

Rawls contributes to this confusion, Cohen argues, through the constructivism he regards as the correct way to identify principles of justice. The constructivist identifies justice with the overall principles of social regulation that would be chosen under the appropriate set of circumstances (i.e., Rawls's original position). But this method systematically runs together justice with all the other desirable features a society might have. It also runs afoul of certain basic intuitions about justice. Suppose, for example, that a new economic system was devised that made it possible to maintain the efficiency benefits of free-market capitalism but with much less inequality. Most egalitarians would surely say that the resulting new society was more just than the old. But if both societies were the best that could have been achieved under their respective circumstances, Rawls's constructivism would have to pronounce both societies equally just (p. 312).

If Cohen is right, then justice may be, as Rawls famously wrote, the first virtue of social institutions. But it is not their *only* virtue; arguably it is the first virtue among equals, but this privileged status does not grant it priority over all others, as Rawls suggests (Cohen's second point). Justice also is not *only* the virtue of social institutions; it is also an important virtue of individual behavior, and for precisely the same reasons (Cohen's first point). Both of these points, Cohen believes, tighten the relationship between justice and equality. Elsewhere, Cohen has defended a strongly egalitarian conception of justice, according to which all arbitrary differences between individuals (such as genetically based differences in talent) become irrelevant to the proper distribution of goods (a position known as *luck egalitarianism*). This conception permits few economic inequalities, except for limited ones based upon effort and sacrifice (plus potentially a few other factors, such as need). This position comes across as implausible, he argues, because high levels of equality seem unrealistic. But this complaint either mixes the principles of justice with other principles (usually efficiency) or subsumes under them various concessions that justice must make to a very imperfect human nature (again, usually in the name of efficiency). Once this fact is recognized, it becomes possible for justice to stand alone and make its demands uncompromisingly, even if those demands are never fully realized. It will then become much easier to imagine justice's demands to be strongly egalitarian ones.

If someone were to say that all political philosophy since 1971 has simply consisted of a series of footnotes to Rawls, I doubt that Cohen would object. But this fact does not minimize Cohen's accomplishment. It is no doubt true that progress in the study of justice requires that respect be paid to *A Theory of Justice*. But now, respect must be paid to *Rescuing Justice and Equality* as well.

**Aquinas and Modernity: The Lost Promise of Natural Law.** By Shadia B. Drury. Lanham, MD: Rowman & Littlefield, 2008. 224p. \$75.00 cloth, \$26.95 paper.

**Sovereignty: God, State, and Self.** By Jean Bethke Elshtain. New York: Basic Books, 2008. 334p. \$35.00. doi:10.1017/S1537592709990089

— Timothy Fuller, *Colorado College*

In his widely discussed *A Secular Age* (2007), Charles Taylor poses the question of modernity this way: If in 1500 it was virtually impossible not to believe in God, how has it come to be five hundred years later that belief in God is optional? The two books reviewed here illustrate a division of opinion that characterizes the division among us to which Taylor refers.

Jean Bethke Elshtain's *Sovereignty* offers an historical account of the movement in thought from medieval to modern times. Elshtain speaks as a Christian thinker in the reformed tradition, but with respect for the medieval heritage. She does a fine job explaining the historical transformation in order to understand the way we live now. Shadia B. Drury's *Aquinas and Modernity* is a brief against the Catholic Church, if not against orthodox Christianity altogether, and especially against St. Thomas Aquinas for diverting us from the path of human progress by distorting the true meaning of the natural law tradition, perhaps even the true meaning of Christianity itself. Drury has made her reputation accusing Leo Strauss and "Straussians" of perverting the natural law tradition and fostering the derangement, as she sees it, of American politics. She now broadens her efforts to identify Aquinas as the main culprit.

Elshtain examines the idea of sovereignty as its location transfers from God to the state to the self. She takes up the perplexing question of God's omnipotence and rehearses the arguments over whether to emphasize God as Logos or as Will: "Is God a law unto himself such that he can make and unmake at will?" (p. 20). Is God's power bound—*potestas ordinata*—or is God's power unbound—*potestas absoluta*? Is God reliable in being bound by what he has already created, insuring a consistency and predictability to our world, or is he willful, liable at any moment to suspend or alter everything? To the extent that the latter view came to dominate, to that extent God came to seem fearful rather than reassuring, prompting efforts to construct enclaves of order in the midst of potential chaos.

The emergence of nominalism prepares the way. With Duns Scotus and William of Ockham, "the will or *voluntas* moves to center stage" (p. 26). And with post-Ockham theology, "God is less frequently represented as the fullness of reason and goodness than as the site of sovereign will" (p. 27). By contrast, in Thomism, "God never acts in capricious ways. God is not primarily a *voluntarist* sovereign who can do what he pleases, but the

good God of Augustine and Aquinas, motivated by the fullness of love” (p. 35). The God of will leaves us doubting if we can think God’s thoughts after him. Must we wander in the dark trying to make the world intelligible to ourselves? Does law emanate from principles established by reason, or is law the command of a sovereign will? This dispute over the source of law had profound implications for modern political thinking. “If God acts outside his laws, can an earthly sovereign act outside the laws of the polity? Yes say the nominalists” (p. 38). Hobbes was “the greatest of the postmedieval nominalists.” For Hobbes, “neither reason nor nature gives any guidance about what is good and evil” (p. 110). An uncontrollable deity suggests an absolute sovereign who will define good and evil by an arbitrary act, providing an order, nonarbitrary only in its internal consistency, where before there was none. This “mortal god” establishes the analogy of the earthly sovereign to the divine will. The state is the artificial device with which to fend off the consequences of an unpredictable universe. Aquinas denied sovereignty in this sense to any earthly institution since for him, the natural law was the human sharing in the divine mind in a cooperative participation in the rational order of the cosmos. Human law was to be made by those entrusted with authority to do so in a responsive orientation.

Elshtain then extends her thesis: “As sovereign state is to sovereign God, so sovereign selves are to sovereign states” (p. 159), extending the idea of will to every human being, in principle. The result in modernity is to experience oneself as a will willing in opposition to God’s will. God, instead of supporting human dignity, threatens human dignity. The mortal god of the state is also a threat, encouraging radical selfhood in rebellion against the state as well. This oppositional self finds itself threatened at every turn by exercises of will not of its own making. Among Elshtain’s examples are radical feminism, the advocacy of birth control, and abortion, reflecting the quest for self-sovereignty to undermine residual forms of “control,” the ultimate goal of which is to eradicate the distinction between “men” and “women” in favor of an androgynous existence involving the equalization of all wills.

Against this, Elshtain proposes the “responsible self,” the self that acknowledges implication with other selves and seeks a “dialogic relation” to others, a self that tempers the demand for self-sovereignty, that seeks to turn the so-called curse of others into the blessing of human community. She wants a fruitful coalescence of the ancient heritage with the modern, asking us to recognize our dependency on our predecessors and to rediscover resources that radical modernity obscures.

Drury urges us to get over mindless veneration of the past, which promotes antiquarian, reactionary politics, nostalgia, and longing for a golden age. Elshtain’s dialogue with the premodern world is conversational and

respectful; Drury’s is “agonal,” vitriolic, and judgmental. Drury distinguishes bad Christianity—by which she means the Christian tradition of the West—from her preferred, but unrealized, form: “The Catholic Church chose to be the heir of the ideas of Saint Ambrose, Saint Jerome, Saint Augustine, and Saint Thomas Aquinas, but it rejected the magnanimous interpretations of Origen, Pelagius, Jovinian, Erasmus, and Arius” (p. xxii). Her speculative alternative supposedly would have moralized the West and purified its politics. How Arian Christianity, had it prevailed, would affect the foreign policy of the United States (one of her main targets for criticism) is not explained. The gist of her argument is that the West should have been something other than what it has been. The church rejected the best and chose the worst. Whereas Elshtain thinks that there is much to be learned by recovering the tradition, Drury thinks that we retain too much of it and need to supersede it. In particular, Aquinas perverted natural law, and the promise of natural law was lost.

This bad tradition diverts us from secular humanism and, thus, from willing the alleviation of pain and suffering. Whether this is true depends ultimately on evidence to support such an allegation. Has any historic organization made greater commitment in practice to alleviation of pain and suffering than the Catholic Church? Drury’s interest is to deconstruct an ideal type of nefarious Christianity. Thomas Aquinas and the Catholic Church are distinguished by the fact that their influence for the bad is far more extensive than anything coming from Strauss. Moreover, the neo-Thomist thinkers of our time—Étienne Gilson, G.K. Chesterton, Frederick Copleston, Alexander Passerin d’Entreves, Jacques Maritain, Josef Pieper, Yves R. Simon, and more—“are uncritical admirers who are blind to the shortcomings of Aquinas’s political philosophy” (p. xxiii). Drury will liberate natural law from Thomas and from the blind Thomistic tradition: “Aquinas was blind to the horrors of theocracy. As a result, he failed to use his doctrine of natural law to restrain the excesses of faith. . . . Instead of making the natural law the cornerstone of his political philosophy, he advocated a politics of salvation with its attendant atrocities. In doing so, he contributed to the church’s criminal history, her worldliness, and her obscene arrogance. As a result, the promise of natural law was lost . . . . I will show how Aquinas betrayed the natural law on every count” (p. 8–9).

Elshtain and Drury reveal the deep division about what modernity is. For Elshtain, modernity suffers from loss of the insights of premodern experience. For Drury modernity is a project to uncover the pathology of the premodern experience and eradicate its residual influence in our time. For her, the Catholic Church has hardly evolved at all since the thirteenth century. She puts Benedict XVI on the same level with Islamic terrorists. She

thinks that any sort of faith that challenges reason must end in tyranny. She asserts that “only religion can inspire good people to do terrible things” (p. 133). Only religion? Is that what the experience of the twentieth century teaches us?

The reader turns, then, with anticipation to Drury’s latter chapters to learn what the promise of her natural law is. It is a secular natural law theory that she opposes to modern and postmodern conventionalism, and legal positivism. It is a “minimalist” natural law, “compatible with the cultural variety and plurality of human life” (p. 138); it does not tell us what to do but restrains what can be demanded. She asserts, for instance, that natural law is compatible with diverse marital institutions, such as monogamy, polygamy, and polyandry. She wants a natural law that has both universality and the most extensive diversity of cultures and institutions.

Drury’s natural law asks of us only what we are in fact able to do (as she understands this). The “exalted” demands of the Christian tradition are “inhuman.” Justice must be appropriate to what human beings actually are. Yet she also asserts that human beings have an allegiance to truth and justice that transcends their allegiance to their society. That this universality can stand absent the Greek/biblical tradition of the West is simply asserted.

As is common in modern political philosophy, Drury retains a distinction between nature and human nature. What we are like by nature and what we imagine we can be in the moral sense require reconciliation. Drury wants to reduce the distance between ideal and reality in some sort of unified secular existence employing no coercive measures. The goal is for us to be nicer to one another. Tyranny, in this context, is the employment of the fear of punishment to enforce moral codes. She proposes what she calls “blissful goodness,” or enhancement of the natural desire to do what is good and right. The “natural tendency” to do what is right, coupled with the “rational tendency” to criticize existing arrangements, suggests collaboration among all peoples to harmonize the world. This is not a political world.

For Drury, the tyranny of compulsion or enforcement is the inheritance from Christianity that we must overcome. Her argument is profoundly apolitical, offering no discussion of the realities of political conflict. She is pro-Palestinian and anti-Israeli; she opposes the foreign policy of the United States, neoconservatism, and the “religious right.” The issue here is not that she holds these views, as many do, but that she implies that her minimal natural law theory would somehow mitigate the resort to force, or that regimes would have a change of heart. She blames Christianity for insisting on “human depravity,” but one has to wonder if the theology of “original sin” is the source of human conflict or is descriptive of the story of human history. It is as

if Christianity is nearly the sole cause of history’s deformation. But since she also says that “definitive moral truth is humanly unattainable and that disputes about the right and the good will be endless” (p. 159), it is not clear why invoking “natural law” adds anything to her optimism about the promise of secularism for the human condition.

Drury’s rejection of religion does not, however, induce in her skepticism about nature: “Nature provides not only the raw materials but also the goals. Reason and art must figure out how to cultivate kindness not cruelty, veracity not mendacity, tolerance not bigotry, courage not cowardice, knowledge not ignorance, and self-control not self-indulgence” (p. 167). This may be a worthy sentiment, but it promises far less than one might have hoped for. Elshstain’s analysis offers greater insight.

**Democratic Professionalism: Citizen Participation and the Reconstruction of Professional Ethics, Identity, and Practice.** By Albert W. Dzur. University Park: Pennsylvania State University Press, 2008. 288p. \$55.00.

**American Pragmatism and Democratic Faith.**

By Robert J. Lacey. DeKalb: Northern Illinois University Press, 2008. 296p. \$45.00.  
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— Elizabeth K. Minnich, *Association of American Colleges & Universities*

Democrats—small “d”—perennially face boundary problems. How, after all, can democrats justify principles and practices concerning inclusion and exclusion when *everybody* making decisions about *everything* is both impractical if not impossible, and also—let us admit it—not always desirable. Distinctions among people, issues, and systemic provisions for participation must be made, justified, and legitimated. Ideals of “pure” democracy still haunt us, though, rendering democratic systems in general particularly vulnerable to charges of hypocrisy, failed idealism, and practical ineptness. The first of the books under review here levels just such charges, specifically against participatory democracy, while the second, recognizing disappointments but still optimistic, looks for ways to increase participation in, of all quarters, the professions.

Robert J. Lacey begins *American Pragmatism and Democratic Faith*, which focuses on participatory democracy, with a discussion of the Port Huron Statement, the manifesto issued by Students for a Democratic Society (SDS) in June, 1962. Albert W. Dzur begins *Democratic Professionalism* with a thorough survey of the meanings of deliberative democracy. Together, these authors offer responses to the challenges of democratic inclusion/exclusion by a pessimistic realist (Lacey, for whom unrealized ideals ought to be cast off as dangerous illusions) and an optimistic