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# Book Reviews

## ACCEPTING LIMITS

Patrick J. Deneen: *Democratic Faith*. (Princeton and Oxford: Princeton University Press, 2005. Pp. xvii, 365. $45.00 cloth.)

While throughout much of the world democracy is regarded as the only legitimate form of government, democratic theorists are highly critical of actual democracies. Patrick Deneen focuses on the "radical gulf" between existing, highly imperfect democratic systems and many theorists' "vision of democracy as apotheosis of human freedom, self-creation, and even paradisiacal universal political and social equality" (xvi). Claiming that such idealized conceptions of democracy rest on a form of faith, Deneen advocates "democratic realism," which is based on acceptance of "human limitations and imperfection, even imperfectability" (9). While democracy lacks restraining internal resources, religious faith is able to chasten democratic faith.

The book is made up of nine chapters: three that survey a wide range of utopian democratic theories; three on thinkers identified as "voices of the democratic faithful"; and three on "friendly critics" of democratic faith; followed by a brief conclusion. The representatives of democratic faith are Protagoras, through his "great speech" in Plato's dialogue that bears his name; Rousseau; and a series of American thinkers who moved from religious faith to democratic faith. The friendly critics are Plato, in the *Republic* and *Meno*; Tocqueville; and the two clearest representatives of Deneen's favored position, Reinhold Niebuhr and Christopher Lasch. Cumulatively, this body of material provides a wide-ranging, often eloquently presented survey of democratic theories from different historical eras.

The targets of Deneen's criticisms are characterized by belief in democratic transformation. There are two main versions: deliberative democrats, such as Amy Gutmann and Dennis Thompson; and more radical, "agonistic" democrats, including Hannah Arendt and such contemporary thinkers as William Connolly. Central to both variants is belief in the possibility of human transformation through democratic deliberation, political participation, or other means. Deneen traces the roots of such views to past thinkers such as Machiavelli, who, he claims, believed in the transformative power of religion, and Francis Bacon, who upheld the possibility of human self-transformation through science, although, as Deneen notes, Bacon was a monarchist. Later thinkers such as John Dewey and Richard Rorty echoed their views, believing in the beneficial long-term effects of science. Deneen believes that radical



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democrats promise more than democracy is able to deliver, thereby contributing to the crisis in current democratic theory.

Deneen's assault on utopian democrats is generally convincing. But while he performs a valuable service in assembling an entire raft of such theories, his criticisms are almost too easy, given the theoretical excesses of his opponents. His survey of friends and critics is a mixed lot. His list includes both usual suspects and unexpected figures, with the result that at least some material is likely to be unfamiliar to almost all readers. His interpretations of texts range between the conventional and expected and include the highly original but also improbable.

Deneen's discussion of Protagoras centers on the role of Prometheus in his speech. Contrasting Protagoras's account with how Prometheus is portrayed by Hesiod and Aeschylus, Deneen argues that the Sophist relied on religion to shore up political association, in contrast to the optimistic, essentially antifoundationalist position generally attributed to him. In the following chapter, Rousseau is identified as the first modern proponent of democratic faith. Deneen focuses on the role of religion as used by the lawgiver in founding the ideal state of the *Social Contract*, in addition to Rousseau's support of a civic religion. Deneen adds to this a stimulating account of Rousseau's theodicy, based on human rather than divine action, largely through a 1756 letter to Voltaire concerning the Lisbon earthquake. This section concludes with an account of how Jonathan Edwards and Ralph Waldo Emerson anticipated democratic faith and then how Dewey and Rorty adopted the position.

Deneen's friendly critics begin with an ironic interpretation of the *Republic*, similar to well-known arguments of Leo Strauss and Peter Euben, though differing in details. Focusing on the analogy between city and soul that dominates the *Republic*, Deneen dismisses the overt teaching of the work in favor of a view of democratic equality, which is supported by the example of Socrates instructing a slave boy in geometry in the *Meno*. This is followed by a nuanced account of Tocqueville, who believed that religion is one cause of the equality Tocqueville viewed as threatening democracy. But then again, Tocqueville believed that religion was necessary to counter effects of equality, while also aware of possibly deleterious effects of religion if manipulated by the state. In the final chapter of this section, Deneen recounts Niebuhr's and Lasch's chastened views of human nature, and so their belief in the limits of what is possible. These figures argue from original sin, which Niebuhr described as the only empirically verified aspect of the biblical tradition (247). Deneen's conclusion is a brief account of Abraham Lincoln's "theological understanding" (282) of human limitations and consequent realistic view of democracy.

In spite of the many virtues of Deneen's exposition, there is a good deal to criticize in both his presentation of friends and foes and his overall argument. To begin with, Deneen does not explain why he chose this specific list of thinkers. The two chapters on Plato in particular are only loosely related to his main themes, while interpretations in both chapters are questionable.

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In his account of Protagoras, Deneen does not address the massive incongruity of foisting on one of the ancient world's best known skeptics and agnostics belief in the need for religious faith. As for ironic interpretation of Plato, an obvious weakness of the method is arbitrariness. Through sufficiently selective interpretation, one can make Plato say anything at all. Deneen's particular view trades on a superficial and generally confused understanding of Plato's moral psychology, while he provides no reason to focus on his pet details, as opposed to the many and different things Plato says about democracy throughout his corpus. Not only does Deneen ignore bitter denunciations of democracy in the *Gorgias*, *Epistle 7*, and other works, but, had he wished to find in Plato a chastened democratic view based on fundamental human equality—as opposed to the class system of the *Republic*—he had only to turn to the *Laws*.

Deneen's defense of democratic realism is also significantly weakened by what he leaves out. Though, once again, he provides an effective critique of utopian democratic visions, there is little reason to accept Niebuhr and Lasch as the main alternatives. The fact that religion is able to counter democratic utopianism does not prove it is necessary for this purpose, or even that it is especially well suited, especially in a pluralistic modern society. Unaccountably missing from Deneen's survey is the mainstream of contemporary democratic theory. In general, worldwide acceptance of democracy is not rooted in wide-eyed idealism but in democracy's ability to constrain the abuse of political power. Perhaps the most prominent recent exponent of this view is Joseph Schumpeter, whom Deneen ignores. Winston Churchill's faint praise of democracy as the worst political system except for all the others—also ignored by Deneen—is as chastened as the views of Deneen's favored theorists. Given the long history of human tyranny, it is not necessary to turn to religion to recognize the dangers of unchecked power. In the absence of an argument for the need for religion—as opposed to laudatory recounting of the views of selected religious figures—Deneen fails to establish this central part of his case. If Niebuhr is right about empirical validation of original sin, the evidence that constitutes the validation renders otiose the theological claim it is said to support.

–George Klosko

## POLICY AND BEHAVIOR: QUESTIONS BEGGED

James F. Adams, Samuel Merrill III and Bernard Grofman: *A Unified Theory of Party Competition*. (Cambridge: Cambridge University Press, 2005. Pp. xvi, 311. $70.00.)

This ambitious volume is said by its authors (239) to be a "significant advance in applied spatial modeling," as well as in our understanding of the factors that determine party competition among democracies. The

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evaluation of the first part of this claim is best left to the formal modelers, many of whom will find reasons to laud it, or perhaps not. Several technical chapters spell out the study's conceptual framework and axiomatic assumptions, the hypothesized relationships, and the equations that derive from them. Eleven technical appendices deal with theorems and proofs, equilibriums, algorithms, derivations of formulas and models, estimations of mean and standard deviations, and so on. None of this is designed for faint-hearted readers, as the authors themselves generously acknowledge.

Of greater interest to comparative politics is whether the book displays an empirical theory of party competition that will travel in space and actually help us to identify, and to predict, what electoral strategies political parties and candidates will follow and what factors or considerations will cause them to do so. The authors suggest (233–39) only that their theory is a step in that direction, and that it has been shown to be serviceable in countries in addition to the four included in this study.

For the moment, their "unified theory" is intended to correct somewhat the well-known limitations of "spatial theories" of electoral behavior associated with Anthony Downs's *An Economic Theory of Democracy* (Harper and Row, 1957). As Donald Stokes argued as long ago as 1963 ("Spatial Models of Party Competition," *American Political Science* Review 58:368–77), the major shortcomings of these formulations is their failure to recognize that electoral behavior is deeply influenced by factors other than issues of public policy. Recognizing that this is so, the theory developed here, at increasing levels of complexity, introduces three nonpolicy or "behavioral" variables into the overall equation. They are partisan identification, the voter's "discounting" of campaign promises and positions, and the propensity of some voters, particularly the alienated, not to vote at all. The data bases analyzed derive from surveys conducted in five presidential elections in the United States, one in France, and one parliamentary election respectively in Norway and Great Britain. The authors find reasonable "fits" between what they observe and what their theories lead them to estimate. Where the "convergence" predicted by spatial theories does not prevail, they show this to be the result of the valence of the behavioral variables just mentioned. Hence, when strong partisanship is present, they find that voters are less concerned with their party's policy positions. Their hardly surprising overall conclusion is that both the voters' decisions and the strategies pursued by candidates and parties are influenced by a combination of behavioral and policy variables.

The major problem with this study is that, contrary to what the authors claim, it is not a genuine empirical test of the theory they propound. It is not just the fact that they axiomatically impute to political parties and candidates the same motivations, or to voters the same decision rules. Nor is it simply that a complex organization like the political party is reified, so that parties and individual candidates are treated as interchangeable analytical units. Parties are internally differentiated and for this reason alone are not

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interchangeable with candidates, as is shown, for example, by A. Alesina and S. E. Speer, "An Overlapping Generational Model of Electoral Competition," *Journal of Public Economics* 37 (1988): 359–79. Nor is it that the salience of many other significant variables—like race, ethnicity, class, age, geography, gender, age, the type of electoral laws—that presumably influence electoral behavior and outcomes are excluded from the theory. Objections of this kind are, to some extent, recognized and met by the authors, who are free to specify their theory pretty much as they please.

The remarkable aspect of the study is that there is nothing in it that provides systematically gathered empirical information about the principal dependent variables in the hypothetical formulations, namely, political parties and candidates. Instead, the strategies that a candidate (or a party) is said to have chosen and the position either is said to have assumed in an election campaign are essentially artifacts. That is, the placement of the dependent variable is basically a projection that derives from the mean positions expressed by the voters included in the eight national election studies.

To be sure, the actual preference orderings, the mindsets, the information available to candidates and parties, and the constraints under which they make choices are dimensions not easily open to empirical measurement. It is, nevertheless, somewhat misleading to repeat—as often as the authors do—that the research they have conducted is a genuine empirical test of their theory's validity.

Unfortunately, there is very little here that will actually show us not just why and how candidates and parties choose to position themselves, but even if it is correct to posit, as the authors do, that, during electoral campaigns, parties and candidates always do adapt to the distribution of attitudes among voters. The fact that, in some sense, this particular post-hoc narrative of what happened in eight national elections may be better than stories that might emerge from other models based on rational choice assumptions is not necessarily a substantive net gain.

The authors (237–39) discuss an anomaly regarding their theory that emerged in France and Norway. Smaller parties there did not converge toward the center, as their theory predicted. They suggest that this may be because the larger parties preempt the policy "center," leaving smaller parties with no option except to express more extreme positions. This explanation is much too parochially tied to the U.S. experience with third parties. It almost certainly would not apply to large numbers of countries where electoral laws encourage a proliferation of political parties and where the policy center is not the nearly exclusive domain of one or two of the very largest parties.

Some smaller parties are regionally based. Others reflect specific ethnicities or religious orientations. Still others are created, for a variety of reasons, from a splintering of larger parties into smaller ones. Many of the smaller parties are that way *ab initio*, created or maintained as such by deliberate choice. We should think about some of them as "niche parties." They go into the

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electoral market not necessarily to maximize their votes but merely to reach a minimum level that, under existing electoral rules and governmental institutional patterns, will permit them to be represented in parliament, and perhaps in a governmental coalition as well. As to whether these small parties will be convergent or divergent regarding policy matters, the best empirical guess is that they will be found all over the policy space. As the number of countries that hold elections increases, so, as we have seen, do the number of political parties that compete in them. Within that set, regarding parties, party systems, and elections, the United States remains a clear outlier. This alone should make us skeptical of any theories about political institutions, processes, and behavior that represent too easy extrapolations from research findings about America.

–Joseph LaPalombara

## NATURAL LAW WITHOUT A LAWGIVER

Larry Arnhart: *Darwinian Conservatism.* (Charlottesville, VA: Imprint Academic, 2005. Pp. 158. $17.90, paper.)

Political conservatism's relationship with Darwinian evolution has been mixed. Some conservatives having their intellectual roots in theologically shaped natural law traditions see Darwinian evolution, as offered by its most enthusiastic champions (e.g., R. Dawkins, D. Dennett, E. O. Wilson), as a theory that entails the obsolescence of essences, natures, and irreducible moral properties. Thus, these conservatives proffer arguments that either reject this entailment or rebut some aspect of contemporary Darwinian evolution. Other conservatives see in Darwinism an accounting of human development that supports a conservative understanding of the social order. These conservatives see Darwinian evolution as a philosophical ally that offers scientific support for what many of them think is obviously true. For this reason, and because of Darwinism's status as a widely accepted and scientifically fruitful theory, they do not see any need to rebut any aspect of Darwinism, except, perhaps, the atheistic conclusions claimed for it by its more ambitious evangelists like Dawkins, Dennett, and Wilson.

In *Darwinian Conservatism*, Larry Arnhart (Professor of Political Science, Northern Illinois University) presents a strong case for the latter sort of conservative. It is a work marked by clarity of purpose, prose, and argument that one rarely finds in academic writing. One may disagree with Arnhart, but one cannot help but be impressed by the author's command of the relevant literature as well as his ambitious project to ground contemporary conservatism firmly in a well-respected scientific theory that has lately been the target of many of his fellow conservatives while being unfailingly defended by many on the extreme left (e.g., B. Leiter).

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By *Darwinian Conservatism*, Arnhart means a political philosophy that is grounded in a human nature that gives rise to a spontaneous order that results in customs, habits, and social institutions and arrangements that best lead to human flourishing. Relying on the work of Friederich Hayek, Arnhart offers a defense of natural law that Arnhart claims does not depend on the natural teleology that many of its supporters, both ancient and contemporary, believe is a necessary condition for the natural law. For example, Thomas Aquinas, like Aristotle and other metaphysical realists, argued that human beings have a certain end or purpose (or good) that is intrinsic to their nature. Inhibiting the achievement of that end, whether by accident or by intent, is wrong. But this judgment is only possible because we have knowledge of certain first principles and moral precepts that we call the "natural law." But "law" implies a lawgiver, and designed natures imply a designer. Therefore, the natural law and our human nature have their source in Mind.

But according to the Darwinian understanding, Mind is not a necessary condition to account for the diversity of natures of the living beings that arise out of the vast eons during which natural selection cooperates with random genetic mutations and perhaps other evolutionary forces. Consequently, living beings do not possess the stable realist natures that Aquinas and Aristotle believed exist. Rather, for the Darwinian, the natures we ascribe to living beings are merely names (or "nominal essences") that are shorthand ways to label beings that have roughly similar characteristics. So, we may say that resulting from human nature are those practices, habits, and institutions of the tool-using, language-employing, upright bipeds that have DNA similar to our own. But this human nature tells us nothing normative. It merely describes what is statistically ordinary and generally species-preserving. Arnhart thinks that is all that we need to ground natural law.

Although Arnhart's case is compelling and will no doubt be attractive to many conservatives who have made their peace with the Darwinian paradigm, I believe there are at least two problems with Arnhart's case that have to be resolved before other conservatives (and many liberals) will sign the truce.

(1) It seems to me that Arnhart is correct that certain sentiments (e.g., love of family, children) are consistent with a conservative understanding of community. But these sentiments themselves seem inadequate to ground moral action or to account for certain wrongs. For example, Tony Soprano's love of kin nurtures sentiments that lead to clear injustices, e.g., rubbing out enemies, about which Tony and family do not seem particularly troubled. In that case, the wrongness of the act is located not in the sentiments of its perpetrators (or even its victims, if the victims, for some reason, were convinced that they deserved to be rubbed out) but in a judgment informed by moral norms that stand above, and are employed by free agents, to assess acts and actors apart from their sentiments.

(2) As I have already noted, Arnhart's account of morality is, at best, descriptive, for it does not provide the reason why I ought to follow it. Granted, it may very well provide us with an accurate description of what

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behaviors in general were instrumental in helping the human species survive. For that reason, it may very well explain why each of us may have certain moral feelings on occasion. But it cannot say why citizen X ought to perform (or not perform) act Y in circumstance Z. For example, it may be that the traditional family, as Arnhart argues, best protects and preserves the human species if it is widely practiced. But what do we say to the eighty-year-old Hugh Hefner, who would rather shack up with five twenty-something buxom blondes with which he engages in carnal delights with the assistance of state-of-the-art pharmaceuticals? Mr. Hefner is no doubt grateful that his ancestors engaged in practices (e.g., the traditional family) that made his existence and lifestyle possible. But why should he emulate only those practices that many people today (e.g., Arnhart and I) say are "good"? After all, some of our ancestors were Hefnerian in their sensibilities, taking on a concubine or two and running off with one of them every once and a while. Perhaps this practice was just as necessary for Mr. Hefner's existence and the preservation of the species as were the "good" behaviors practiced by history's squares. Because we have always had in our population Hugh Hefners of one sort or another, it is not clear to me how Arnhart can distinguish between good and bad practices if both sorts may have played a part in the survival of the human race, unless there is a morality by which we assess the morality of evolution. But this would seem to lead us back to the old natural law, the one that has its source in Mind and that is not subject to the unstable flux of Darwinian evolution.

Not only does Arnhart defend certain conservative principles by appealing to Darwinian evolution—e.g., family, property, limited government—he also addresses in separate chapters the topics of religion, intelligent design, emergence, Social Darwinism, and biotechnology. Many conservative opponents of Darwinian evolution will find some of his answers unsatisfactory, especially his discussion of religion. For example, in one place he writes: "God intervenes in history to communicate his redemptive message to human beings, but he does not need to intervene to form irreducibly complex mechanisms that could not be formed by natural means" (90). I do not know how Arnhart knows this. Maybe God does need to intervene directly. Maybe nature left to its own devices, without interference, could not produce irreducibly complex mechanisms, just as a forest left untouched could not produce the paperback under review. But, of course, Arnhart may be right. Regardless, he needs more than stipulation to show why anyone else should think he is right about the limits of God's activity.

*Darwinian Conservatism* is an important contribution to the ongoing conversation between scholars in politics, philosophy, religion, and the hard sciences. Although one can criticize Arnhart on some points, as I have, his project to offer a Darwinian account of conservative political philosophy should be taken seriously. Conservative critics of Darwin ignore Arnhart at their own peril.

–Francis J. Beckwith

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## THUCYDIDES' VOICE

Carolyn J. Dewald: *Thucydides' War Narrative: A Structural Study.* (Berkeley, Los Angeles and London: University of California Press, 2005. Pp. xiv, $258.)

This book was originally written as a dissertation entitled *Taxis: The Organization of Thucydides' History, Books 2–8*, finished in 1975. Although the author has reorganized and worked to clarify in places, the analysis remains the same as the original. The author notes that the book was conceived and written in the shadow of the Vietnam War, although the influence of that war on the book is unclear, other than as an inspiration for an interest in Thucydides generally. Thucydides found a way, in the midst of the war that devastated Greece, to bring meaning to what might seem chaos to some, to analyze with some distance what seemed all-absorbing to the actors involved. Thucydides, though, was never absent from his account of the Peloponnesian War. Though subtle, his voice of approval or disapproval often comes through. Dewald is seeking one way of finding Thucydides' voice in the *History*, knowing that Thucydides claimed a level of objectivity that had not been before attained. Using Steven Lattimore's translation of Thucydides' *History* with some modifications, Dewald uses a methodology akin to content analysis in order to find changes in Thucydides' style as the *History* progresses.

The book goes to great lengths to demonstrate that Thucydides' writing style changes from his account of the first ten years of the war, the Archidamian War; to the years of the Peace of Nicias; to the account of the Sicilian Expedition and the Aegean War. Thucydides' account of the first ten years is highly structured, arranged in a consistent formula framed by summers and winters. The first ten years, Dewald explains, are told in 119 units of action, and she breaks down these units into types: picture units, list units, developed picture units, extended narrative units and complex a-b-a structures. Each of these types of units is well defined and illustrated by many examples. In his account of the Peace of Nicias, Thucydides' style undergoes a transformation. Although he keeps much of the same style, more attention is given to extended narrative units. The simple picture units contain more meaningful and less incidental information. Transitions between units are blurred, creating an impression of increased intensity. Then, from the latter part of book 6 through book 8, Thucydides' style changes dramatically and much of the structure that he used before is dropped. The formulaic first sentences no longer appear, and there are no more clearly distinguishable units, creating even more of a sense of complexity.

Much of the book is a meticulous illustration of these changes, with much more time and attention paid to how Thucydides writes of the Archidamian War than of the later changes in his writing. Hence, the book is useful for scholars of Thucydides as a source of information. Nonetheless, it feels

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incomplete. This is partly because it does not delve as deeply into the changed style of Thucydides in 6–8 and partly because of the book's narrow focus on writing style. Dewald suggests that it may be wrong to see book 8 as somehow incomplete or poorly written compared to the rest—she focuses on the possibility that Thucydides' changes in style may have been very purposeful, designed to convey changes in war and his understanding of the war. This is one of the more interesting insights of the book. But unfortunately, this thesis is not nearly as well articulated as her analysis of the Archidamian War.

Notably absent in this book is any treatment of the speeches of various actors as a separate type of unit to be analyzed, and so the interesting question of whether Thucydides handles these speeches differently as the narrative proceeds is not answered or even tackled here. Without much reference to the content of the speeches or the instances where Thucydides speaks in his own voice, the *History* seems denatured—stripped of its most meaningful features by a methodology which cannot adequately deal with all of its richness.

Dewald notes that there could be many reasons for Thucydides' changing style of writing, including his physical location—by the time of the Sicilian Expedition, Thucydides was no longer in Athens, and so his reporting would take on more of a universal aspect, seeing many disparate events in various places as part of the story of the war as a whole. Perhaps his style increased in complexity as the war did, resembling more a weaving rather than a series of discrete threads. Perhaps Thucydides simply matured in his understanding as the war progressed and needed something more than the formulaic style of the earlier books. Dewald does not go beyond speculating as to why Thucydides' style changes; the book, instead, is about showing just how his style changes. However, these speculations have much more intrinsic interest, and it would be good to see them developed further in another work.

Part of Dewald's Introduction deals with changing visions of Thucydides, and of history generally, within academia. She examines how the idea of objectivity waned in popularity in the 1960s and 1970s, which seemed to make Thucydides less relevant because he seemed to claim objectivity as his virtue. She explores the possibility that Thucydides' work, along with all other works of history, is too "time bound" to speak to us today. Admirably, in the end she concludes that this is not true. "My own position in this schema … is as a chastened reconstructionist, since I still believe that we can learn a great deal both about the mind-set of Thucydides as a historian and about the war he narrates by attending closely to the intersection of form and content in the text he has given us" (14). This theme may also be one to explore at more length as it speaks directly to the knowledge Thucydides can impart to us today.

–Laurie M. Johnson Bagby

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## IDEAS AND ACTORS IN COLD WAR HISTORY

John Lewis Gaddis: *The Cold War: A New History.* (New York: Penguin Press, 2005. Pp. xii, 333. $27.95.)

One of America's leading diplomatic historians has written a new and important history of the Cold War. This book, which will surely find a popular audience, extends and updates Gaddis's earlier work. The author successfully integrates new evidence and other recent books on the Cold War into this most readable account. The great virtue of this new book is that it is extremely well-written. If historians are meant to provide a narrative account of the past, few will question Gaddis's ability to tell the story of the Cold War. This book does not pretend to be a new scholarly monograph, and it does not offer dramatic new evidence or insight. Instead, Gaddis has done us all a favor, effectively synthesizing the significant historical work that has been completed in the fifteen years since the end of the Cold War. He offers a dispassionate interpretation of the Cold War and is able to place events of that period into historical perspective.

The thesis of Gaddis's book is that conflicting ideologies account for and explain the enduring logic of the Cold War conflict. This thesis is extremely popular in the recent historiography of the Cold War and was even presented by Gaddis in his earlier book, *We Now Know*. Gaddis begins his book by exploring and explaining the Soviet and American visions of how to organize society and their goals for the post-World War II world. The apparent unity of those who fought against Nazi Germany quickly disappeared and was replaced by the inevitable competition between two great powers that were unwilling to abandon their goals and aspirations. Thus, the triumph of the end of the war was replaced by the tragedy of victors who could not achieve their ultimate goals. While Stalin sought security for himself, his regime, his country, and his ideology, the Americans sought security but were not at first sure how to obtain it. They quickly came to the conclusion that a return to isolationism was out of the question, and as they came to see the Soviets more and more as a threat, they devised a policy of containment to advance their interests in the world. In the middle of the book, Gaddis again returns to the ideological differences of these two societies by focusing on the Marxist-Leninist origins of the Soviet state and the liberal ideology of the Americans epitomized by Wilsonian idealism.

One of the major themes of Gaddis's book is that the Cold War began in fear and ended in hope. Gaddis emphasizes that Stalin's fears were exacerbated by the delay of the Western allies to begin a major second front against the Germans until 1944 and his perception that the West might make a separate peace with Germany which would force the Soviets to finish fighting the Germans alone. America feared that Soviet communism might expand at first in Europe and then to Asia and the rest of the world. Gaddis emphasizes the role of Kennan, the Truman Doctrine, and the Marshall Plan as critical in

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the development of America's containment policy. Gaddis also effectively demonstrates how American fears spread to Asia in his account of the Chinese Civil War and the Korean War.

Gaddis stresses that the emergence of spheres of influence based on the occupation of the different armies at the end of the war also was an important part of the early Cold War. Occupation created the territorial contours of the Cold War conflict. The other issues that divided the Soviets and Americans included the question of Germany's future as well as the American decision to use the atomic bomb against Japan. By focusing on the nonaligned movement and by highlighting the Sino-Soviet split, Gaddis shows how the Cold War did not completely explain post-World War II international relations. By the 1970s, the self-destruction of the Nixon administration demonstrated that the United States could not abandon its ideals to defeat its geopolitical rival. Ultimately, détente did not transform the Cold War as much as some thought. America renewed its commitment to its ideals and the reality of the ideological conflict with the Soviets under Ronald Reagan. Gaddis gives great credit to Reagan as a grand strategist who not only had a goal of winning the Cold War but developed effective policies to achieve that end. He along with the other great actors of the 1980s, Pope John Paul II, Deng Xiaoping, Lech Walesa, and Margaret Thatcher, acted on their fundamental belief that human freedom was greater than the forces marshaled by communist totalitarianism. While Gaddis depicts Gorbachev as a very sympathetic character and willing accomplice in ending the Cold War, he believes that Gorbachev lacked the effective policies to achieve his goals. This differentiated Gorbachev from the other great actors of his era.

What is less obvious but subtly present in Gaddis's new account of Cold War history is the emphasis Gaddis places on misperception, rivalry, and suspicion as contributing factors to the superpower conflict. These elements are now presented as fear. This theme made Gaddis famous three decades ago as arguably the first post-revisionist historian of the Cold War in his book *The United States and the Origins of the Cold War, 1945–1947*. While misperception may no longer be seen as a viable cause of the origin of the Cold War, Gaddis effectively demonstrates that suspicion and rivalry continued throughout the Cold War. His emphasis on the role of individuals in the making of Soviet and American foreign policy conforms to the recent emphasis on agency in much of the International Relations literature. Gaddis, for example, attempts to demonstrate that the ideological assumptions of leaders were critical in explaining their decisions in the Cold War. Khrushchev, for example, is said to have had a soft spot for Cuba, and this explains his willingness to take risks by placing missiles there. His willingness to back down demonstrated that the balance of terror and the resultant fear of a nuclear war provided a semblance of stability in the Cold War despite the high level of tension.

*The Cold War: A New History* offers an excellent historical analysis of the origins and evolution of the Cold War. Gaddis believes that the Cold War

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was necessary to determine which side would win in an ideological sense more than a military sense. The Cold War was a battle of ideas. While tremendous nuclear arsenals were developed (or perhaps because they were), the victory of the Cold War would not be determined in a battlefield but in the hearts and souls of men. The West won the Cold War because its vision for the future was ultimately more attractive than that offered by Soviet communism. Hope had ultimately triumphed over fear. Realists who emphasize the importance of power considerations may not appreciate Gaddis's emphasis on the role of ideas, and those on the Left may not agree with Gaddis's glowing praise for Reagan. However, everyone will have to take this book seriously, the definitive history of the Cold War for now.

–Timothy J. White

## KICKING THE RASCALS OUT

Sara Forsdyke: *Exile, Ostracism, and Democracy: The Politics of Expulsion in Ancient Greece*. (Princeton and Oxford: Princeton University Press, 2005. Pp. x, 344. $45.00.)

In this learned, well-written, and exhaustively researched study, Sara Forsdyke undertakes to explain a feature of ancient democratic politics that must strike any contemporary democrat as curious, not to say bizarre: the practice of ostracism. No less than Themistocles and Alcibiades were its victims, and none other than John Adams condemned it as clear evidence of the people's admission of their "own infirmities and unfitness for managing the executive branch of government" (144).

Forsdyke proceeds methodically to unravel the puzzles surrounding the historical development, actual use, and moral-political consequences of this ancient practice. She does so with a remarkable set of analytical tools at her disposal: a scrupulous philological sensitivity, a broad familiarity with the most relevant texts, and a certain political savvy. After the first two largely introductory chapters dealing with the nature of the ancient polis, including four "case studies" (Mytilene, Megara, Samos, and Corinth), the author turns to the case she will explore in great detail, that of Athens (chaps. 3–6). Beginning from the early "politics of exile" involving Cylon, Draco, and the trial of the Alcmeonidae, Forsdyke traces the gradual evolution of ostracism out of its more disruptive predecessor, exile—an "unlimited and violent practice" (151). The reforms of Solon, the new tyranny of Pisistratus, and, finally, the democratic revolution of Cleisthenes all helped bring about the greater involvement of "non-elites" in negotiating the political conflict between "elites," thereby also moderating the use of exile typical of that "intra-elite" conflict.

The term "ostracism" is derived from the potsherds (*ostraca*) on which the members of the democratic assembly wrote the name of the man to be ostracized. Those potsherds were then collected and counted and, provided that at least six thousand votes had been cast, the citizen with the most votes was

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required to leave the city for ten years. After this period, the Athenian could return to the city, his property and rights of citizenship intact (146–49). Ostracism, that is, a strictly limited kind of exile, was first (and most frequently) used in the 480s BCE and provided the new democracy with "a practical means for the peaceful resolution of political strife between elite leaders" even as it "provided them with a mechanism for the symbolic expression of popular power" (150). In this latter respect, Forsdyke offers an especially novel interpretation of the political act of ostracism: if the expulsion of a single person might not by itself quell political unrest, it, nonetheless, did recall to the public's mind "the events by which non-elites established their control over decisions of exile and simultaneously became the dominant political force in the community" (151). Moreover, the practice of ostracism, legally restricted and guided, served as a symbol of the justice and moderation of democratic, as distinguished from elite or oligarchic, rule. And, as Forsdyke demonstrates, that conviction of the greater justice of (Athenian) democratic rule, exemplified not least in ostracism, had its effects also on the Athenians' claim to deserve to rule an empire abroad (chap. 5).

In its penultimate chapter, the study undertakes both a wide-ranging survey of the place of exile in "the Greek imagination" and, more particularly, an examination of its "ideological validation of democratic rule" (240). Chief among her sources here are Herodotus, Xenophon's *Hellenica*, Thucydides, and Aristotle. In treating the latter especially, Forsdyke brings out the fact that—like John Adams many centuries later—those opposed to (direct) democracy were also supplied with some grounds for doing so by ostracism itself. For democratic justice demands that the most outstanding citizens be banished, as Aristotle's recounting of Periander's advice to Thrasybulus suggests, and if such banishment is necessary for the health and stability of democracy, it shows by that very fact the fundamental limit, not to say flaw, characteristic of democratic justice. If Forsdyke does not follow to its (radical) conclusion Aristotle's crucial discussion of justice in *Politics* book 3, she does, nonetheless, treat seriously Aristotle's account of ostracism.

*Exile, Ostracism, and Democracy* is a rich and rewarding study of the question it tackles. It is, however, larded with terms wholly foreign to the texts under discussion, terms that smack of modern social science with its parody-inviting jargon: "intra-elite," "ideology," "normative social and political values." It should go without saying that Forsdyke is aware of what she is doing: "ideology," she rightly notes, "is both anachronistic and notoriously vague" (12–13), just as "elite" stems from "modern sociology" (12 n. 36) and imports, in her usage of it, certain Marxist and Weberian concepts (12 n. 37). That she is willing to impose such alien categories of thought on her ancient sources would seem to mean that she holds those sources to be, in the decisive respect, flawed or limited and, hence, in need of our superior understanding. If only Aristotle had studied with Talcott Parsons! But perhaps the difficulty indicated has a rather different cause. Forsdyke speaks favorably of "the new orientation in historical scholarship,"

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mentioning in this context Foucault, Bourdieu, and Giddens (5); and yet the present study, which grew out of its author's doctoral dissertation, is, despite its best efforts, a very traditional one. It bears little or no trace of the influence of the authorities it initially invokes. Could it be, then, that even our Classics colleagues are now compelled, merely to enter the professoriate, to genuflect before the purveyors of modern and postmodern sophistication?

–Robert C. Bartlett

## THE EXPERIENCE OF FREEDOM

C. Fred Alford: *Rethinking Freedom: Why Freedom Has Lost Its Meaning and What Can Be Done to Save It*. (New York: Palgrave MacMillan, 2005. Pp. 169. $75.00, $24.95 paper.)

For *Rethinking Freedom*, C. Fred Alford interviewed fifty-two people about their conceptions and experiences of freedom. His findings are shocking. The young (those eighteen to thirty) tend to belittle and dismiss formal rights such as the right to free speech. Alford's young "informants" (interviewees) typically either define freedom as money and power or claim that only money and power, rather than freedom, matter. However, their professed experiences of freedom are disconnected from their definitions. They describe freedom as losing themselves in good books, deep sleep, or hot baths. Alford's young adults feel oppressed more by their unfulfilled desires and by their peers than by governments. Their dependence on others—friends, coworkers, professors—suggests they are not completely in control. Thus, they want the power and money to establish complete control, or they want escape and release. For them, freedom is not a particularly political concept.

Alford compares his informants' thinking about freedom to borderline personality disorder. The informants regard freedom rigorously, as an all-or-nothing affair. In their view, they are either completely free or completely not free. They do not conceive of being free or independent enough. Another borderline trait is the split between informants' concepts and experiences of freedom. Borderline splitting is a psychological defense against painful truths. As Alford describes his young informants, they feel humiliated over their dependence on others. The informants see freedom in zero-sum terms; an increase in one person's freedom can come only by a decrease in another's. The Hegelian idea that one's freedom requires the freedom of others eludes them.

Alford devotes three chapters to comparing young informant's views to those of Jean-Paul Sartre, Herbert Marcuse, and Iris Murdoch. These thinkers were primarily concerned with metaphysical or psychological freedom, more than political and economic freedom. According to Sartre, one is free to

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impose one's own meaning to the world. However, others impede one's freedom because one tends to see oneself through the eyes of others and, thus, through their meanings. The informants' split between freedom as mastery and as respite comes close to reflecting Marcuse's views. Marcuse sees labor as inherently unfree; freedom ultimately requires a post-scarcity world of play. Finally, Murdoch claims one is free only when one sees reality clearly. For Murdoch, freedom requires transcending one's delusions and obsessions. Perhaps the main lesson for the informants from these thinkers is that they must learn to live authentically.

Alford claims that there is no full solution to borderline thinking about freedom. It is a cultural (American or Western liberal democratic) and economic product. However, the borderline tendencies can be partially mitigated. Alford argues that informants need to learn the concept of "freedom with," that is, being free with others. This is illuminated by the example of a jazz musician "in the groove." The jazz musician is dependent on others because jazz is collaborative and jointly improvised. When in the groove, he does not simply conform to the other musicians; he shapes them as much as they shape him. If the musicians simply mimicked each other, they would not be free. Yet, their freedom would be worthless if they ignored one another, because then they would be playing as if in a vacuum rather than together. They are only meaningfully free with each other.

There is some difficulty in extending this model of freedom to daily life. Alford advocates an original conception of freedom: "transgressing with others." Unfortunately, Alford's discussion of the concept of transgressing with others is oblique and vague. However, he gives some clear examples. Transgressing with others involves small-scale insurrections against threats to freedom. One example is African immigrants lobbying the government to allow them to donate bone marrow. Self-help groups are another example, for they allow people to share their knowledge. Such groups could be a form of resistance against the tendency of experts in health, finance, and so on, to make people feel like helpless patients rather than agents. Finally, Alford advocates becoming an "aristocrat of freedom," that is, learning to live creatively within the constraints set by others, liberated from narcissism and obsessive attachments. While Alford and his informants have focused on psychological and social freedom, he connects these ideas back to politics. Constitutionalism, formal freedoms, bills of rights, and the like, are necessary preconditions, if not guarantees, of such psychological freedom.

Alford's research on what people think of freedom is valuable to any theorist of freedom. Nevertheless, the book is not without faults. Alford attempts to locate the cause of young informants' borderline views in capitalistic competition, the moral vacuum of an excessively tolerant society, and the insecurities of modern life. However, Alford's informants were almost all American. To prove the United States culture or economic system has caused young people to lose the meaning of freedom, he would at least have to conduct comparative interviews in other countries. (In fact, Alford's few foreign

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informants had the same views as the Americans.) Perhaps the problem is much simpler than Alford realizes. It is not surprising that the pressure to conform and the burden of personal responsibility cause young people to experience themselves as not free. One would expect older adults not to be crippled by peer pressure and responsibility but expect teenagers and young adults to have a very uncertain sense of self. Alford's book is illuminating, but he has not proven that something is especially wrong with the current generation of young adults. Just as likely, his research reveals the difficult psychology of the young person who has not yet learned to form healthy, equal adult relationships. Alford says that his older informants have not lost the meaning of freedom; they think of freedom much as Alford does. It would be illuminating to know what these older informants would have said about freedom when they were young adults. The young and old are part of the same culture and political economy, but their views on freedom are different. This provides more reason to think that the problem is one of immaturity rather than a fault of the culture. Perhaps the young have not lost the concept of freedom; rather, they have not yet learned it. What is most surprising about Alford's research is that the themes it shows in today's youth seem surprisingly universal.

To a small degree, the youths' disparagement of traditional political freedoms is a good sign. Perhaps liberalism's victory against real tyranny has been won so decisively that the young do not even imagine (and thus do not worry about) being persecuted for their religious views or being subject to arbitrary arrest. On the other hand, since they lack concern for political freedoms, they might thoughtlessly barter them away. Alford's book could help prevent this tragedy.

–Jason Brennan

## KEEPING THE TENSION

William A. Galston: *Public Matters: Politics, Policy, and Religion in the Twenty-First Century.* (Lanham, MD: Rowman and Littlefield, 2005. Pp. vii, 183. $24.95.)

William Galston is the rare example of a scholar who bridges the gap between theory and practice. As a political theorist, he has contributed to a substantial reassessment of liberal political thought, articulating a version of liberalism that is more sympathetic to communal goods and traditional associations such as family and church. As a man of practical politics, he participates in the centrist "New Democrats" movement and served as a domestic policy advisor during the first Clinton administration. His recent collection of essays presents Galston in the very act of bridging the gap. In these short pieces, all but one of which were published elsewhere between 2000 and 2004, Galston discourses with equal facility on topics as diverse

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as the nature of autonomous personhood, the effects of marginal tax rates, and the content of the Democratic Party platform.

Although written at different times and asking different kinds of questions, the essays share a few themes. The most interesting of these is the tension between political and religious authority in liberal democracy. He is concerned that both kinds of authority sometimes exceed their proper bounds. Political authority, he argues, should be limited, because human beings are not defined—at least not solely—by their participation in political communities. Human identity is formed in the sphere of religious belief and conscience, and this sphere operates more fully in smaller communities, such as churches, families, and civic associations than in politics. "A key aim of liberal democratic politics is the creation of social space within which individuals and groups can freely pursue their distinctive visions of what gives meaning and worth to human existence" (129).

On the other hand, the fact that politics is sometimes limited by religion does not mean that religion should trump politics. People of many faiths live within the bounds of our political society and belong to communities that make competing claims upon them. Therefore, no religious orthodoxy can claim final authority over matters of public dispute. "Liberal democracy rightly understood must steer a principled course between theocratic claims that subject politics to a single religious orthodoxy and a civic republicanism that subordinates faith to the functional requirements of the polity" (129).

The first section of the book—"Politics"—is, in some ways, the least interesting. Galston assesses the state of two-party competition in the United States and comments on political events of recent years. He writes from the perspective of a dedicated Democratic partisan, albeit a perspective sufficiently detached to recognize his own party's faults. On the whole, these chapters reflect Galston's concern over the Democratic Party's shrinking base of support. He counsels Democrats to create a new electoral coalition by emphasizing fiscal responsibility, individual empowerment, and values that resonate with the American mainstream. Democrats must recognize that their commitments on moral/cultural issues such as gun control and gay rights—at least in the current political climate—are clear electoral disadvantages. "If Democrats speak about gun control and gay rights in ways that imply that no decent and reasonable person could have a different view, voters who feel marginalized, even demonized, by this kind of rhetoric are bound to retaliate" (36).

Politics and religion become more prominent in the book's second and third sections, entitled respectively "Policy" and "Religion." In the policy section, Galston considers a number of public policy issues, approaching each by considering the issue's broader ethical and religious implications. In the religion section, he considers the situation of various religious minorities in American politics. A recurring issue in these later chapters is Galston's opposition to the Supreme Court's *Employment Division v. Smith* decision, the 1990 case that eased the burden for legal restrictions on religious practices. *Smith* is a

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perfect example for Galston of political authority's unwarranted intrusion into the sphere of religious belief and conscience. Since this sphere is central to human self-understanding, there must be a presumption against state actions that intrude into it. It is not enough to show that a particular state action is nondiscriminatory and pursues legitimate state ends. The state should infringe on religious practice only when its objective is so compelling that no other options exist, and even then it must accommodate religious practice as much as possible.

Beyond protecting private religious practices from undue state interference, Galston also defends the rights of religious believers to bring their faith into the public square. Catholics and Jews cannot be asked to stop acting like Catholics and Jews when they act as citizens. At the very least, adherents of a faith must be able to mobilize in defense of their unique rituals. For example, traditional Jews could organize in defense of kosher slaughter practices, which might otherwise be limited by statutes intended to prevent cruelty to animals.

Sometimes members of a particular faith use politics for more than defensive purposes. "The United States Constitution speaks repeatedly of 'persons,' but—fatefully—it does not define personhood" (165). What counts as a person? There is no easy way to answer this question without recourse to "tradition-based particularity." Religion must sometimes go on the offensive. This, too, is legitimate, but more dangerous than religion on the defensive. Like political authority, religious authority must recognize its limits. In describing the debate over human embryo research in the Clinton Administration (in chapter 7), a debate in which Galston played a significant behind-the-scenes role, he notes that the administration determined that American public opinion would not accept federal funding for the creation of human embryos for the purposes of research. Without clearly endorsing that position, Galston recognizes that it is valid and deserving of respect, but not dispositive for the question at hand.

> [O]fficials in a democracy who act in the name of the people must begin by taking public sentiments seriously. Of course, our responsibility did not end there. If we had concluded that the people were clearly mistaken, we would have had the obligation to enter into a public dialogue with them in an effort to change their minds. But while we recognized a range of plausible views on the status of human embryos, it was not clear to us that the center of gravity of public opinion was in error. It was therefore entitled to a substantial measure of democratic respect (83).

Religious belief has a role to play in shaping public policy, particularly when public policy must address questions that scientific inquiry is not suited to address, such as the moral status of a human embryo. On the other hand, religious belief is not final, even when held by a majority. A religious belief that could be disproved by scientific evidence or that could be shown to have substantial negative consequences would not, in Galston's argument, warrant the same level of respect from policy makers.

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Galston urges adherents of any faith to recognize that in the political order they will encounter religious and nonreligious arguments no less legitimate than their own. Catholics might persuade a majority of citizens that unborn fetuses are persons deserving full protection of the law. If they did so, they could achieve a legal prohibition of abortion in the United States. "Presumably the Church would feel no qualms about so acting. But those who take their bearings from the fact of deep moral disagreements in society might well have a principled hesitation about taking this step" (149).

The political process does not result in widespread agreement over most political and moral issues. The process is much more "messy and conflictual" (129). Galston hopes that members of every religion will engage in public debate only in a spirit that is sensitive to this reality. "[I]f political pluralism reflects the complex truth of the human condition, then the practice of politics must do its best to honor the principles that limit the scope of politics" (129). Galston will offer no firm rule or clear line. Political and religious authority overlap and cannot be reconciled neatly.

There is much value in this collection despite its flaws. The various essays do not hang together particularly well as a single work, and a few of the chapters have a dated feel. In the "Politics" section, Galston often speculates about "future" events like the Kerry Presidential bid (chapter 2) and the nature of the Democratic Party's response to Kerry's loss (chapter 3). It is odd to read a discussion of policy decisions on human embryo research during the Clinton Administration without a complementary discussion of the President's Council on Bioethics during George W. Bush's administration. One serious weakness is the index, which is very brief and largely incomplete. Even the *Smith v. Employment Division* case is omitted. But on the whole, the collection, particularly the last two sections, is a rewarding read. Galston highlights the tensions between religious and political authorities without attempting to resolve them. However, since the essays begin with practical political issues, the larger theoretical arguments are sketched out sometimes quite briefly. While this book serves as a valuable primer on Galston's thought, readers looking for a more complete argument will need to refer to his other works.

–James Paul Old

## CIVIC VIRTUE

Michael J. Sandel: *Public Philosophy: Essays on Morality in Politics*. (Cambridge: Harvard University Press, 2005. Pp. 304. $25.95.)

Give Michael Sandel credit. He puts his money—or, rather, a good chunk of his energy—where his mouth is. Sandel's big thing is civic virtue, meaning active, engaged participation in the public realm, underwritten by a strong,

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communally oriented sense of moral right and wrong. As this book amply demonstrates, he himself walks the walk. Most of the articles collected here are opinion pieces focusing on some of the burning issues of the day and written (between 1983 and 2004) for general interest publications, principally the *New Republic*. As such, they evidently represent a sustained effort on Sandel's part to function as a civic-minded, public intellectual committed to a substantive view of moral good.

Most of the *New Republic* pieces (seventeen of the thirty chapters) are highly formulaic. Sandel typically begins by laying out a thorny, perplexing problem: for example, "should victims have a say in sentencing?" He then delineates two—and usually only two—answers, roughly, the "yes" and the "no." He briefly surveys some of the strengths and weaknesses of each and concludes by showing us which answer is correct and why. In doing so, moreover, he applies—in essay after essay—the very same litmus test: the right position is the one that best supports, sustains, and celebrates civic virtue. Case closed. Thus, affirmative action in university admissions—motivated by the goal of diversity—is good because it "detaches admission from individual claims and connects them to considerations of the common good." Emission trading—allowing nations or firms to buy and sell the right to pollute—is bad because "it may undermine the sense of shared responsibility that increased global [and presumably local] cooperation requires." And so on. (By the way, should victims have a say in sentencing? On that one, Sandel punts.)

We have here a consistent and coherent doctrine, a kind of neo-Tocquevillianism. Policies that focus on protecting individual rights—including and especially economic, market-oriented rights—are inherently suspect because of their tendency to undermine the moral foundations of community and the sense of mutual civic obligation upon which any sound republic rests. In most of these articles, it should be noted, Sandel's views are more asserted than argued. But if that's merely what would be expected of short, op-ed style essays, and if it illustrates one of the occupational hazards of life as a public intellectual where constraints of medium and audience often make it difficult to present serious arguments in serious ways, it also means that much of what we find in this collection is not of the greatest philosophical interest.

Of course, Sandel is far more than an op-ed writer, and his theoretical ambitions are well represented here, principally—though not solely—in two well-known essays, "Moral Argument and Liberal Toleration: Abortion and Homosexuality" from the *California Law Review* (originally published in 1989) and the 1984 *Political Theory* article "The Procedural Republic and the Unencumbered Self." The republication of these essays provides, if nothing else, an occasion to consider once again some of Sandel's more systematic views on liberal and communitarian thought.

In "Moral Argument and Liberal Toleration," Sandel claims that the early 1970s saw a decisive—and decisively bad—shift in Supreme Court doctrine on privacy. Earlier cases, culminating in *Griswold v. Connecticut* (1965), had

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understood privacy to involve nothing other than an "interest in keeping intimate affairs from public view," provided those intimate affairs were morally sound. Thus, *Griswold* itself upheld the right to use contraceptives not in order to defend individual freedom but "for the sake of affirming . . . the social institution of marriage," understood, in the Court's words, as "an association for as noble a purpose as any involved in our prior decisions." With cases like *Eisenstadt v. Baird* (1972), however, the Court swapped this traditional version of privacy for a new one that protected not a sphere of intimacy but the rights of individuals qua individuals to make certain kinds of life-style decisions. One year after *Eisenstadt*, such a view was fatefully enshrined in *Roe v. Wade* (1973). As Sandel sees it, "the right of privacy had become the right to make certain sorts of choices, free of interference by the state." The problem, for Sandel, seems to be twofold. By adopting a voluntarist approach—again, privacy means protecting the individual's right to make his or her own life choices—the Court was claiming to adopt a position of neutrality among competing views of the good or comprehensive doctrines. In doing so, however, it both gave up a coherent notion of privacy and ensured that it would miss what is really at stake in issues such as abortion and homosexuality, namely, the moral value of the activities in question.

At first blush, it's a plausible formulation. But at critical junctures, Sandel's argument seems to me confused or otherwise unpersuasive. For example, his account of the transition from an old to a new theory of privacy is, to my mind, seriously misleading. Decisions like *Eisenstadt* and *Roe* do not defend individual freedom of choice per se. Rather, they explicitly defend such freedom only with respect to the most "intimate" or "personal" matters. As such, they retain a quite robust focus on privacy, and they reflect the Court's apparently growing appreciation of the fundamental truth that "public" and "private" denote not distinct "spheres" or "spaces" of activity but, rather, different manners of acting that might occur in any location. What happens in the family or behind closed doors is not necessarily private (e.g., domestic abuse); and by the same token, what happens in plain view can have a decidedly intimate or personal character that demands special protection precisely for that reason.

Similarly, Sandel argues that the Court contradicts itself in *Roe* by claiming, first, to be neutral on the moral question of when life begins but then, in virtually the next breath, adopting "viability" as the point at which abortion becomes unacceptable: "contrary to its professions of neutrality, the Court's decision presupposed a particular answer to the question it claimed to bracket." But this seems just wrong. In adopting viability, the Court was not telling us when life begins. Rather, it was merely seeking to identify (perhaps correctly, perhaps not) the very first stage in pregnancy about which there is, in fact, no real dispute. Opponents and proponents of abortion rights all (arguably) agree that a viable fetus is or ought to be ineligible for abortion. In adopting such a standard, then, the Court was simply describing and endorsing (part of) an overlapping consensus that would allow it to

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remain perfectly neutral with respect to deep-seated, politically charged controversies of a moral and metaphysical nature.

Or again, Sandel insists that the effort to remain neutral by "bracketing out" certain questions is often not neutral at all, since the particular method of bracketing is itself apt to have powerful value implications. Thus, whereas Justice White's dissent in *Thornburgh v. American College of Obstetrics & Gynecologists* (1986)—an abortion case that upheld *Roe*—argued that, in Sandel's words, "the best way for the Court to bracket [the abortion] controversy was to let each state decide the question for itself," Justice Stevens responded by endorsing a different kind of bracketing according to which "individual women, not legislatures, should decide the question for themselves." But again, this seems incorrect to me, for White's opinion appears to have nothing to do with bracketing or neutrality and everything to do with federalism. In White's view, government has every right to restrict certain freedoms in the name of a nonneutral theory of moral right; the only question for White is whether, under the Constitution, this should occur at the state level or the federal level.

"The Procedural Republic and the Unencumbered Self" seems to me equally problematic, though for a very different kind of reason. The article famously attacks "a certain picture of the person," according to which the self is "understood as prior to and independent of its purposes and ends," a view that Sandel identifies (perhaps controversially) with Kant and Rawls. For Sandel, the unencumbered self should be rejected largely because of its practical political implications. To adopt such a conception of the self is to undermine the moral basis of community; it is to deprive us of any way of "seeing ourselves as mutually indebted and morally engaged" with one another; it is to compromise those "loyalties and convictions" that connect us; it is to construct a world of humans "wholly without character, without moral depth." But surely the main problem with the theory of the unencumbered self is not that its political consequences are disastrous but that it, in fact, describes nothing that could ever exist. Sandel's account misses the point, or so I think. Atomism is not impolitic; it is simply wrong. And, of course, any political theory based on premises that are fundamentally out of touch with how things in the world really are is, for that reason, a theory that doesn't command our serious attention, at least not on its own terms. It seems to me, then, that Sandel's criticism—a criticism of something that very much deserves to be criticized—in fact trivializes the problem in very fundamental ways.

–Peter J. Steinberger

## TIES THAT BIND

Julia Reinhard Lupton: *Citizen-Saints: Shakespeare and Political Theology.* (Chicago: University of Chicago Press, 2005. Pp. x, 277. $35.00.)

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Shakespearean drama is not a new field for political reflection. Half a century ago Harry Jaffa's "The Limits of Politics: *King Lear*, Act 1, Scene 1" demonstrated the power of reading Shakespeare in the light of political philosophy. This path has been followed since by numerous scholars. They tend to approach Shakespeare's plays individually as dramatic wholes to be read in terms of the question, what is the good life or the good society? In *Citizen-Saints: Shakespeare and Political Theology*, Julia Reinhard Lupton shows no awareness of this literature despite the fact that these scholars have treated all of the Shakespearean plays she discusses. Nor does she approach the plays as wholes; she reads each play in terms of a certain set of coordinates and tends to focus on a single character. Yet her reading of Shakespeare has more in common with this tradition than with that which prevails in the literature which she does cite.

Lupton addresses a contemporary practical problem of some urgency. How, in the twenty-first century, are political societies to cohere despite multiple divisions among their members without sole reliance upon the market as a mechanism for individual self-interest? Drawing on thinkers like Will Kymlicka and Michael Walzer, she offers the civic community as a worthy object for human attachment independent of the racial, religious, or ethnic identity or economic status of its members. But she stops short of the "civic republicanism" of J. G. A. Pocock, affirming the "salutary insufficiency" of politics for the good life (208). Although membership in a community of believers should be neither the condition for nor a barrier to membership in a civic community, religion remains a powerful alternative for conceiving the best life, as Lupton puts it, a site "for reconceiving the universal being of humanity from within civil society" (9). This departs sharply from the "culturalist models" (16) that currently dominate literary studies which foreground the divisions among citizens and reduce religion to one aspect of that division. Part of her project is "to distinguish both citizenship and religion from the field of culture" (16). At this intersection of politics, religion, and liberal philosophy, Lupton reads Shakespeare as teaching the importance of the civic community by dramatizing the sacrifices necessary for membership using the terms of the theological answer to the question of the good life that prevailed among his audience.

The title image, citizen-saint, reflects this reading. The word saint stands for a cluster of ideas: "sacred, sacrifice, exception" (12). Each citizen in the multicultural civic community is also a saint (4) in these three respects: in potentially giving allegiance to a theological as well as a civic community; in sacrificing some part of his "particularized identit[y]" for the sake of the *"limited universalism"* of citizenship [italics in original] (76); in this very particularity. The chief idea is the second: while the liberal ideal is to "admit the greatest . . . variety of people at the lowest cultural costs" (100), there will always be some sacrifice. The multicultural civic community will not have, in Kymlicka's language, a "thick culture" (100, 210), but it is nonetheless a community worth our allegiance.

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In each of the four plays of Shakespeare which she discusses, *The Merchant of Venice*, *Othello*, *Measure for Measure*, and *The Tempest*, Lupton identifies a citizen-saint, Shylock, Othello, Isabella, and Caliban respectively. Each must "die into citizenship" (21). Four other works provide context or foils. The Epistles of Paul supply the principal theological ideas Shakespeare uses. Marlowe's *The Jew of Malta* and Milton's *Samson Agonistes* provide foils to Shakespeare's citizen-saints: Barabas, who "dies out of citizenship" (72), and Samson, who "dies into the tribe" (199). Sophocles' *Antigone* supplies an exemplar of ancient "death into citizenship" (139).

If Shylock is, for us, the most powerful dramatization of the Jew in English theater, for Shakespeare's audience it was Marlowe's Barabas and Barabas typifies "particularization itself" (59), the one who stands apart from the civic community. Culturalist readings either applaud Barabas's refusal to compromise (72) or, like Stephen Greenblatt, condemn him for his avarice and egotism, reading him, through the lens of Marx's "On the Jewish Question" (53), as typifying capitalist society. In both approaches, divisive civil society eclipses civic unity. Shylock's forced conversion has the opposite effect. That Shylock is "content" with this but "not well" reflects the *"discontented contentment"* [italics in original] (100) that is the price of liberalism. Lupton observes that if the cost of citizenship for Shylock seems to "a modern eye" too high, it is precisely Shakespeare who has dramatized the cost (123). But Shakespeare also justifies the cost for his audience in theological terms. Lupton persuasively upholds the typological reading of the play that sees Shakespeare as portraying Portia and Shylock as representing Christianity and Judaism respectively. Portia's legalism is not the same as Shylock's; it is "the negation of a negation" (93). Shylock's bond negates Christianity by making Paul's circumcision of the heart [Rom. 2:29] physical; Portia halts him by an appeal to law that results in the interiorization of the law. The lynchpin of this interpretation is Portia's "This bond doth give thee *no jot* of blood" [4.1.304] which Lupton reads in the light of the promise of Jesus, that "*not an iota*, not a dot will pass from the law until all is accomplished" [Matt. 5:18] (92).

In *The Tempest*, Lupton's principal object is to rescue Caliban from the "neo-historicist readers" who attribute to him "the particularism of 'culture'" (176), usually New World Culture (165). This reading, which she associates with Greenblatt, is based on the "presumed bankrupt[cy]" of universalism (176), the meaninglessness of any claims about human beings as such. Viewing Caliban in the light of a theology of creation as "mere creature," Lupton seeks to avoid both "the homogenizing ideal" of one kind of universalism and "the identitarian tendency" of culturalist approaches (177). She sees in him "a new universalism": "all humans constitute an exception to their own set, whether conceived in general or particular terms" (178). This "mere creature" Shakespeare depicts as moved by resentment of the creator and wonder at creation. When the rebellion stirred by resentment is checked, Caliban "sues for grace" [5.1.299], a bid "for entry into some form

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of the human fellowship" (179). Wonder at creation and recognition of the exceptionality or saintliness of every member would be constitutive principles of such fellowship. Lupton presents this new universalism as an alternative to "the universalism of global capitalism" and "the tribalism of ethnic cleansing" (178).

Lupton provides an alternative to contemporary approaches to Shakespeare which obscure his attention to both the universal question, what is the good life, and the role of religion and the civic community in answering that question. In an epilogue, Lupton calls on her fellow humanists to join in the construction of a "literature of citizenship" despite their misgiving that the term citizen is "the watchword of a conservative agenda" (210). Political scientists who share her appreciation for literature's value in exploring political questions might well also heed this call. The joint effort of both groups to construct a literature of citizenship independent of any agenda, liberal or conservative, can only be beneficial.

–Joseph Alulis

## THE AUTONOMOUS TEXT

Dennis J. Goldford: *The American Constitution and the Debate over Originalism*. (Cambridge and New York: Cambridge University Press, 2005. Pp. xi, 305. $75.00, $29.99 paper.)

Originalists claim that the nature of law and communication, plus the idea of consent, requires interpreting the American Constitution according to its original intent. Originalism has become an increasingly cogent component of constitutional theory and law since the 1960s, but in this book, Dennis J. Goldford argues that it is obviated by the "interpretive turn" in recent philosophy and literary theory. We are assured that now, once and for all, the notion of original intent can and should be abandoned. Drawing most explicitly on Hans-Georg Gadamer, Goldford touts the reign of inevitably perspectival interpretation: everything is subjectively interpreted all the time; therefore, it is impossible to recapture any notion of original intent that is not already our own subjective reconstruction of that intent. So, he pleads, we should just drop the self-deception that we can restate original intent and, instead, recognize that all we can do is talk directly to one another about our contemporary concerns, albeit in the grammar of established constitutional concepts. Thus, Goldford asserts not just the undesirability of originalism but its essential impossibility. The socially and linguistically constructed nature of reality means that the Constitution is only a site for present political deliberation—it is not fundamental law as understood by originalism and the legal and political tradition from which it derives.

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Readers convinced by experience and contemplation that social constructionism fails to comprehend all of politics, let alone reality, likely will have little patience with Goldford's attempt to remake American constitutionalism after the interpretive turn. While we cannot here rehearse the entire debate between originalism and antifoundationalist epistemologies of the type Goldford employs, the general conflict is not new. It is, of course true, especially in the Anglo-American context of textually based law, that subjectivity in interpretation and the more general limitations of language as a means of communication were known for centuries before their supposed discovery by recent theorists. But the interpretive turn has convinced Goldford that because any evidence an author or interpreter might adduce to elucidate the meaning of a text is itself subject to interpretation, the text is autonomous. Once it is created, authors or interpreters who present additional evidence of authorial intent have no better insight into the meaning of a text than anyone else. They, like everyone else, are just more readers of the text offering only additional interpretations.

Thoughtful individuals ultimately must decide for themselves whether subjectivity or indeterminacy in interpretation prevents more or less accurate restatements of what an author intended to communicate by a particular text. It seems, at the very least, that if the presence of either severs the reader of a text from its author's intent, communication would be decidedly more difficult than we know it to be. From this perspective, Goldford has transformed a problem long understood in the law as essentially practical (accurately restating the original intent of a legal text) into confirmation of the sociolinguistic construction of reality. It is unsurprising that his view leaves little room for the traditional understanding of American constitutionalism that is defended by originalists. Thus, with hermeneutic triumph, Goldford writes that "originalism cannot escape the charge that its notion of authorial intent is an extratextual norm employed to regulate the legitimate readings of the text from a privileged position" (229–30). That is, nothing in the text requires that it be treated as a carrier of its creator's intent. While this assuredly is a grave indictment of originalism among theorists of the interpretive turn, it is not hard to understand when we recognize that the Constitution was a product of the natural rights, contractarian understanding of politics and law. It was created as a fundamental law and based on the legitimate political authority of its authors and ratifiers, and this is what puts them in a "privileged position" with respect to the meaning of the text they created. Accordingly, it is this conception of legal-political authority that regulates and limits readings of the text. But it is just this conception that Goldford wishes ultimately to escape. He offers instead the text of the Constitution as "a social text—the social practice of an ongoing constitutional convention" (275). Because for Goldford language constitutes reality, the binding force necessary for a recognizably constitutional regime is found not in the text understood as a fundamental law with relatively stable meaning, but only in a conversation about the contemporary meaning of words contained in

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the text. The Constitution serves as merely the "site of struggle among competing political arguments about the basic principles of our social compact" (287). Never addressed is the question of why the text of the Constitution, as opposed, say, to *Hamlet*, must be retained for this purpose. Such an inquiry eventually would confront the question of why the Constitution initially was recognized as authoritative and might still be so.

By evacuating the Constitution of any binding original meaning, Goldford seeks to facilitate a wider, more public, and more radically democratic political discourse. This impulse rightfully reminds us that constitutionalism configures political life by providing actors with an inevitably general set of principles and relationships that inform and limit public deliberation. In providing such resources for the conduct of politics, constitutionalism manifests itself as more than the mere legalism and judicial supremacy so readily evident in recent American history. But in the American experience, constitutionalism also includes the idea of the Constitution as a binding and limiting fundamental law that was created by legitimate political authority, a conception inseparable from precisely the originalist tenets that Goldford labors to transcend. In clinging to the Constitution as an intergenerational palimpsest or rhetorical touchstone—after first attempting to dissolve or complicate out of existence its original intent—Goldford illustrates the difficulty in any effort to maintain the authority of the Constitution without being bound by its content. Certainly the legal and political theory of the American Constitution is displaced in such an endeavor. So too is the proper idea of interpretation, which recognizes that texts, and particularly legal texts, are attempts at communication. A better understanding of both the nature of communication and American constitutionalism would admit that the Constitution usually has some identifiable and authoritative meaning, which we may choose to recognize, alter, or ignore. But we should not deceive ourselves that we are bound by the meaning of the text when in fact we are reauthoring it.

–Johnathan O'Neill

## POWERS OF THE CROWN

John Yoo: *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11*. (Chicago and London: University of Chicago Press, 2005. Pp. xii, 366. $29.00.)

Professor John Yoo's *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11* is likely to be of more enduring interest as an historical artifact than as persuasive legal analysis. As a young lawyer in the Justice Department's Office of Legal Counsel, Yoo had an unprecedented impact in framing legal arguments on behalf of the Bush Administration's audacious claims for unilateral presidential authority in foreign policy and war

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making. His views on the two major subjects that occupy this book, war powers and treaty law, formed the backdrop for legal opinions arguing that Congress could not restrict a president in his use of torture during wartime interrogation and that presidents have unlimited power in wartime to detain even U.S. citizens as enemy combatants. Although Yoo establishes some important points en route to his major conclusions, his creative elaboration of essentially limitless executive military and foreign affairs powers is unpersuasive. An analysis of his war powers position illustrates the problems of methodology and gaps in logic that undermine Yoo's conclusions.

Yoo's bottom line is straightforward. Within capacious bounds, he regards the constitutional vesting of "executive power" in the president as giving the president nearly plenary authority to determine and implement the military and foreign policies of the United States. Congress's power of the purse is the only check Yoo recognizes with regard to the deployment of military force (152). So long as Congress provides for the existence of a funded armed service, the president can do with it whatever he wants. Congress's check on the president, if it disapproves of his military adventures, is simply and exclusively to take away his funding. The president does not otherwise need any prior congressional approval to engage in military hostilities, offensive or defensive. Yoo defends this result as both faithful to the original meaning of our constitutional text and pragmatic in balancing presidential flexibility with accountability to Congress. It is neither.

Yoo's major conclusion on war powers is based on two subarguments. The first is that the founding generation—given its knowledge of British and colonial history—would have interpreted Congress's power of the purse as a fundamental check on the president's ability to implement his foreign and military designs.

The second argument is that the framers' decision to vest Congress with authority to declare war is not persuasively interpreted as a requirement that a formal declaration of war precede every executive deployment of American troops. Declarations of war, Yoo argues, were understood in both British and colonial practice as legalistic statements determining a variety of juridical relationships during periods of hostility between nations, but not as a form of legislative license to make war.

Each of these subarguments is important. Yoo's history of the power of the purse and its role in American constitutional thought stands as a strong implicit defense of Congress's authority in the 1980s to de-fund Reagan Administration efforts to support the Contras in Nicaragua, and as a rebuke to defenders of that Administration's efforts to evade Congress's appropriations power by funding foreign policy through illicit arms sales. The history Yoo recounts of declarations of war does make it seem improbable that the framers expected formal declarations of war to be a precondition to all military engagements. Indeed, Congress itself has never taken that position.

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But these points do not add up to Yoo's conclusion that the Constitution requires no prior congressional authorization in any form before the president can initiate military action. Congress could license military action not only through declarations of war but also through specific statutory authority. It has done just this with regard to the Persian Gulf War, the war against the Taliban in Afghanistan, and the Iraq War. The key separation of powers issue is, therefore, not whether the president needs a formal declaration of war to deploy troops but whether he needs some form of authority, whether through a declaration of war or some other legislative measure.

The overwhelming majority of scholars to address constitutional war powers has answered this question affirmatively, although many acknowledge exceptions for different forms of short-term military engagement. The prevailing view has been significantly influenced by the fact that the framers, until late in the Philadelphia convention, had categorically given Congress the power to "make war," but changed the phrase to "declare war" only to make clear that the president would not need congressional authority prior to repelling a sudden attack on the United States. Yoo concedes that the drafters might have had this subjective intention, but he regards it as insignificant because it was not clearly communicated even to the full convention in Philadelphia, much less to the state conventions that actually agreed to adopt the Constitution (97–98). Instead, he argues, we should regard those who ratified the Constitution in state conventions as giving the language of article 1 and article 2 what he thinks any student of British, colonial, and confederation period history would have thought that language meant (107–8). Namely, Congress, like Parliament, would have been limited to appropriations as the one check available on executive war-making power, and the president, in receiving executive power, received all powers enjoyed by the English monarchy, unless the Constitution specifically provided otherwise. These powers included the power to make war.

Precisely at this point Yoo's argument falls apart. To see how, simply imagine yourself a contemporary reader of the proposed constitutional text trying to decide if, under the new regime, the president will be required to obtain legislative authorization to make war. On one hand, the president is assigned the explicit role of commander-in-chief. On the other, Congress has express powers to raise and maintain the army and navy, to declare war, to issue letters of marque and reprisal, to declare crimes under international law, and to control government spending and taxation. On top of this, it is given the authority "to make all laws which shall be necessary and proper for carrying into execution … all … powers vested by this Constitution in the government of the United States or any department or officer thereof." It defies credibility that the ordinary late-eighteenth-century reader would infer from this textual allocation of war powers that the president had been given unilateral power to initiate the deployment of military force at will. Certainly, no reader would have guessed at such a conclusion

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who thought the American Revolution was fought in part to free Americans from the abuses of executive war power long attributed to the Crown.

Yoo's fallback is his apparent inference that, notwithstanding Congress's impressive list of military powers, the phrase "executive power" was enough to vest in the president all monarchical powers not otherwise specifically divested from him by constitutional text. He notes that some executive powers are spelled out specifically in article 2—which seems to run contrary to the idea that the phrase "executive power" already conveyed all those powers and more—but implies that article 2 needed the additional specifications only for those historically executive powers that the Framers explicitly decided to divide between president and Congress (18–19). For example, the phrase "executive power" would have been enough to authorize the president to make treaties, but, because the framers wanted to add the innovation of senate treaty approval, article 2 had to mention the treaty power specifically, as well as the requirement for senate consent by two-thirds. Subject to exceptions of this sort, Yoo implies that the ratifiers would have understood that all monarchical powers not expressly shared with Congress were fully vested in the president through the words, "executive power."

Any such reading of the Constitution, however, is manifestly implausible. It is just not true that article 2 bothers to spell out the details of executive power only where it was necessary to show how Congress was cut in on the action. For example, article 2 charges the president "to take care that the laws be faithfully executed," which would surely have been the core authority conveyed by the phrase "executive power," if read as Yoo suggests. Article 2 takes the trouble to confer power on the president "to require the opinions in writing of the heads of departments," as basic an executive function as one could imagine. This pattern extends to foreign affairs: There is nothing in the Constitution to suggest that Congress would share in the historic executive power to receive ambassadors and public ministers from other nations. Yet, that executive power is explicitly mentioned in section 3 of article 2, notwithstanding the general vesting of "executive power" in section 1. In short, a good deal of critical text within article 2 is simply inexplicable if the vesting of "executive power" had the effect of already giving the president the full range of British monarchical powers, subject only to the few exceptions stated explicitly in the text.

Not only does the constitutional text make an overwhelming case that the president needs legislative license to make war, but that's just how it was interpreted in public statements by the framers. In the *Federalist*, no. 69, Alexander Hamilton stated: "The President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain but much inferior to it in substance. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies,

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all which, by the Constitution under consideration, would appertain to the legislature."

Anyone contemplating whether to ratify the Constitution, who consulted *The Federalist* for an interpretation of the text, would have discerned—even from the framer most predisposed towards a strong executive—that the president could not command troops to war without Congress. Yoo's response to this is that Hamilton's statement, even if "the authoritative explanation of the Constitution," has to be understood as a rhetorical exaggeration of the king's powers offered in order to make the constitutional presidency seem more modest than the Constitution actually provided (123). This response avails Yoo nothing, however, since it does not change the fact that Hamilton explicitly attributes power to Congress, not the president, to regulate "fleets and armies"—exactly what any fair reading of the constitutional text would also suggest.

Yoo is led astray in his interpretation because his methodology is a form of backwards originalism. Since the Korean War, presidents have variously claimed the scope of war-making power that Yoo would defend. Yoo thinks that scope of power would be good because we live in an age of terrorism, when "[i]t is no longer clear that the United States must seek to reduce the amount of warfare," and we are better off with a system that does not contain built-in obstacles to the use of force (ix). Having decided the contemporary world he prefers to inhabit, Yoo then asks whether there might be a way to read the Constitution to sanction his view (10). Only at that point does he ask whether the understandings of the founding generation can be reconciled with his reading of the text. This methodology effectively places Professor Yoo's aspirations and anxieties ahead of the framers'. One would ordinarily expect that constitutional interpretation would begin with the text, illuminated by the aspirations and anxieties of 1789 not 2006. Unless one starts the interpretive journey as tendentiously as Yoo, one will not wind up at Yoo's destination.

In fact, the idea that our national survival is more problematic in 2006 than in 1789 is simply false. Nor does the record of presidential military initiative since 1950 inspire particular confidence that presidents unimpeded by effective congressional oversight have used our armed forces wisely in advancing America's national interests. The Vietnam and Iraq wars have both been beset by costly wishful thinking on the part of presidents and their key advisers, facilitated by effective insulation from genuine debate and legislative accountability.

The fault for this record, of course, is not entirely that of the executive branch. Congress has been dismayingly feckless in its acquiescence in unilateral executive action. But the appropriations power is not, as Yoo suggests, a practical way of providing an effective counterweight to the president. It is implausible to abandon the standing military we now possess. Congress can thus cut off funding only through defunding legislation targeted to particular purposes. Such legislation, however, can become law only if signed by the

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president or enacted over his veto. The prospects are virtually nil either for achieving a president's consent to defunding his own military initiative or for overriding a presidential veto through a two-thirds vote of both Houses, especially with troops already in the field. Yoo's interpretation of war powers simply cannot be supported by either sound constitutional interpretation or good sense.

The chapters of *The Powers of War and Peace* dealing with treaty law represent a similarly mixed bag, including some discrete arguments made carefully and well and an overall perspective that fails to convince. The elaboration of our constitutional system that Yoo provides is an act of genuine creativity, accessibly written. Unfortunately, it is usually where Professor Yoo is the most creative that his arguments are the least sustainable.

–Peter M. Shane

## NOT AN OXYMORON

Claudia Koonz: *The Nazi Conscience*. (Cambridge, MA: Harvard University Press, 2003. Pp. 368. $29.95, $16.95 paper.)

Claudia Koonz begins this meticulously researched and engrossingly written book with a provocative statement. "The Nazi Conscience," she writes, "is not an oxymoron." In making such a claim, she says at the outset what her book does not do. It rejects the rhetorical ploy that explains away National Socialism and the Holocaust by labeling Nazis (or all Germans) immoral "monsters" or amoral "maniacs." Such explanations are unconvincing, and, moreover, they inadvertently exonerate perpetrators—one need only recall that many legal systems do not consider individuals guilty if they can prove they had no sense of right and wrong, even temporarily.

Koonz instead argues that National Socialism, indeed, had a morality or guiding ideology. However offensive it might appear today, it was seen in Nazi Germany less as one worldview among many than as the truth itself. She begins by noting the biologically inflected assumptions that formed the basis of this Nazi conscience: that the Volk is a social organism, that its values reflect its internal nature and external environment, that it must act in ways to preserve its existence, and that to this end, it may exclude certain people from membership. Koonz calls this pervasive secular ethos "ethnic fundamentalism." In so doing, she accurately pinpoints its dual roots in reason and science as well as its adherents' zealotry. The individual chapters of *The Nazi Conscience* explore "the process by which racial beliefs came to shape the outlook of the ordinary Germans on whose cooperation Nazi policies depended" (13). Each chapter maps out the networks, debates, and "sites of the production" of this Nazi morality, as well as

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Hitler's role as its high priest. In the chapter "The Swastika in the Heart of the Youth," for instance, Koonz examines the measures taken throughout the 1930s to reconfigure primary and secondary education in accordance with the new Nazi moral mandate. Through careful analysis of textbooks that taught penmanship by having children write "K as in *Kriegerpilot* [fighter pilot]," school plays that idolized Hitler, and official newsletters for teachers filled with racist guidelines for classroom teaching, Koonz shows how the German school system educated German children of the 1930s into the ethnic fundamentalists of the 1940s.

Another particularly interesting and important chapter, "Law and the Racial Order," studies the work of Nazi "ethnocrats" in the early 1930s. This term, borrowed from historian Michael Burleigh, describes the veritable army of party officials, civil servants, racial policy experts, and others charged with crafting racial legislation. Koonz reconstructs the internal debates among these ethnocrats as they argued over thorny issues of racial policy. As they developed race laws, they encountered morally complex questions that would both define and test the limits of the Nazi conscience. For instance, to what extent is an Aryan woman guilty of racial defilement if she falls prey to a Jew who disguised his identity to seduce her? Similarly, if a mixed-race couple leaves Germany to consummate their relationship, are they liable according to German law? And what happens if a "full German" dates a Jewish woman? By examining how Nazi party zealots and "moderates" alike dealt with such policy issues, Koonz offers a corrective to received narratives about the period between the unsuccessful boycotts of Jewish-owned businesses in April 1933 and the promulgation of the Nuremberg Race Laws in September 1935. Rather than interpret this interim as a "grace period" before an impending disaster, as it has often been read, she instead considers these early years of National Socialism as a time when racial policy congealed, or rather metastasized, on the national level.

On the basis of such analyses, Koonz can convincingly argue, "The Final Solution took shape not on the distant eastern front, nor as a series of fiats issued after Germany invaded the Soviet Union in 1941. Rather, powerful cadres within the government, party, and SS formed a genocidal consensus within Germany during six years of administrative networking, theoretical disputes, and factional infighting prior to Germany's invasion of Poland in 1939" (15). Across German society, in its schools, research institutions, universities, courts, and media, an active cultural exchange produced a kind of secular racial religion that, for all of National Socialism's many contradictions, articulated a clear moral mandate: "[H]onor the *Führer*, expel aliens, sacrifice for the Volk, and welcome challenges" (162).

The author is to be commended especially for the richly interdisciplinary nature of her sources. Describing how Hitler broadened his appeal to Weimar voters, for instance, *The Nazi Conscience* reproduces a set of six picture postcards of a wildly gesticulating Hitler. In her caption, Koonz stresses the similarities between Hitler's gestures in photographs and the body

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language of silent film actors. With this comparison, she reminds us of the need to understand Nazi ethnic fundamentalism not simply as a set of anti-Semitic, anti-Communist, and authoritarian ideas, but as an ideology that both relied upon and carefully manipulated the specific media technology of its day. In addition to photographs, she also presents close analysis of film posters, calendars, trading cards, cartoons, books, magazines, illustrated statistics, and myriad other sources. All of these materials demonstrate powerfully the extent to which Nazi ideology saturated German society in the 1930s.

With *The Nazi Conscience*, Claudia Koonz has produced a book whose significance extends well beyond German history and genocide studies. She demonstrates that civil liberties do not necessarily disappear on account of dramatic governmental pronouncements, nor do tendencies to exclude outsiders arise ex nihilo. Rather, these shifts occur incrementally as the result of everyday bureaucratic processes that appear to result from reasoned discussion and debate. In examining how National Socialism mobilized diverse media in diverse but quotidian institutional contexts to create a "community of moral obligation," she invites us to reflect on the highly relevant issue of the ways contemporary society demonizes, ostracizes, and excludes certain classes of people and how to this end, it mobilizes different kinds of discourses.

–Daniel H. Magilow

## ADVICE FOR THE PRINCE

David Rothkopf: *Running the World: The Inside Story of the National Security Council and the Architects of American Power*. (New York: Public Affairs Books, 2005. Pp. xix, 554. $29.95.)

After the Second World War, the United States faced a world that had been radically transformed. Much of Europe and Asia was in ashes and the multipolar international system had been replaced by a bipolar conflict between the United States and the Soviet Union. The United States led in the creation of international and domestic institutions to help manage the new situation.

Chief among the domestic innovations was the National Security Council (NSC), created by the National Security Act of 1947. Since its creation, the National Security Council has become the primary mechanism for planning and integrating the foreign and defense policies of the U.S. government. The NSC is more than its statutory principals (the president, vice president, secretary of state, and secretary of defense, advised by the chairman of the Joint Chiefs of Staff and the director of Central—now National—Intelligence); it includes a large staff headed by a National Security advisor with a varying degree of influence. Each successive president has shaped

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the NSC to fit his preferred style of leadership, and the influence of the NSC has waxed and waned as a function of presidential style, personnel, and events.

*Running the World* is a detailed and well-written history of the National Security Council from its origins until the present day. It is a fascinating account of the individuals that comprised the NSC and its staff and how their mind-sets and interpersonal relations affected U.S. government policy over the years. Those who are well aware of the postwar history of U.S. national security policies will still learn much about particular cases and powerful personalities behind the scenes. It is also a cautionary tale about the importance of the institutions that provide the setting and mechanisms for policy making and of the need to ensure proper checks and balances, lest these institutions lead to policies that are unwise or even disastrous.

The author was a deputy undersecretary of commerce in the Clinton administration. He is not an apologist for that administration, but he does not hide his point of view. The book is not scholarly in the sense of being dispassionate or value free, and there is a lot of the author in every chapter. Some may find the author's digressions and personal anecdotes irrelevant or even annoying, but they enliven the book and give it an informal style that helps to make it accessible to lay readers without extensive knowledge of foreign policy. The book has multiple audiences, including casual readers interested in foreign and national security policies, undergraduate and graduate students, and both policy makers and academics wishing to know more of the background of particular policies. Teachers will find the detailed vignettes of specific crises useful for their classes.

Several presidents come off especially well in Rothkopf's recounting. President Truman was praised, as expected, but so also was his successor. President Eisenhower was greatly underestimated at the time, but he had excellent organizational ability and was "thoroughly steeped in foreign policy and national security issues" (65). He favored formal procedures in the NSC and did not want to be presented with watered-down consensus recommendations. Wisely, he insisted that intelligence analysts should not be "dominated by policymakers" (75), but rather should serve as independent advisors.

Richard Nixon was undone by personal character issues, but he and Kissinger complemented each other and "were arguably the most influential U.S. foreign policy figures of the late twentieth century" (110). Of George H. W. Bush, Rothkopf wrote, "Experience matters, and few American presidents have come into office so well prepared to shape America's foreign policy" (260). The first Bush administration received high marks for sound organizational processes and wise policies: "In the recent history of U.S. foreign policy, there has been no president, nor any president's team who, when confronted with profound international change and challenges, responded with such a thoughtful and well-managed foreign policy operation as George Herbert Walker Bush" (261).

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Other presidents did not fare so well, particularly the Johnson, Reagan, and second Bush administrations. The second President Bush was portrayed as dominated by a strong-willed and bureaucratically ruthless secretary of defense and a vice president with unparalleled influence on policy. The subsequent tilt resulted in the errors of U.S. policy in Iraq. If the Clinton administration was arguably too introspective at the expense of needed action, that is not the case for the second Bush administration. The author wrote, "One gets the sense that for them introspection is akin to indecision, that it is seen as a sign of weakness" (447).

The record of any administration will be mixed. For example, President Kennedy badly mishandled the Bay of Pigs, in large part due to his dismantling of the Eisenhower NSC process which might have prevented it, but performed admirably in the Cuban Missile Crisis. In the author's words, "Kennedy believed in the power of brilliant minds. But brilliant minds without experience were not enough" (90). President Carter had successes such as the Panama Canal Treaty and the Camp David peace accord between Israel and Egypt, but he was ineffective in dealing with the Iranian hostage situation. Procedurally, his administration was wracked by splits between National Security Advisor Zbigniew Brzezinski and Secretary of State Cyrus Vance, and the president was so detail oriented that it affected policy making adversely. The important role of Vice President Walter Mondale was the precursor of the much greater power of current Vice President Richard Cheney.

With the end of the Cold War, traditional international threats are now supplemented by transnational and subnational ones. So far the U.S. response has not been effective, he argues. In particular, it is not helpful to have a "conviction ... that it is our moral duty and our strategic need to change the world to fit our vision of it" (397). The internationalist, well-integrated, and thoughtful approach to changed international circumstances that marked the origins of the NSC is not enough in evidence. What is needed is "a functioning, efficient national security structure to serve not only the elected presidents of the United States but also the people who elected them" (441).

The lesson for presidents in setting up a national security policy structure to be run by fallible and imperfect human beings is that organizations and procedures matter. They provide the context of the interactions of the policy-making process and shape its rationality and effectiveness. "Rigidity, certainty, and lack of questioning from advisors are as deadly to leaders as indecision or corruption. That is also why we need checks and balances in the system—within and beyond the executive branch" (470). The National Security Council can still be an effective central mechanism for planning and coordination, and those who must deal with this new strategic landscape will benefit from Rothkopf's detailed history of its operations.

–John Allen Williams

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## SCHOLARSHIP AND POLITICS

Cary Nederman: *John of Salisbury.* Medieval and Renaissance Texts and Studies, volume 288. (Tempe, AZ: MRTS, 2005. Pp. 100. $15.00.)

John of Salisbury (1115/20–1180), author of the *Policraticus* (1158), is one of the shining lights of the so-called Dark Ages, but most of us remain in the dark as to his achievements. He was not only a person of remarkable intellect, writing several important works while pursuing a career as a church politician and diplomat, he was, in fact, in no small way one of the political and religious giants of the twelfth century. He studied with Peter Abelard and Gilbert of Poitiers. Sometimes colleague and defender of St. Thomas Beckett, the most celebrated of his contemporaries, John was intimately involved with the church-state controversies of Henrician England. He served bishops and popes, was a cohort of the famous, intimately involved in the great moments of the day. But for all this, John of Salisbury is something of a puzzling figure. We know him regrettably chiefly as the father of the body politic metaphor of the Middle Ages and as an alleged proponent of regicide and not as the intellectual force he truly was.

This new study of John, the first truly authoritative one in half a century, will help us immeasurably to understand better the puzzle, for though historical evidence is not always forthcoming, it manages to assemble all the pieces of the puzzle and, moreover, provides us with a good idea of how these pieces fit together. Cary Nederman, author of numerous articles on John of Salisbury as well as editor and translator of the Cambridge Texts edition of *Policraticus* (1990), is a welcome choice for this task. He has written widely on medieval political thought and has distinguished himself as an expert on the Middle Ages and the Early Modern period. His work on Marsilius of Padua is considered seminal for modern scholarship.

At the outset of the study, Nederman describes the shadowy terrain of John's life and career with its many "lingering dilemmas" (2). He proposes to consider five major concerns of the scholarship in order to resolve some of the confusion surrounding John of Salisbury's life and career. First, there has always been the question of John's writing career. When did this busy man find the time to write, and what were the circumstances of the composition of his two most renowned works, *Policraticus* and *Metalogion*? Second, given in particular that *Metalogion* is a work dedicated to learning and education, what did John think of his teachers, many of whom were embroiled in the controversies of the twelfth century? Third, what was John's relation to Beckett? He served as his secretary, he defended him in his conflicts with Henry II, and he was instrumental in Beckett's canonization, but how close were these two men? Fourth, what do we know of John's life after the great calamity of Beckett's assassination? Finally, how ought we to reconcile John of Salisbury, man of letters, and John of Salisbury, active churchman and politician?

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Nederman divides his book into two parts. The first part is a careful account of John's life and career, his schooling in Paris, his tenure with Archbishop Theobald of Canterbury, his involvement with Thomas Beckett and the crisis of church management between Beckett and King Henry, and his final years. The story is told with meticulous care, utilizing all of the current scholarship and generously dipping into the letters that are available. In the process, Nederman addresses several of the major concerns he has outlined. Beckett was not an "intimate" associate of John's (15–16); though the calamitous events threw them together for perhaps the most momentous time of both of their lives, John of Salisbury probably was more loyal than devoted. But after the Christmas murder of Beckett in 1170, John did commit himself to the canonization of Thomas. Certainly of more interest to scholars is Nederman's careful laying out of the composition of the *Policraticus* and the *Metalogion* (23–28 and passim). Two significant details of the Salisbury story are underscored: John was not an ivy tower author, and the composition of both works are, in some sense, grander projects than we have yet come to realize.

The second half of the book consists of analyses of John's writings. The *Policraticus* and *Metalogion*, of course, receive the most attention. *Policraticus* with its famously controversial discussion of tyrannicide is very nearly singly responsible for John of Salisbury's reputation as a political thinker. And though Nederman thoroughly vets John's views on the question of tyrannicide, he also reminds us of the richness of the text and locates it in the classical tradition to which it owes so much. Regarding the controversy over John's views on tyrannicide, he is perfectly clear; John did support the action theoretically and practically (for an expanded version of Nederman's argument see his "A Duty to Kill: John of Salisbury's Theory of Tyrannicide," *The Review of Politics* 50 [1988]). No wonder Henry II often found John less than a desirable subject. Killing off a rogue ruler, however, is far from the point. According to Nederman, John's theory is generic; his opposition is to all types of despotism—private, public, political, and religious (60). What may be overlooked, however, is that the key to understanding John's political thought is his whole-hearted endorsement of the idea of community. It is paralleled dramatically in the organic metaphor of the body politic, which is distinguished from other conceptions of the political by its inclusion of all members of society.

The *Metalogion*, John's other major work, is partly a reminiscence of John's own education, his teachers, and their teachings and partly a study in philosophy and the use of education. Supposedly, according to John's subtitle, it is a defense of logic and the verbal arts. But, as Nederman shows, this treatise on logic and its place in education is as much rumination on the inclusive notion of the body politic as a discussion of learning. "Human sociability," Nederman tells us, "depends on the confluence of reason with speech a case John elaborates in typically Ciceronian fashion" (69). The circle closes: John of Salisbury is a man of practical politics but also a scholar with interests in

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the pursuit of higher learning. Nederman's *John of Salisbury* will be a staple of medieval scholarship for years to come. The second imprint needs to correct the confusion of mistaken pagination, and it is regrettable that the study does not allow space to capitalize fully on the author's many useful insights. But we must all be grateful that finally there is a benchmark work on one of the major lights of the twelfth century. Nederman has assembled more than the pieces of the puzzle; through a comprehensive use of current scholarship and original sources (his mining of Salisbury's letters is most notable), he has brought together a wealth of learning and provided us with an up-to-date understanding of the founder, no doubt, of medieval political theory.

–Dennis Wm Moran

## BRIDGING THREE WORLDS

G. E. R. Lloyd: *Ancient Worlds, Modern Reflections, and Philosophical Perspectives on Greek and Chinese Science and Culture*. (Oxford: Oxford University Press, 2004. Pp. 220. $44.95.)

G. E. R. Lloyd is one of few comparative philosophers capable of focusing on ancient Greece and ancient China, thanks to his language skills and incredibly broad knowledge of both. This book is composed of thematic essays based on his decades-long comparative work. What brought him, as a philosopher of science, to political theory is his understanding that "the development of generalized skepticism and of critical inquiry directed at fundamental issues in science can most likely be explained by the social and political context of ancient Greece" (*Magic, Reason, and Experience* [1999], 232). In a similar vein, this book aims at (1) finding a reliable methodology for comparing spatially and temporally different worlds' philosophy and (2) drawing some relevant lessons for the modern world's vital political issues from two fertile philosophies of the ancient world, in ways that go beyond modern political theory, which is dominated by diverse liberalisms but also in many senses deadlocked. Effectively avoiding orientalistic methodology, Lloyd's ultimate end is to bridge three different worlds: ancient Greece, ancient China, and the modern world (Western, not East Asian).

Lloyd begins with a fundamental question: "Is there science"—in our modern view—"in the ancient world?" (12). Yes, because science is defined by its aims and goals to understand the world (truth), not by achieving its results by advanced technological means (*The Delusions of Invulnerability* [2005], 23). He questions two extreme methodologies used to dismiss comparative philosophy: the concept of truth as correspondence (universal realism) and of truth as coherence (relativism). The first approach can be overcome by taking note of interworlds and respective internal differences (29). The second is met by denying linguistic and cultural incommensurability

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across the worlds (40). The distinct mathematical paradigms of the ancient worlds of thought refute excessive universalism. "In China, the goal was not axiomatic-deductive demonstration, but to grasp the general principles and persistent patterns that run through and link the whole of mathematics" (29). Lloyd's convincing analysis of scientific taxonomy rejects the cultural relativist's claim about the incommensurability between scientific activities of different societies (80). His methodology pursues a middle ground between relativism and universal realism, arguably, historical research with commensurable languages.

This methodology also enables Lloyd to illustrate a relationship between science and politics in two ancient societies. In China, scientific research aimed at political legitimacy of the imperial court and the collective harmony of a unified society under the heaven. It secured governmental patronage of scientists. Meanwhile, their Greek counterparts dedicated themselves to promoting their personal and their independent city-state's superiority over others (34). The Chinese thinker obtained privileges by getting attention as a social harmonizer from the royal court (72–75), the Greek by debating and demolishing rivals in public competition in the law courts, political assemblies, and the Olympic or other pan-Hellenic games (34, 58, 71). "Again, Greek intellectuals, in their competition with their rivals, strove to secure certainty and eternal truths. Conversely, interdependence is not just a key motif in Chinese notions of categories in general, but also an expressed ideal for social relations . . . in every context" (117).

Lloyd's second major theme is the lessons for today from the study of ancient societies. He criticizes the commoditization of university education and its focus on vocational training. These practices suffocate education as a means to understanding basic human values and our world, goals for which its ancient Greek and Chinese counterparts yearned (152). He recommends the Chinese recognition of human interdependence (160), in understanding human nature and formulating universally applicable human rights, as a complement to the modern Western stress on independence. Confucian humanness embraces all human beings as those who share moral potential. Thus, human rights should be based less on aggressive individualistic citizenship, an attitude which would be condemned by Aristotle, Confucius, and Xunzi (165–66). Last, he argues that problems of voter apathy and the distorting effects of pressure groups in domestic democracy might be solved by replacing the notion of a right with that of obligation to perform the role of citizen for the welfare of all under the heaven (179). Dysfunctional international democracy does not need an idealistic appeal to people's altruism but to their sense that their own egotism cannot deliver essential goods such as peace (183).

Lloyd's biggest contribution is the development of a reliable methodology to compare two ancient civilizations. His impressive use of two ancient civilizations' history of science and culture convinces readers to accept the limitations of realism as well as relativism. His ambitious attempt to draw philosophical potential from the ancient worlds should stimulate political theorists, especially

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liberals in Western academia, who clearly need new or overlooked sources to get through the stalemates in which they find themselves. In this sense, he is similar to other comparative political theorists like Daniel A. Bell and Hahm Chaibong (*Confucianism for Modern World* [2003]). In addition, one crucial contribution to Chinese political theory literature in the West is his interest in the relatively overlooked Confucian philosopher Xunzi (59, 105), who is a crucial figure in the formulation of legalistic Confucianism.

But the book has clear methodological weaknesses. These come from two sources: (1) the methodology of grand comparison skips all of history between ancient and modern times; and (2) it overlooks internal differences in each civilization despite Lloyd's acknowledgement that these exist. These flaws lead to a series of simplifications. For instance, his summary of the Chinese political ideal, "There was, I said, never any question, in pre-modern China, of any other ideal than that of the benevolent rule of a wise monarch" (164, 72), is definitely problematic. Although premodern China did not have an alternative to benevolent monarchy, numerous Confucian and non-Confucian political theorists not only had a variety of conceptions of the role of the rulers (kings and scholar-officials) but also repeatedly redefined and reinterpreted the virtue of "benevolence" (*ren*) over the last two millennia. Accordingly, Lloyd does not or cannot recognize that Confucianism is not just a political theory of an idealistic benevolent ruler but also that of practical and brutal realpolitik governance: Legalistic Confucianism—an amalgamation between Confucianism and legalism, which stemmed from Xunzi—had competed with classical and neo-Confucianism.

The limitation of the work's thesis for modern reflection is also clear. Lloyd cannot go beyond pointing the right direction. As he admits (184), his normative solutions to modern world's bleak realities are not likely to resonate with the self-interested style of modern politics. They might make the general public nod but not persuade political theorists and scientists, who pursue more empirically grounded arguments with critical evaluation of established literature and try to draw policy implications. Moreover, Lloyd's target audience is primarily citizens in Western (or westernized) developed democracies. His arguments apply less to nonwestern developing democracies and other nondemocracies. The three worlds in his view are ancient Greek, ancient Chinese, and the modern Western world. But what about East Asian and other modern civilizations?

To be sure, this book is an outstanding introduction to Lloyd's lifetime project, comparative philosophy. However, it should be embraced as a methodological guide for comparative political theory rather than as an empirically sound normative argument. His "ambition to use history to help resolve the philosophical problems associated with the dichotomies of realism and relativism, objectivity and constructivism, truth as correspondence and truth as consistency" (11) could be shared with many political theorists to solve our political *problématiques*.

–Wooyeal PAIK

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