must not have their private action dictated to them by current conceptions of public need, and the public must realize that there is no right to others' property so that philanthropy can be a useful check on, and supplement to, public action (112).

Blitz also wants to show how responsibility can be an end in itself. At this point, the argument becomes more complex. Responsibility is a "new" (1) or "modern virtue" (20). As such, responsibility deals with "all goods without discrimination," can be aspired to by all, lacks "driving motion" or "uplifting passion," and does not demand much "prudence or practical wisdom" (20–21). The virtue of such characteristics depends on Locke's "novel moral ontology," which holds that "an understanding of the possibility of 'good' accompanies [the] view that any particular thing or feeling is good" (145). Blitz seems to resist the conclusion that the ethic of responsibility rests on an irresponsibly skeptical moral ontology because he implicitly endorses the view of Locke as a self-consciously crypto-teleologist (155). The responsible exercise of freedom—understood as the pursuit of practical knowledge useful for the relief of unease and the removal of constraints on human freedom—is Locke's *summum bonum*. Locke makes human beings responsible for themselves by showing how rational common sense justifies a belief in human powers.

The questions for Blitz, and for liberalism generally, are two: What are the limits to human power? How can such limits be recognized? Blitz's discussion of responsibility and biotechnology addresses these issues. Lockean freedom and responsibility are consistent with technological self-understanding, wherein we see ourselves as "standing reserve to be manipulated and transformed" by ourselves (128). Locke's conceptions appear technological because he sees human beings as responsible to and for themselves, and this pervasive responsibility may lead us to push against "natural" limits to human freedom. Biotechnology is a sphere in which our characteristics now exist at our pleasure, and Blitz argues that responsible freedom must mind limits to self-determination in order to remain responsible. Blitz holds that we can regulate biotechnology when what we "might choose could distort the conditions under which we experience the (self-) understanding and pride that lead us to make the best of ourselves" (138).

Here Blitz's argument curiously but necessarily leaves the language of liberalism. Our self-understanding and pride can lead in opposite directions. Our self-understanding is that we are mixed creatures requiring a "subtle combination of … reason and passions" to perceive beauty and that we are creatures whose experiences are "grounded in the root facts" of birth and mortality (134–35). Blitz would have us find our pride in revering these uniquely human attributes. However, modern pride would have us escape these root facts in the name of responsible freedom, as opposed to irresponsible submission to stupid nature. In fact, the attempt to conquer human nature as represented by biotechnology seems to be an expression of modern responsibility, as Blitz defines it. Blitz's profound treatment and defense of responsibility demonstrate the limits of responsibility as a virtue because responsibility understood

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

in the Lockean way cannot defend moderation, leisure, and the proposition that knowledge can be an end (121–23). Blitz discharges his duties admirably in demonstrating the nobility and limits of responsibility in this wonderfully fruitful book.

–Scott Yenor

COUNTERING THE DIVISIONS

Robert John Araujo, SJ, and John Lucal, SJ: *Papal Diplomacy and the Quest for Peace: The Vatican and International Organizations from the Early Years to the League of Nations*. (Naples, FL: Sapientia Press, 2004. Pp. x, 290. $24.95, paper.)

Araujo and Lucal have written a lucid and scholarly history of papal diplomacy from the medieval period to the end of the League of Nations as the first volume in their projected two-part study. Both Jesuits have served on the Permanent Mission of the Holy See to the United Nations and so have developed the ability to read the documents with a critical eye as they parse the meaning of what is sometimes fairly vague diplomatic language that, in reality, is framing an agenda. In the nine chapters of this book, the reader will be immersed into the ongoing attempts of the Holy See to fulfill the church's commitment to maximize the dignity of each person through the diplomacy that it has conducted since the Middle Ages. In the course of their analysis, the authors probe how the diplomats of the Holy See have developed the appropriate conditions that have made possible meaningful negotiations, how they have tried to insert the social teachings of the Catholic Church into each diplomatic agenda, and how they have tried to safeguard the exercise of each person's religious conscience.

In brief, the chapters cover how the Holy See as an institution became an international and juridical personality under law and how, as such, it exercises a unique sovereignty despite the currently limited territory of the Vatican State. Historically, the Holy See delineated the *Pax Christi* in Medieval Europe but then saw its power eroded during the Reformation that ended with the Peace of Westphalia (1648) that introduced the age of secular nationalism, wherein religion was privatized out of the public arena. Most of this book, however, is focused on the Holy See and the League of Nations. Within this study, the authors have also embedded a fascinating analysis of the Holy See's reactions to Zionism and to the mandate for Palestine after World War I. The authors have used the appropriate diplomatic documents, papal speeches and memos, and the secondary sources, which, unfortunately, are somewhat dated and do not include the most recent scholarship of the last couple of decades.

As a study of papal diplomacy, this book makes an important contribution to the discipline of church history. The deficiency with studies of diplomacy, however, is their limited perspectives. Such studies tend to focus, and rightly so, on treaties, protocols, letters, memos, and speeches, which have been created by the principals involved and resonate with diplomatic areas of concern. Frequently, they do not root the treaties, speeches, and so forth in the messy historical context of the eras in which the

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

negotiations take place. Such an approach frequently yields documents with a minimum of historical context. The authors of this study have made an attempt to supply the historical context needed to explicate the diplomacy but have, in many cases, fallen short of the ideal by not surfacing the complexities that plague historians as they attempt to explain the behavior of the actors. The authors (81) contend that Catholics between 1871 and 1914 were affected by nationalism, but not as much as other groups. Such a statement may be too simplistic, since Catholics in Germany, for example, voted for the exorbitantly high military budgets to prove that they were as nationalistic as their fellow citizens in order that they could avoid marginalization. In fact, their intense nationalism led very directly to their accommodation with Hitler in the Concordat of 1933. Catholics generally tried to avoid having their patriotism questioned. Also along ideological lines, it would have been useful had the authors probed the significance of nineteenth-century liberalism as an ideology in order to establish why the church so vigorously opposed it initially, but then gradually began to accommodate itself to the natural rights individualism as the Holy See confronted state power and the dictatorships of the twentieth century. In their second volume, the authors may want to show how natural law and natural rights, supposedly diametrically opposed ideologies, were ultimately fused into the post-Vatican II concern with human rights. Such remarks, of course, merely suggest the type of book that this reviewer would like to see.

From their perspective on diplomacy and not on foreign policy or theology, Araujo and Lucal have made a major contribution to our knowledge of the activities of the Holy See as a sovereign person in a world of marching soldiers. Particularly noteworthy is the extensive treatment of the papal diplomatic concerns with the League of Nations, along with the nuanced behaviors and outlooks that differentiated Benedict XV and Pius XI. Papal diplomacy is certainly a fascinating subject, since it is tied to the robust characters of the popes who have had to sustain the church on the international scene, a particularly difficult task in post-1789 Europe with its virulent ideologies and secular impulses. The authors very neatly, for example, compare the thoughts and approaches of Woodrow Wilson and Benedict XV as they sparred over the shape of the League of Nations. The Vatican's negative reactions to the Action Française can also help the reader understand papal policies during the interwar period. In light of the contemporary interest in interreligious dialogue coupled with the reactions to *Dominus Jesus*, the encyclical that John Paul II promulgated to warn Catholics of theological relativism, chapter 6 on the Vatican and the Palestinian mandate can help clarify and refine Catholic viewpoints on the state of the current Jewish-Christian dialogue. Readers will also find the chapter on Catholic NGOs useful in comprehending the human rights issues swirling around questions concerning humanitarian intervention.

This book is a coherent survey of the peacemaking activities initiated by popes, especially from 1870 to 1939. Based on this work, the second volume should be able to move quickly into the more recent themes that have emerged in our age of so many sanctioned murders and should help to illuminate the ecclesial tradition that has been constructed by papal diplomats through the centuries.

–Donald J. Dietrich

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

THE MEDIEVAL AND THE MODERN

Bettina Koch: *Zur Dis/Kontinuität mittelalterlichen politischen Denkens in der neuzeitlichen politischen Theorie: Marsilius von Padua, Johannes Althusius, und Thomas Hobbes im Vergleich.* Beiträge zur Politischen Wissenschaft 137. (Berlin: Duncker & Humblot, 2005. Pp. 381. € 74.)

Bettina Koch has written an important book that challenges the traditional typologies of medieval versus modern political thought. She provides extended comparisons of Marsilius of Padua, Johannes Althusius, and Thomas Hobbes on a number of key topics and shows that their differences point to a common, central concern for medieval Christendom: the relationship of temporal and spiritual powers, the so-called Gelasian two swords. In arguing for continuity between medieval and modern thought (where Marsilius is ostensibly medieval, Hobbes is modern, and Althusius is often seen as a hybrid), she follows the path laid out by scholars including Brian Tierney, James H. Burns, J. G. A. Pocock, Antony Black, and Cary Nederman. However, she draws on an eclectic range of thinkers, including Eric Voegelin, Michael Oakeshott, Norbert Elias, Hans Blumenberg, and Jacob Taubes to articulate both the continuity and discontinuity between medieval and modern thought. The result, as indicated by her title, is that the categories of "medieval" and "modern" cannot be completely useful except as a sort of shorthand, because medieval elements can be found in modern thought and vice versa. There is continuity but also discontinuity, and her book provides a subtle analysis of how both work.

Readers of this journal will be aware of some of the substantial issues concerning medieval versus modern political thought. For instance, the exchange among Brian Tierney, John Finnis, Douglas Kries (speaking for Ernest Fortin), and Michael Zuckert revolved around the degree to which the natural law teachings of St. Thomas Aquinas overlap with the natural law doctrine of Thomas Hobbes (and whether Hobbes's teaching can, in fact, be considered one of law) and whether their differing philosophical anthropologies undermine apparent similarities ("Natural Law and Natural Rights: Old Problems and Recent Approaches", *Review of Politics* 64 no. 3 (summer 2002), 389–420).

The main body of Koch's book consists of seven chapters devoted to a comparison of Marsilius, Althusius, and Hobbes on different aspects of the problem of the body politic, a central medieval political symbol but one central as well to the modern Hobbes. These topics include: persona, cives, regimen, civitas, lex, religio, and civitas defecta.

Koch provides a lengthy introduction for the book that contextualizes these topics within her imaginative methodology. It also includes a separate discussion titled, "What is Medieval Political Thought?" which could be published as a separate article and serve as a useful introduction to the subject. In the introduction, Koch explains that no political thinker creates ex nihilo (34). Each responds to a particular political or civil crisis by refiguring the ideas and symbols of previous thinkers and of the surrounding culture. For instance, she examines the ways Aristotle was received and interpreted by these thinkers and argues, in effect, that what matters is not

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

whether or not they faithfully interpreted him, but how they used his insights to respond to the specific problems of the age. In this sense, Koch's approach owes more to Michael Oakeshott or Eric Voegelin than to the Cambridge School, which circumscribes thinkers to their historical epoch, or to the Straussian school, which tends to regard modernity as a sharp break from the past (while acknowledging ways medieval thinkers may have prepared its ground). Refiguring the ideas of the past reflects a characteristic prudence that recognizes the continuity and discontinuity of the tradition of thought: continuous because the past shapes the present and provides the terminology and symbols with which to address the present, and discontinuous because the past does not absolutely determine the present. Koch refers to a statement by Oakeshott that captures the paradoxical essence of her project: "Like all other adventures in theorizing, this engagement to understand a substantive performance in terms of its contingent conditions is an engagement to abate mystery rather than to achieve a suppositious definitive understanding" (35, quoting *On Human Conduct*, [Oxford: Oxford University Press, 1975], 106).

Die kirchenpolitische Problematik is the central problem that each of the three thinkers addresses. The Gelasian two powers doctrine was the perennial problem for medieval political theory and certainly for early modern political thinkers. One of Koch's contributions to this debate is to remind scholars that this problem was not itself created ex nihilo. This doctrine was itself initiated amidst the background of the Roman Empire and questions of citizenship in and beyond the city. These were central concerns for Plato, Aristotle, Cicero, and the Stoics as much as they were for the early Christians, who, as Charles Cochrane famously documented, "translated" Christian doctrine into Roman culture and vice versa. Thus, early Christians, including Augustine, refigured Platonic understandings of divine illumination into Christianity, and Roman law was refigured into the Christian Church.

Central to Koch's argument is that questions of citizenship for the ancient Greeks and Romans carried with them the problem of how humans relate to what lies beyond the polis or empire, the question of the immortality of the soul, and which, if any, worldly institutions care for it. Following Jacob Taubes (and others), she observes that political theories have metaphysical or theological implications, and theologies have political implications. Christianity's distinctive contribution to this question is, of course, the dependence of human beings upon God's grace. Christianity sharpens the question of politics and transcendence, and medieval political controversies shifted between the dual poles of *imperium* and *sacerdotium*. For Koch, however, the fact remains that what the ancients and medieval Christians have in common is their shared common world, which includes their experiences of immortality that receive distinctive but comparable modes of expression.

With these methodological considerations, Koch turns to the evidence with comparisons of Marsilius, Althusius, and Hobbes on the seven topics mentioned above. With *die kirchenpolitische Problematik* as the central theme, she discovers numerous similarities among them on questions concerning political authority, the right (or not) to depose an unjust and even heretical king, and clergymen and worldly jurisdiction. What we see is the move toward shifting ultimate moral and political authority to the political authority, over and against the papacy, in order to resolve *die*

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

kirchenpolitische Problematik. Historically, these constituted moves toward the creation of the nation-state and the Westphalian system and the resulting principle of *cuius regio eius religio.* Differences emerge among these thinkers in terms of the degree to which they thought the new arrangement would enforce dogma or not. While all agree that politics should emphasize peace and security over conformity to religious orthodoxy, they differ over the degree to which political authority should cultivate virtue. Marsilius, with his Aristotelian naturalism, goes the furthest in promoting toleration; Althusius promotes it less as he extends some responsibility to rulers for the salvation of the souls of subjects; for Hobbes, religion must be made to serve the peace and security of the commonwealth. In all three cases, though, religion comes under the authority of the sovereign.

Koch produces useful comparisons of the three thinkers and demonstrates numerous contact points between medieval and modern political thought. Even so, one wishes she would clarify two central problems that confront anyone arguing for the continuity of the two types of political thought. Marsilius, with his naturalistic Aristotelian philosophy, is a little closer to those we would consider modern than to other medieval thinkers, including St. Thomas Aquinas. One wishes Koch would have justified her choice of the naturalist Marsilius more rigorously with reference to Aquinas—who provides an alternative reading of Aristotle—over the relationship of nature to grace and its influence on their respective approaches to *die kirchenpolitische Problematik.* While Koch attends to the implications that each thinker's philosophical anthropology has for *die kirchenpolitische Problematik*, one area where it requires more attention is the transfer of authority one sees in Hobbes from the church to those institutions driving the scientific revolution. Koch notices the change that the scientific revolution brings about, but when Hobbes tells his reader that philosophy is to produce technological prowess (*De Corpore* 1.6–7), we have entered a new paradigm of political thought, where thinking, the epitome of human activity, is to serve human comfort and to control nature. Now humans and their political systems are defined in terms of their potential to control nature, not in terms of their purposes within nature, and the location of political authority is transferred as a result. True, Hobbes, Marsilius, and Althusius look remarkably similar in granting authority to the political ruler in determining the limits of religion and the *ecclesia*. However, Hobbes's sovereign enforces doctrines and beliefs through institutions, including the university, not simply by ousting the papal apologists who resided there during his time but also by the new civil philosophy, which, conveniently, is Hobbes's own (*Leviathan*, 18).

In short, with Hobbes, and secularization in general, we see the categories of *die kirchenpolitische Problematik*, once reflective of the eternal and temporal dimensions of reality as transmitted through Plato, Cicero, Augustine, and the Church, get transposed to those of technological power, as guided by intellectuals and scientists. This new orthodoxy constitutes a more profound transformation in the regime than one anticipated by considering *die kirchenpolitische Problematik* as an institutional problem.

These reservations do not take away from the overall accomplishment of this fine book. Koch offers us new ways of thinking about Marsilius, Althusius, and Hobbes,

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press

who do not often get compared. She has also advanced the ways scholars need to think about medieval political thought and its relationship to modern thought. It is written in German, and this reviewer hopes the book gets translated into English so these important arguments can deservedly receive the attention of a wider audience.

–John von Heyking

https://doi.org/10.1017/S0034670506280136 Published online by Cambridge University Press