

to misuse the corrective power granted to the church, according to Ockham. The authority of the individual to maintain or refuse a belief until its error or truth is proven to his own satisfaction forms the centerpiece of his treatment of heresy. Consequently, the clerical official who attempts to compel sincere believers to give up the tenets of their faith abuses the nature of his office; one who uses such force to make others adopt heretical beliefs attacks the purpose and foundations of the Church.

Shogimen's Ockham, then, is first and foremost a theological controversialist fighting against those who, in his opinion, endanger the faith and the church. Ockham's guiding concern, to employ Shogimen's felicitous phrase, was the "crisis management of ruling institutions" (p. 233). What about Ockham's writings concerning earthly government? Shogimen contends that Ockham develops an essentially "negative" doctrine rooted in two principles that apply equally to the temporal sphere as to ecclesiology: first, the political theory of institutions is essentially negative, that is, an account of what magistrates *can't* do, rather than what they can; and second, the maximization of human liberty, understood as an individual property exercised in accordance with reason and will, should form the main aim of secular as well as clerical powers. Shogimen believes that these two propositions, which sound as though they support a quasi-constitutionalist and proto-liberal position, actually yield the foundation for a somewhat more robust political theory, which he terms "ecclesiastical republicanism" (p. 256). Unfortunately, he discusses this idea only briefly in a few pages contained in the final chapter of the book; it is a theory that, if sustainable, requires far lengthier and deeper analysis, perhaps even a sequel to the present volume. However, the latter may be asking too much of Shogimen, who is a historian by trade, not a political theorist, and may feel hesitant to wade into unfamiliar waters.

I am sure that this book will not please those scholars who have sought to fit William of Ockham into a prefabricated intellectual or historical frame. But Shogimen's careful readings and precise contextualization bring to the fore a full picture of an Ockham who has been only dimly viewed in the past. Serious scholars of medieval thought owe him a large debt of gratitude for writing a volume that will be read and debated for decades to come.

—Cary J. Nederman

NEW WORLD ORDER REVISITED

Jürgen Habermas: *The Divided West*. Edited and translated by Ciaran Cronin (Malden, MA: Polity Press, 2007. Pp. v, 224. \$19.95.)

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Back in the early 1970s, Jürgen Habermas contended that the West was propelled by an inner contradiction, a contradiction of capital and labor.

He argued, however, that the crisis portended by this contradiction had been repressed – repressed by paving it over with the welfare glue of the modern, liberal state. But, he warned that in order to make such glue strong enough the state was increasingly massaging the “free” political choices of its citizens, manipulating popular support, and thereby undercutting the foundational democratic legitimation of the West itself.

It is tempting in the post–September 11 West to substitute today’s contradictions of terror for the old dialectic and to run through Habermas’s legitimation logic once again. But, of course, he no longer endorses *Legitimation Crisis*. At least since his famous *Theory of Communicative Action* he has insisted that the true Enlightenment spirit of the modern West not only is *not* inherently warped by inner contradiction but indeed can inform wonderful ends, including deliberative democracy and (nodding to Kant) cosmopolitan political life and perpetual peace. In *The Divided West*, he reiterates these Enlightenment promises, insisting on their continued validity, against the backdrop of the attack on the Twin Towers and what he presents as the less-than-enlightened reaction from the world’s superpower.

Not a monograph, but a collection of assorted pieces – interviews, a manifesto, and a longish essay – *The Divided West* traverses dozens of topics, including completing the European Union, constitutionalism, international law, the United Nations, just war, fundamentalism, terror, religion, anti-Semitism, and even Polish–German relations. But an overarching message sews together these themes. Habermas insists that September 11 and its aftermath neither compromise his own theoretical work nor repudiate the cosmopolitan and liberal ideals of the modern West.

As the volume’s title makes clear, though, all is not as it should be. Its Enlightenment promises may remain vital, but the West itself has been divided. While terror is the occasion for the division, a profound split derives from the response to that terror by the United States, as orchestrated in the foreign and military policies of the Bush administration. The Iraq war is Habermas’s prime evidence. He diagnoses that not only have the policies of the Bush administration’s neoconservatives divided the West, they have sundered America from her own best constitutionalist, cosmopolitan, and liberal traditions. He writes:

For half a century, the United States could be counted on as the pacemaker for progress on this cosmopolitan path. However, with the war in Iraq, it has not only destroyed this reputation and abandoned its goal as guarantor of international rights; its violation of international law sets a dangerous precedent for future superpowers. Make no mistake, the normative authority of the United States stands in ruins (28–29).

Grounds for such stark criticism are claimed in Habermas’s larger political theory. That theory, like Immanuel Kant’s, maintains that for politics,

universally available, ontological goods are problematic. Public life must rely not on goods but on “good” procedures. And, good procedures are those that through open, reflexively critical, and rational discourse enable the formation of deliberatively clarified agreements. Inherent norms of communication itself (norms like inclusion, freedom, tolerance, and equality) follow from such procedures and these quasi-natural norms matter for politics and governance. In this way, a characteristic human activity – communication – is perceived to suggest basic features of liberalism, including popular sovereignty itself. But, something else also follows. Co-original with *popular sovereignty*, he has argued, must be an acknowledgement of the appropriateness of relying on procedures as opposed to problematic goods. Co-original, in other words, must be *rule of law*.

In its determination to wage war against Iraq, the Bush administration abandoned both rule of law and the West’s evolved democratic, discursive practices for popular sovereignty. It did so essentially not because it had the power to do so, but rather, Habermas thinks, because it presumed in anti-nomian confidence that it possessed knowledge of the substantive good itself. Against old-fashioned international relations realists in the Hans Morgenthau tradition who might argue that what counted in international relations was but power and countervailing power, the neoconservatives, whom Habermas describes as “radical” and “revolutionary,” were motivated in pursuit of a “known” moral world order. If we take the neoconservatives at their word, he admits, then their knowledge of the good was of such weight that waging pre-emptive war against Iraq was a moral imperative. And, what was this good? It was a particular notion of America raised to universality.

The words and actions of the President do not admit any other conclusion than that he wants to *replace* the civilizing force of universalistic legal procedures with the particular American ethos armed with a claim to universality (182).

Like the neoconservatives, though, Habermas too is no realist. In *Divided West*, he rejects the suddenly voguish argument of Carl Schmitt that international politics is a vital, existential struggle of power against power for national expression and domination. Indeed, Habermas again here takes care to distance his own thinking from deconstructionists (despite praise for Jacques Derrida’s support of the UN and unified Europe), who like Schmitt also see only relations of power in things political.

Against the realists and deconstructionists, on one hand, and against the neoconservatives, on the other, Habermas holds out for extending deliberative democracy beyond the nation–state so as to enable a cosmopolitan political order. This should be accomplished not, as Kant once thought, through the establishment of a global polity and world republic. Rather, progress must be pursued through a process that employs mechanisms of deliberative democracy to legitimate and “constitutionalize” international laws and

institutions. The end would be, thus, not world government but a multi-layered net of globally binding laws, procedures, and limited policy institutions legitimated and empowered by democratic practices – in other words, a global constitutional order. And, if this sounds vaguely akin to the process of European unification, then we hear correctly. It is to contemporary Europe that Habermas turns, both for comparison and example.

The Divided West does not offer the Habermas reader new theoretical terrain, but its analysis of the contemporary age is perceptive and compelling. The articulated vision for a cosmopolitan world order emerging from a nest of inter-threaded, constitutionalized, international laws and institutions legitimated in layers of deliberative democracy is breathtaking. But, as has been worried by his critics in other contexts and in regard to his larger theoretical enterprise, in this volume too the pithy question for Habermas will be power.

Procedures, constitutions, and rule of law. . . . Deconstructionists might ask, to whom do laws belong? What relations of power do they extend? Morgenthau realists would be quick to insist that laws, procedures, and constitutions are, by themselves, no more than words on paper. Carl Schmitt and his contemporary admirers might object that order, legal or otherwise, is ever merely an expression of power's identity and will against the counter-expression of the other. *Deliberative democracy, popular sovereignty, discursive formation of agreements.* . . . Kant's mentor for things political, Jean-Jacques Rousseau, was clear that deliberation, participation, and agreements all discipline and regulate citizenry more effectively than the welfare glue that Habermas once pondered. And, any survivor of academic department meetings knows how open, discursive, democratic practices might work to co-opt or marginalize.

Given the enormous inequalities in international relations, even imagining beyond the nation–state, the question of power surely becomes more acute. In this regard, it is striking how much attention in *The Divided West* is given the United States, referred to often in the volume as “the world's remaining superpower.” Despite withering criticism of the Iraq war and condemnation of the neocons' *Pax Americana*, Habermas still speaks admiringly of the ideals of American political life and governance, noting not only its founding principles but emphasizing even more its long history of leadership for international laws and institutions. Appeal is made for the United States to return to its historical support for such principles, that it will “resume its leading role in the march toward a cosmopolitan legal order” rather than “regress to the imperial role of a good hegemon above international law” (p. 95). No doubt it is wrong to imagine that Habermas thinks the question of power in the constitutionalizing and empowering of international law and institutions involves a hegemon. But, does *The Divided West* ask for American leadership?

–Stephen F. Schneck