

citizens who must engage in lobbying and coalitional politics into subjects who need merely file petitions. The authors conclude with two brief chapters on foreign policy and on the inception of the National Performance Review in 1993. Overall, “[s]elf-government is not possible without the ability to understand the threat of dangers such as seeking immediate gratification of preferences at the expense of the long-term interests of society” (p. 146).

The authors of *The Deconstitutionalization of America*, then, would seem to favor what Federal Appeals Court Judge Douglas Ginsburg has called the Constitution in Exile. As described by Jeffrey Rosen (“Supreme Mistake: How the Election Affects the Court,” *New Republic* 231 [November 8, 2004]: 18–23), the expansive interpretation of Congress’s power to regulate interstate commerce that began with the New Deal has until recently been too deferential to the regulatory state. A revival of the Constitution in Exile would reemphasize federalism and resurrect constitutional limitations on the regulatory state. Barrus et al. make a provocative case for a constitutional interpretation that limits even majoritarian governmental power.

I wonder, however, whether a newly ascendant Constitution in Exile, or something like it, would truly serve their purpose. First, as Madison explains at length in *Federalist* #10, it is not simply national majorities but also—and especially—local majorities that may seek immediate gratification and threaten liberty. If government is overly responsive to popular opinion, altering the locus of decision making may simply render government responsive to a *different* popular opinion.

Second, if devolving more authority to local majorities may help to preserve an American way of life whose weakening the authors deplore, who has the authority to decide what this way of life comprises in substance? Are greater reproductive and expressive freedom and greater protection for minority religious viewpoints truly in conflict with the American way of life? Michael Walzer has argued that the nature of political society is not fixed at one moment in time, but instead emerges as the product of ongoing negotiation, which over time represents “the gradual shaping of a common . . . political life” (“Response to Kukathas,” in Ian Shapiro and Will Kymlicka, eds., *Ethnicity and Group Rights: Nomos XXXIX*, 1997, p. 108). In my view, continuing discussion and debate about what is constitutive of the American way of life is central to our common purpose. Therefore, I agree with the authors that the common good cannot be defined simply by an accumulation of satisfied individual and group claims. Making claims, however, may be a legitimate vehicle for entering into productive debate.

Finally, I would like to suggest that citizens are politically engaged not only when they lobby and form coalitions to influence the making of public policy, but also when they indirectly through the courts engage in debate about what constitutes the American way of life. Sanford

Levinson, for example, suggests that supporting the Constitution “commits me not to closure but only to a process of becoming and to taking responsibility for constructing the vision towards which I strive, joined, I hope, with others. It is therefore less a series of propositional utterances than a commitment to taking political conversation seriously” (*Constitutional Faith*, 1988, p. 193). I share the authors’ desire that public policy not be grounded simply on the desire for immediate gratification. They have mounted a persuasive defense of one way of avoiding this outcome. Although I may disagree that rolling back the regulatory state is the proper way to accomplish it, taking political conversation seriously is a commitment on which I am sure that we all agree.

The Law Most Beautiful and Best: Medical Argument and Magical Rhetoric in Plato’s *Laws*. By Randall Baldwin Clark. Lanham, MD: Lexington Books, 2003. 192p. \$55.00.

A Journey into Platonic Politics: Plato’s *Laws*. By Albert Keith Whitaker. Lanham, MD: University Press of America, 2004. 254p. \$39.00.

— Michael S. Kochin, *Tel Aviv University*

Plato’s *Laws*, his longest and most comprehensive work on politics, is a conversation about the purposes and limits of legislation among three old men: an Athenian Stranger, Megillus, a Spartan, and Kleinias, a Cretan. The three speak while ascending to the cave-shrine of Zeus where Kleinias hopes to receive the blessing of the god for his appointed task of drawing up a law code to govern a new colony. Until recently, the *Laws* was very little read, and there is still relatively little useful secondary literature on it, especially when compared to the ocean of scholarly treatments available on the far better known *Republic*.

Albert Keith Whitaker and Randall Baldwin Clark write from similar perspectives but with very different purposes. Whitaker’s book is primarily a contribution to pedagogy: a guide to Plato’s longest and most comprehensive work for beginning undergraduates. Clark’s is primarily a contribution to scholarship: Clark puts Plato’s arguments about persuasion and compulsion in the context of Greek medical, magical, and rhetorical writings. Both books approach Plato’s *Laws* with an orientation determined by Leo Strauss (*The Argument and the Action of Plato’s Laws*, 1975) and Strauss’s student Thomas Pangle (*The Laws of Plato*, 1980). Both writers interpret not only the arguments of the principal interlocutor of the *Laws*, the Athenian Stranger, but also take note of the way those arguments are shaped to respond to the Athenian’s two elderly conversants. For both writers, Plato is not a political idealist, neither in the *Laws*, with its second-best regime of private families, private property, and the rule of law, nor even in the *Republic*, in which Socrates propounds a best regime of communism of the

family and property ruled over by philosopher-kings. For both Whitaker and Clark, as for Strauss, Plato is a critic of the thoroughgoing application of ideals to politics. Yet both of these books dissent from the rationalist ethics upheld by Strauss and (more explicitly) Pangle. Whitaker's and Clark's Plato is not only a critic of the aspiration to rationalize political life; he is also a critic of the individual's aspiration to rationalize his or her own life.

Whitaker's handbook is organized according to the 12 books of Plato's *Laws*, with highly valuable study questions and an outline appended. The result is not *Cliff's Notes*: Whitaker does not aspire to give his readers a readily digestible big picture, but he does the more useful work of pointing the committed student to the major turning points of Plato's argument. Whitaker's work would make it possible to teach the *Laws* to first-semester undergraduates, though the book is priced about triple the cost of the usual such supplementary text.

Despite its form as a commentary, *A Journey into Platonic Poetics* does present an overarching argument. Whitaker begins by repudiating reason as the sole or principal guide to human life; reason, in his view, can do no more than assist us in sifting the traditions that we have inherited from our fathers and mothers (pp. ix–x, cf. 193–95). Thomas Paine and Ronald Reagan notwithstanding, we do not have it in our power to begin the world all over again. Whitaker accepts the initial and fundamental claim of Plato's *Laws* that the rule of law requires religious sanction and the proper regulation of religious life. He is committed either to the notion that theocentric politics is possible for us—or even less plausibly, that there is no major difference between Plato's speakers' quest for a divinely supported law and our contemporaries' quest for a law authorized by some combination of secular naturalistic reason and popular consent.

Whitaker therefore rejects the rationalist Plato of Strauss and Pangle and their acceptance of the Socratic "paradox" that virtue is knowledge and vice, ignorance. This is not unrelated to Whitaker's other principal departure from Strauss and Pangle: His claim that the philosopher—the one who would subject every aspect of his or her life to rational criticism—is required in virtue of his or her activity as a philosopher to seek to better the community in which he or she lives (pp. 150–51). Strauss and Pangle, for their part, contend that the philosopher seeks primarily to better his own life, and acts to reform the community only insofar as is necessary to secure or improve the conditions for philosophizing. As Whitaker puts it: "If a philosopher believed that all men pursue only their self-interest [as they understand it] . . . then his desire to 'cure' his fellows—beyond his wish to avoid harm from them—would make no sense" (p. 159).

Perhaps the most striking bit in Whitaker's commentary is when he contrasts the Athenian Stranger's three accounts of education (pp. 24–30). Is education learning

to live with one's fellow citizens in the best way possible, learning to love and hate the pleasures and pains that ought to be loved and hated, or learning to delight in or be pained at that which our law teaches ought to be delighted in or ought to be pained at? He attempts to harmonize the three accounts by positing the possibility of a best law under which one could be a perfect citizen (p. 29). Yet in the light of the critiques of the rule of law in Plato's *Statesman* and *Laws*, one wonders if in order to appreciate fully the seeming differences between these accounts, one must be both less sanguine about the possibilities of law and more sanguine about the possibilities of reason than is Whitaker.

For Clark in *The Law Most Beautiful and Best*, the *Laws* is not a defense of adhering to the wisdom of the fathers but a dialogue with the old, intended to be overheard by the young (pp. 8–9), in which the rightful authority of the paternal, of the aged, of the revered, is shown to be much less than the old would believe. In speaking to the old, the Athenian Stranger adopts the language of therapy, Clark shows, not only the rationalistic language of Hippocratic medicine but also the magical language of apotropaic wizardry, and the priestly language of prayer and sacrifice for the sake of bodily or mental cures. Plato's Athenian Stranger sophisticates the rationalist prescriptions of the Hippocratics with the charming language of witches, root-gatherers, priests, and Gorgianic orators. Plato thereby indicates the need to supplement the rational inquiry into the nature of human bodies and the natural forces that impinge on them with the dubious arts of wizardry or rhetoric in order to secure compliance with law. As Clark puts it, speaking in terms of the Athenian Stranger's therapeutic analogue to politics: "Because the sick are resistant to force but incapable of reason, they can only be healed by doctors whose words resemble reason even as they partake of force" (p. 133). Coercive law is needed, Clark's Plato shows, insofar as human beings are incapable of appreciating or accepting the reasons behind the law. Yet since law as such must be general, willing the sacrifice of some for the good of others, and occasionally sacrificing the good of some for the sake of a general and unchangeable legal formula, one must keep in mind the disanalogy between legislators who look out for the whole citizenry and physicians whose concern is solely for the well-being of their individual patient (see my "Plato's Eleatic and Athenian Sciences of Politics," *Review of Politics* 61 [1999]: 57–84, esp. 79–80). For Clark, the rational inquiry into nature requires the assistance of magic, drugs, and rhetoric to stabilize politics because the soul, on which speech impinges, is not natural but other than, and potentially defiant of, nature, even as Socrates' prescriptions for communism of the family and of property in the *Republic* are not natural but prescriptions for the freedom of the rational soul to impose rational order on nature (pp. 90–91, 93).

While both books engage with a fair range of scholarship (Clark's more formally and fully than Whitaker's, in keeping with their distinct aims), neither makes reference to the massive and complex work on the *Laws* by another of Strauss's students, the late classicist Seth Benardete (*Plato's Laws: The Discovery of Being*, 2000). Nor does either book make real use of the most valuable recent work on the *Laws* outside of the Straussian orientation, the series of papers by André Laks (including "The Laws" in the *Cambridge History of Greek and Roman Political Thought*, 2000; and "Legislation and Demiurgy: On the Relationship Between Plato's *Republic* and *Laws*," *Classical Antiquity* 9 [1990]: 209–29). Nonetheless, both books, like the text they exposit, open the reader up to fundamental philosophical questions about the relation between soul and body and the place of human beings in the natural order. Both discuss the ways these questions erupt into our life together in the interaction or conflict between social norms and the "erotic necessities" of sexuality (homo- as well as hetero-). Whitaker, in addition, shows how for Plato, political life must not only contain within it a view of the divine; at its highest, it makes possible the rational inquiry into the divine, or divine science. It is the very distance between that understanding and our own that threatens, despite the efforts of Whitaker and Clark and the labors of those scholars who preceded them, to make reading the *Laws*, for all the book's manifest difficulties and hidden beauties, no more than antiquarian tourism.

Deliberative Democracy and the Plural Polity.

By Michael Rabinder James. Lawrence: University Press of Kansas, 2004. 240p. \$35.00 cloth, \$17.95 paper.

— Simone Chambers, *University of Toronto*

Michael Rabinder James addresses one of the most pressing problems facing liberal democracies: how to deal fairly and justly with group conflict and identity-based political claims. Although a normative theorist at heart, James understands the problem as both a question of stability and of justice. Prudence can tell us that reducing antipathy and mistrust between groups is a good thing, but in reducing tensions between groups, we also need to be sensitive to the legitimate claims and calls for justice on behalf of groups. His normative approach is refreshingly pragmatic and empirically well informed. But as mentioned, he is at heart a normative theorist, and at the heart of this book is a normative concept of deliberation that focuses on the way dialogue and conversation between groups can promote mutual understanding, reduce tension, enhance stability, and address deep-seated justice claims.

The first step in negotiating the treacherous terrain of identity politics is to foster understanding between groups. Understanding, or what James calls deliberative reciprocity, is a prerequisite to legitimate and stable conflict and

dispute resolution. At the most general level, his concept of deliberative reciprocity does break new ground within the now very large field of deliberative democracy. Where *Deliberative Democracy and the Plural Polity* makes its mark is in fleshing out both the conceptual and institutional infrastructures necessary to be able to understand and explain when, where, and why deliberative reciprocity is likely (or unlikely) to take place. Here James has something new to say.

In the first place, the book brings together an impressive array of literatures. Not only does James straddle a number of divides within political theory by covering identity theory, deliberative theory, justice theory, and rational choice theory but he also introduces the empirical research analysis of comparative politics and electoral and public opinion research to the mix. Although deliberative democratic theory is becoming more concrete and focused on intuitional and policy design, it is rarely well versed in empirical research. James uses empirical research to great effect in his analysis. The book is both rich in empirical detail and effective in integrating theoretical models, such as empirically based models of identity construction, with normative theory, for example, justice between groups theories. But more generally, the empirical component is used to highlight the complexity of real world cases and the ways in which contemporary normative theory has failed to address that complexity.

There are three areas in which James argues that deliberative democratic theory, in particular, has failed to acknowledge dimensions of complexity that have significant impact on the prospect of deliberation. The areas in question are identity formation, motivational and incentive structures, and electoral design. When one tries to think through the possibility of groups addressing their differences and resolving their conflicts through deliberative procedures, each of these dimensions can introduce complicating factors that must push the theorist into an ever-narrower contextualist approach.

With regard to identity politics, James insists that it is impossible to generalize about the nature of group identity and the justice claims that can be sustained by that identity. No two identity-based claims are identical because no two identities are identical. People gain, reject, adopt, inherit, and are saddled with identities in many different ways. Although he appeals to four general empirical models of identity formation, even within these categories there is a great deal of variation. As an illustration of complexity, James discusses four American "identities": Native American, Asian American, Hispanic American, and black American. The literature appealed to here is very broad and the discussion very rich. He concludes that political claims that emerge from these identities must be evaluated on a case-by-case basis but within an overarching framework of fair deliberation, or what he calls plural deliberation. Indeed, while appealing to broad procedural