

apparent contradiction and conundrum: How can a nation dedicated to freedom systematically deny it to so many?

The explanation is in the specificity: The revered liberty was from a particular form of patriarchy, that is, the domination of one group of privileged white men—American colonial leaders—by another group of privileged white men—British rulers. This liberty, gained through a brutal war, was never envisioned as universal liberty. The list of those deemed incapable and unworthy of full liberty and equal civil standing, “marginals” in Kann’s narrative, was considerable and encompassing.

The author provides a poignant analysis of the ostensible impetus for exclusion: fear, writ large, that *others* would “abuse liberty by practicing vice, fomenting disorder, and defying law” (p. 2). His analysis is particularly compelling when he details the ways in which the right to liberty and, consequently, the likelihood and experience of imprisonment were gendered and raced. This is prominent not only in the original formation of prisons and punishment but also in the first and second generations of “reformers.”

Clearly, the subtext of Kann’s exploration of “liberty and power in the early American republic” is the remarkable confluence between the historical and current distribution of liberty and imprisonment. This is extremely important for the excavation of the persistence of policies of mass imprisonment, despite all evidence of their resounding failure to achieve espoused goals. This trenchant work instructs us to look not only at the political currency associated with the rhetoric of law and order and this latest expression of a deeply carceral society but also at the assumptions of inequality at the very heart of the culture and the institutional and ideological structures that perpetuate them.

Kann provides a trenchant exposition of the mechanisms through which rehabilitative rhetoric—sustained by concealment of prison horrors—minimized critique, legitimized the deserving/undeserving divide, and preserved imprisonment as a perverse “adjunct to liberty” (p. 17). Further explication of the alternatives to prison would be welcome, but it is telling when he suggests that alternative responses to perceived abuses of liberty, alternatives such as voluntary associations employing persuasion and example, though seemingly more consonant with professed American ideals, are deemed unreliable and insufficient, and do not prevail.

The developments chronicled by Kann preclude the possibility that widespread liberty, uncoerced cooperation, and democratic efforts might replace patriarchy as the main source of public order. The coveted rhetoric of liberty runs headlong into unruliness. In the hands of the many, the proper liberty of the powerful becomes a messy liberty, too enlivened, too embodied, indulgent, and undisciplined: “[L]eading citizens and civic leaders expressed deep doubts that marginal people could be trusted to practice liberty without licentiousness” (p. 267). Disordered

freedom is impermissible and punishable. One nation, indivisible, indeed! In *Punishment, Prison, and Patriarchy*, Mark Kann has given us an incisive analysis with far-reaching implications.

Aquinas, Aristotle, and the Promise of the Common Good. By Mary M. Keys. New York: Cambridge University Press, 2006. 270p. \$70.00.

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— Todd Breyfogle, *University of Denver*

In her book, Mary M. Keys makes significant contributions to our understanding of Aquinas, Aristotle, and theories of the common good. Keys makes two fundamental, persuasive arguments: 1) Aquinas’s account of the will’s natural inclination to virtue (and consequent sociability) and his development of a theory of natural law are deliberate philosophical attempts to correct weaknesses in Aristotle’s account of the common good; and 2) in correcting and improving upon Aristotle, Aquinas “is consciously laying new, deeper, and broader foundations for ethics and political science” (p. 111), foundations which are—or should be—of considerable value to contemporary secular (as well as Christian) political thought. Specifically, she argues that Aquinas’s new foundations address a persistent difficulty with traditional common good theory: “how to elaborate a ‘unitary but complex’ account of the human good that does justice to the many worthwhile ways of life and the multiple genuine goods that people seek by nature and by choice” (p. 14).

Nine chapters divided into four parts tightly and intricately organize Keys’s dazzlingly broad discussion and slightly sprawling prose. Part I makes the case for considering Aquinas as a significant and distinctive contributor to even (indeed, especially) secular contemporary political theory, and situates Aquinas’s concerns amidst the work of John Rawls, Michael Sandel, and William Galston. (In subsequent chapters, Alasdair MacIntyre, Henry Jaffa, and Robert George become equally substantial contemporary participants in Keys’s exploration.) Part II examines Aquinas’s treatment of Aristotle’s three political-philosophical foundations: the social nature of human beings (*Politics* I), the centrality of regimes in forming virtuous citizens and human beings (*Politics* III), and the problematic (for Aquinas and Keys) account of the universal, best regime (*Politics* VII–VIII). Aquinas’s extension—in the natural goodness of the will and natural law theory—of Aristotle’s first two foundations represents, Keys persuasively argues, a fuller and more coherent account of human action, which resolves the Aristotelian tension between the civic and cardinal virtues. In Part III, Aquinas’s treatment of magnanimity and legal justice (in his *Commentary on Aristotle’s “Nicomachean Ethics”*) reveals the ways in which the theological virtues and natural law improve upon Aristotle’s treatment of the tension between

personal and common goods. Part IV transposes these considerations back into the contemporary context. Here, Aquinas's articulation of the corrective and directive moments of the law form "a moderate yet ennobling legal pedagogy of ethical virtue," which, Keys argues, fosters a "renewed appreciation of religion's role in fostering responsibility, sociality, and solidarity for the common good in social and civic affairs" (p. 226). Throughout, Keys takes care to indicate the large extent to which Aquinas's analysis of Aristotle and his contributions to contemporary political theory are philosophical rather than theological—teleological, to be sure, but also derived from natural reason's account of our interdependence and therefore applicable beyond an exclusively Christian political theory.

Part of Keys's success in presenting her argument is the care she takes in reading familiar questions from the *Summa Theologiae* (on law, for example, from the "Prima Secundae") alongside less familiar questions from the "Secunda Secundae." But her real success comes in viewing the *Summa* in the light of Aquinas's unfinished commentary on Aristotle's *Politics* and the full commentary on the *Nicomachean Ethics*. To see these commentaries as "living works of dialectical inquiry" designed not only to clarify Aristotle's meaning but also to "correct or supplement Aristotle's account" (p. 115) represents an important and demanding methodological strategy that illuminates Aquinas and Aristotle alike. That said, Keys occasionally overplays her hand, as when she needlessly contends that Aquinas deliberately abandoned his commentary on the *Politics* after Book 3 in response to the insufficiency of Aristotle's third political-philosophical foundation (e.g., p. 99). Such instances do not detract, however, from her penetrating reading of "the commented *Politics*" as well as the "uncommented *Politics*" in other Thomistic texts.

Keys's approach bears much fruit in her consideration of Aquinas's reorientation of Aristotelian magnanimity toward the common good; for Keys, Aquinas's integration of humility, gratitude, and self-transcendence with magnanimity moderates "the classical emphasis on self-sufficiency and superiority" (p. 203). Less successful is her account of how Thomistic legal justice provides a resolution to the Aristotelian tension between general moral obligation and regime particularity. She concludes with some thoughtful reflections about state-church cooperation understood in terms of a communal fidelity that accommodates both regime-specific and cosmopolitan-universal virtue (pp. 231–33). In the end, however, she seems to try too hard to make Aquinas compatible with liberalism, even as she demonstrates the important insights Aquinas has to offer contemporary liberal political theory (here, a further elaboration of Aquinas's legal pedagogies might add nuance to her case).

Although her knowledge of the texts and commentaries on both Aquinas and Aristotle is deep and impressive, Keys sometimes writes unevenly for both a specialist and generalist audience. Scholars of Aristotle or Aquinas may find the material on contemporary political theory distracting; contemporary theorists may find her detailed treatment of Aristotle and Aquinas too refined. In some respects, it may have been better for Keys to have written two books, one on Aquinas and Aristotle and another on Aquinas and contemporary political theory. Further, lurking behind her treatment is a third book—fundamental but still unwritten—on the extent and character of Aquinas's debt to Augustine in thinking about natural law and the common good. Finally, she could have written with greater economy, and Cambridge has done author and reader alike a disservice in not taking greater stylistic, typographical, and editorial care.

If the inner workings of some of Keys's presentation require some refinement, however, her overall conclusion still holds: "By incorporating natural law, its broader common good, and the will explicitly into his dialectic, indeed into the very definition of justice, Aquinas is able simultaneously to situate justice more deeply in the interiority of a person and to extend its scope more broadly toward a universal good" (p. 198). Both methodologically and substantively, Keys has charted new paths for thinking about Aristotle, Aquinas, and the common good in contemporary political thought.

Musical Democracy. By Nancy S. Love. Albany: State University of New York Press, 2006. 168p. \$50.00.
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On the first page of her book, Nancy Love asks, "how might musical practices further our understanding of democratic politics?" This is a permutation of the vast question of culture and politics investigated with regularity since the Sophists ("court music" in Egypt, Persia, and China suggest it is even older). In *Musical Democracy*, focus on the aural/oral excludes comparable topics concerning representation, iconography, idolatry, and so on. This moves the inquiry away from critical perspectives of modern philosophical aesthetics (from Alexander Gottlieb Baumgarten to Walter Benjamin). The author makes instead a not unprecedented but important turn to rhetoric.

Other very old approaches to music are also excluded, such as the Pythagorean/humanist identification of music with order and common ritual use of music for social control (in court, in church, on the battlefield). As this book is not about politics in general but specifically about democracy, these exclusions may be justified. But they raise collateral questions about the frame within which democracy itself should be interpreted. Moreover, music