

And when Tully says that with recognition and then dialogue “consent can *replace* coercion and confrontation” (Vol. I, p. 239; emphasis added), he seems quite close to the ideal speech situation he opposes (e.g., Vol. I, pp. 240–41). For while it might be possible and desirable to heighten consensual aspects of politics by way of participation, it seems odd to conclude, as Tully does, that we can *replace* coercion with consent: “[D]ialogue itself will gradually transform from within the *distorted* intercultural practices in accordance with the demands of justice” (Vol. I, p. 241; emphasis added). These issues arise out of his commitment to move beyond the thin reasonableness of Geuss’s model of politics to issue a call to justice.

Here, some chastening of Tully’s infectious optimism might be in order: When some Euro-Canadians today respond “unreasonably” to Aboriginal claims of sovereignty, that is not simply because Euro-Canadians have a “distorted” understanding but because they sense, not wrongly, that their maintenance of privilege in a new Canada-form is at stake. This is also the deep truth in the otherwise crazy claims made in the U.S. health-care debates about government death panels. The claim is false as fact but true as symptom, something realists both Old and New may have a hard time saying but critical political theory is well positioned to point out. As New York Times columnist Frank Rich has noted for several years, the American white majority will soon be a minority. Some of its members cling all the more desperately to their privilege as it is about to be eclipsed, not because Barack Obama won the 2008 presidential election but because of the twenty-first century configurations of citizenship and power that allowed him to win. In these developments, there is indeed a death knell. Hence, the phobic discussion of “death panels,” which gives nonreferential expression to the fears of those caught in a moment of political mortality. If end-of-life counseling is demonized in this context, that is because death counseling postulates acceptance of mortality, and this acceptance (humane, for most individuals) is what death panel activists seek to deny (as a political fact).

In *Strange Multiplicity* (1995), Tully saw politics as often tragic, but he would now rather reorient us toward broader ways of conceiving public goods and shared fates than attend to (and risk contributing to the enhancement of) the zero-sum elements of politics. He is reluctant to take up issues of woundedness, resentment, mortality, and loss. Even with regard to Aboriginals who could make deep claims of wrong, he keeps the focus not on the trail of tears but on the history of treaty making (Vol. I, p. 239–240). These people have a claim to be free and sovereign now, not because they have suffered at European hands, though they have, but because they were free and sovereign at the moment of first encounter. Thus, Tully replaces Geuss’s picture of politics—which, invoking Lenin, focuses on “who does what to whom?”—with a different focus on

the complex (dis)empowerments of agency, historicity, and discourse. Emplotting Aboriginal claims in a narrative of sovereignty and equality, optimistically identifying and making real to us the often obscured (even by many realists) realities of daily postcolonial practices of freedom, Tully writes about politics as a new realist, in a way that dignifies all sides and vivifies an agonistic humanism all too often absent from even the best political theorizing today.

Roman Political Thought and the Modern Theoretical Imagination. By Dean Hammer. Norman: University of Oklahoma Press, 2008. 358p. \$39.95.
doi:10.1017/S1537592710000745

— Benjamin Straumann, *New York University*

In his book, Dean Hammer wants to remind us of a forgotten “Roman dimension of modern thought,” in order to reconnect certain political concepts with the “experiences that animated them.” What recommends the Romans and their political thought to Hammer’s aim is the alleged “attempt to articulate a political vision that is organized around affective associations,” as opposed to Greek political thought, which is said to overemphasize the role of reason (p. 12). In league with the Romans, Hammer aims at giving the experience of human passions and political emotions their due, the loss of which is credited with the “corruption of the community” (p. 224). The book is pervaded by a melancholy nostalgia for an “affective” community held together and legitimized not by institutions of a certain kind but, rather, by shared experiences and emotions, placing Hammer in a tradition of nostalgic political thought that owes as much to thinkers of the New Left, such as the British literary critic Raymond Williams, as it does to Hannah Arendt.

Hammer’s place in this tradition is hard to pinpoint; his nostalgic view goes hand in hand with skepticism toward institutions, and while the former sometimes has a Hegelian, sometimes a Burkean, feel to it (without Burke being mentioned) but more often pays tribute to Arendt, the latter can be assimilated to a tradition contemptuous of institutions and mere “formal” democracy, reaching from Rousseau to Sartre’s *groupe en fusion*. The democracy Hammer wishes to “reclaim” from the “meaningless clichés . . . that obscure vision” (p. 225) is not a mere formal decision-making process, but presumably closer to some collective entity governed by a general will that does not simply cater to our “private interests” and “global economic markets,” but can be held “publicly accountable” (p. 12). It remains unclear if Hammer’s preference for emotions over reason in political thought is owed to a reasoned normative defense of that preference, or if it is due rather to an encompassing moral skepticism of an emotivist brand. Leaving aside this question of how allowing shared emotions and human passions such a privileged status is morally defensible absent sound *reasons* for it, it seems to me

difficult to discern in Hammer's nostalgia an answer to the challenge of public accountability he initially poses. What, if not formal institutions and corporations endowed with legal personality and thus liable before the law, can answer that challenge? And while I think that the importance of the Romans with regard to constitutionalism and the rule of law is hard to deny, the book leaves me unconvinced that their political thought is best interpreted as leading the way into exploring a romantic past of an "affective association."

Apart from a series of widely read works on republicanism and neo-Roman theories of the state by Philip Pettit, Paul Rahe, Quentin Skinner, Maurizio Viroli, and others, Roman political thought and its influence on the history of ideas has received rather short shrift among political theorists, at least since World War II. It is therefore to be welcomed that Hammer addresses this topic, and his book does contribute some interesting insights. However, in my view, the book is wanting in at least two crucial respects. The selection of authors it discusses appears arbitrary, and the avoidance of issues central to Roman ideas about politics results in a highly idiosyncratic view of Roman political thought. Hammer simply fails to convince that the chief importance of what the Romans had to say about politics really lies in the "attempt to restore sensitivity and feeling to growing political numbness" (p. 226). Perhaps that, too, but what about their contribution to the history of constitutionalism, natural law, jurisprudence, justice, liberty, and rights?

Roman political thought—meant here to refer to a large set of ideas, concepts, and arguments that are recognizably and specifically Roman—has had extraordinary historical success both in terms of intellectual influence and of institutional design. It includes aspects of Cicero's political thought and his practical ethics, the accounts of Romanized Stoicism to be found therein, as well as Roman legal and constitutional ideas and institutions as contained in historiography and Justinian's compilations of Roman law. This large and by no means coherent set of ideas was to play a central role in the history of political thought from late antiquity onward, especially in pragmatic arguments concerning the longevity and stability of commonwealths, in moral arguments about the legitimacy of government, in constitutional discussions of sovereignty, in debates about the validity of norms between sovereign polities, and in reflections on the nature of liberty and the importance of rights. And yet, Hammer rightly laments that "so complete is the disappearance of the Romans as original thinkers that we do not even notice that they are gone" (p. 4). As he notes, there is no commercially available reader on Roman political thought, much less a monograph. Roman political ideas are, for the most part, regarded as imported wholesale from Greece, and they are, apart from the important work on republicanism, not given their due in scholarship.

This has not always been the case. After explaining, in the introduction, his aim as that of revisiting the connection between the Romans and a selection of early modern and modern political thinkers, Hammer in Chapter 1 goes on to give an informative survey of classical and political science scholarship since the nineteenth century. To the extent that the Romans were accorded prominence in histories of political thought, such as those by George H. Sabine and Charles H. McIlwain, it was due to Roman contributions to constitutionalism and ideas about law and jurisprudence. Other approaches, in the interwar years, skeptical of ascribing any causal role to legal norms, focused on the extrainstitutional exercise of power in the late Roman republic. After World War II, political theorists considered the Romans too practical and derivative to warrant much attention. Hammer deplors this development since he thinks that the Romans have something to teach us—not "the arid prose of legalism and constitutionalism," however, but rather how to recover the loss of "one's political bearings" (p. 37). Although very briefly touching upon the "Cambridge School" and its interest in Cicero and republicanism, Hammer does not give Quentin Skinner and Philip Pettit—neither *Liberty Before Liberalism* (1998) nor *Republicanism* (1997) feature in the bibliography—nor other scholars of republicanism their due, and he is dismissive of reasoned arguments about justice and procedural safeguards. However, if one shares neither Hammer's disdain for "formal democratic processes like voting" (p. 12) nor an enthusiasm for "what animates us as political beings" (p. 226), but has an interest, as Cicero did, in giving content to the concept of justice, or, as Montesquieu, in constitutional design, then this book will fall short.

Hammer continues by pairing Romans with early modern and modern political thinkers: Cicero with Arendt (Chap. 2), Livy with Machiavelli (Chap. 3), Tacitus with Montesquieu (Chap. 4), and Seneca with Michel Foucault (Chap. 5). According to Hammer, what these authors share is a "nostalgic sense that something has been lost" (p. 6), and Hammer, who seemingly shares the nostalgia, believes that they can provide us with a "map" of political orientation. Nostalgia for what exactly the reader does not learn—Machiavelli's expansionist republic, say, or Cicero's mixed constitution? Moreover, apart from this vague "shared nostalgia," Hammer's criteria for selecting his group of writers remain obscure, as do his reasons for arranging the chapters in this particular order. The selection of Roman authors follows from the choice of modern authors (p. 11), but these themselves seem chosen on arbitrary grounds; Hammer treats Tacitus in a chapter before that on Seneca because, although writing after Seneca, he wrote in the *Annals* on an earlier subject matter. Livy, however, who in his first 10 books writes about the early Republic, is discussed in a later chapter than Cicero's contemplation of the loss of the Republic.

Of Cicero's works, Hammer discusses "Scipio's Dream" in the *Republic* and, surprisingly, the *Tusculan Disputations*. The *Tusculans* are not usually considered a work of political philosophy, as Hammer of course knows full well. But he wants to convince us that there is something political in the *Tusculans*, namely, a sense of loss of tradition that can be interpreted in light of the loss of the Roman Republic. This sense of loss of tradition connects Cicero and Arendt, and the latter's take on the Romans appears helpful to Hammer because it is somehow supposed to identify elements in their thought that are still important to us. But readers not familiar with either Cicero or *Tusculans* will end up with a very strange picture of that work and of Cicero's political thought in general. They will remain ignorant of the fact that the *Laws* constitutes the most complete extant exposition of Stoic natural law and the philosophical underpinnings of justice. Even more importantly, *On Duties* offers a highly influential, property-centered, nondistributive Roman account of justice and legitimate government (Cic. *off.* 1.20f.; 2.73) that would make Robert Nozick proud and that demonstrably influenced John Locke. None of this is mentioned in Hammer's book.

Chapter 3 discusses Machiavelli and his use of Livy's *History*. Livy's ability to illustrate important abstract concepts such as "liberty" through particular historical *exempla* is important to Machiavelli, as was the attempt to move the audience not only by appeals to reason but also by rhetoric and emotion. But issues of civic republicanism are not addressed in this chapter, nor is the normative content of Machiavelli's *Discourses*. One is left wondering how desirable Machiavelli's prudential view of the *civitas libera* as most suited for expansionist glory really is as a "map" of political orientation.

Montesquieu and Tacitus and their respective concerns with despotism and corruption are treated in Chapter 4, the most interesting part of the book. Hammer convincingly argues that Tacitus's *Annals* provide a subtle analysis of the corrupting effects of despotism, exerted not so much through the constitutional framework but by a transformation of mores (p. 174). This thought was of great importance to Montesquieu, who saw despotism as the form of government embodying corruption and characterized by the loss of liberty. At the same time, Montesquieu's overwhelming concern was to offer a naturalistic account of constitutional arrangements, with a normative preference for those allowing citizens the greatest possible liberty—issues the book does not address.

The last chapter insists on a political reading of Seneca's *Epistles*, even of those that discuss metaphysical issues such as determinism and free will and have no obvious political implications (letter 16, which is erroneously referred to as 26 throughout, is a case in point). Hammer tries to make sense (pp. 205–8) of the tensions between Foucault's relativistic aestheticism, on the one hand, and his seeming

adherence to some of Seneca's rational and universal Stoic criteria, on the other. In an epilogue, Hammer permits a glimpse of his own motivations. He hopes that readers might be able to acknowledge the "corruption of ideals" and "reclaim democracy," realizing that concepts such as "liberty" cannot "easily be exported but are largely homegrown" (pp. 224 f.). On this Burkean note the book ends, echoing dark worries gestured at in the introduction that "global economic markets" and a "secret imperial society" threaten politics, notwithstanding the intactness of formal democratic procedures (p. 12).

Much of the material in the book does not seem relevant to political thought. It is also not at all obvious to me that we need the Romans to arrive at the substantive claims Hammer does put forward. His book, while offering interesting insights—especially in the chapter on Tacitus and Montesquieu—does not give us what is still sorely needed: an adequate survey of Roman political thought and treatments on the manifold ways it impacted the history of ideas.

Just Love: Transforming Civic Virtue. By Ann Mongoven. Bloomington: Indiana University Press, 2009. 438p. \$65.00 cloth, \$24.95 paper.
doi:10.1017/S1537592710000757

—Joan C. Tronto, *University of Minnesota*

Ann Mongoven has written an important book about civic virtue that aims to lead by example. This is true in two respects: She begins by bringing to the reader's attention the case of MADD—Mothers Against Drunk Driving—and shows how normal accounts of civic virtue cannot convey understanding of or describe this group as virtuous. In the second respect, her writing stands as an example of the kind of impartialist practice that she ultimately associates with a transformed civic virtue.

Mongoven's critique of contemporary theories of civic virtue makes the central point that civic virtue itself has to operate on several levels. This opening allows her to reconsider the vexing role of "impartiality" in civic virtue. Partialists versus impartialists, she argues, have equally missed some important elements in the ways they frame their debates. In a well-constructed argument, she shows that the standard thought experiment about whether one should save a stranger or one's loved one (originally proposed by Richard Godwin), in short, "SVLO"—"stranger versus loved one"—fails to capture important dimensions that are lurking in descriptions of the ethical acts of citizens. She identifies motivation as well as justification as one issue left unresolved by such a "false dichotomy" (p. 121). She also notes, following Marilyn Friedman, that "SVLO scenarios ignore the social structuring of bases for communal trust" (p. 81). Thus, while it might be appropriate for an individual to save a loved one in preference to a stranger, we expect firefighters to be impartial when they