

registered in democratic deliberative procedures, for Lovett the democratic-deliberative credentials of the social relationship do not matter. Instead, according to Lovett, the arbitrariness of such power dynamics is a function of whether or not the more powerful persons' behavior is unconstrained "by effective rules, procedures, or goals that are common knowledge to all persons or groups concerned" (p. 96), regardless of whether or not these rules, procedures, and goals are subject to democratic accountability. For Lovett, in other words, the nonarbitrariness of social power dynamics is akin to the way in which many people conceive of what it means for behavior to be constrained by the rule of law.

Lovett criticizes Young and Pettit, among others, for a sort of circularity—for making it seem as if nondomination and democracy are analytically related. Instead, Lovett thinks that "one of the strongest arguments for democracy is that it tends to reduce domination," and that that argument is "trivialized" if nondomination is conceived as definitional of democracy (pp. 117; 211–12). This is a good point, and Pettit's conception of arbitrariness has always struck me as implausible. But while Lovett's conception of arbitrariness is a substantial improvement, defining nondomination as nonarbitrary power is itself highly problematic. To his credit, in order to register and attempt to lessen the problematic character of his argument, Lovett addresses a key example of systematic, legal discrimination—by his own definition, as repeatedly stated, and as applied in the example, such discrimination is nonarbitrary (pp. 111–19). Consistently, he claims such discrimination does not amount to domination. But he achieves consistency at the cost of cogency. In his example, Lovett focuses on legalized discrimination against Jews in employment. And in the context of considering the merits of keeping the bad of discrimination distinct from the bad of domination, one may at times be persuaded. Yet what do we think of a social relationship—duly characterized by all the regularities of the rule of law—in which some people are systematically imprisoned, starved, tortured, and thrown into a gas chamber to slowly and painfully die? Since Lovett very early in his argument rejects all outcome-based conceptions of domination, and he specifically rejects a very plausible outcome-based conception of substantive nonarbitrariness (p. 114), he would have us believe such people are not dominated, that they are just suffering discrimination, torture, and painful homicide. Surely, something in the analysis has gone astray.

This book is a fine analysis-driven account of a particular conception of domination and attendant theory of social justice based on the good of nondomination, defined correspondingly as the opposite of domination. The book goes a long way toward plausibly specifying what is involved in the interagent dimensions of the phenomenon under study. But it is defective in a way I have not gone into in

this review, insofar as the interagency dimension is just one dimension of the phenomenon, and the concept of domination at any rate does have cogent applications in direct reference to entire social systems rather than merely by the mediation of interagent intentional interaction. (In this regard, by the way, the best monograph remains Goran Therborn's *What Does the Ruling Class Do When It Rules?* [1978].) Even if we confine our perspective to the interagency dimension, however, as my legalized-discrimination-into-the-gas-chamber example demonstrates, Lovett's definition of domination is unconvincing, and the reason it is unconvincing is systematically synergistic with the extreme separation between fact and value to which he attempts to subscribe. Though Lovett doesn't say it, his intuition and reasoning that domination is a purely structural phenomenon—i.e., it has nothing at all to do with outcomes—has a strong elective affinity with his misguided aspiration to keep matters of fact strictly separate from normative analysis. (Normative analysis is necessary at the very least in order to specify what sorts of outcomes are salient in cases of domination that are partly outcome based.) Despite this, however, we may be a lot closer to the truth about the interagent dimension of domination than before Lovett's book appeared. While Lovett's account fails to include at least some cases of domination that are at least in part outcome based, his conception of domination as arbitrary power does pick out significant sets of cases of domination, and it helps to at least partially explain in an analytically elementary fashion what it is that makes them cases of domination.

Globalization and Popular Sovereignty: Democracy's Transnational Dilemma. By Adam Lupel. New York: Routledge, 2009. 208p. \$128.00 cloth, \$42.95 paper.
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— Craig Borowiak, *Haverford College*

It is an irony of contemporary globalization that at the very moment sovereignty is supposedly waning, discourse about sovereignty is proliferating like never before. What sovereignty may have lost as an organizing principle of international relations it has regained as an object of international political theorizing. Adam Lupel's book reflects this trend at the same time that it redirects attention away from *state* sovereignty and to questions of *popular* sovereignty and the constitution of democratic authority.

Globalization and Popular Sovereignty is an insightful and sustained study of the concept of "popular sovereignty" and the challenges posed to it by globalization. The book's central contention is that traditional models of popular sovereignty are inadequate for the task of conceiving democratically legitimate forms of global governance. The meaning of popular sovereignty must, consequently, be rethought if it is to remain relevant as a

principle of democratic authority in an age of transnational politics—something clearly committed to by Lupel.

The book is divided into eight chapters. The first two chapters introduce the author's argument, offer definitions, and provide historical context. The next three are detailed studies of liberal, republican, and deliberative traditions of popular sovereignty, as found in the work of Locke, Rousseau, and Jürgen Habermas, respectively. Chapters 6 and 7 critically engage recent efforts by Habermas and David Held to adapt democratic principles beyond the nation-state. The concluding chapter presents an alternative set of principles to guide further thinking on the subject.

The history of popular sovereignty, Lupel tells us, has developed out of the relation between “the effervescent power of the people,” on the one hand, and the need for “secure, authoritative, legal structures,” on the other (p. 10). We have now entered a new chapter of this complex history, as porous community boundaries and *de facto* structures of transnational governance undermine both conventional notions of “the people” and notions of “sovereignty” as a structure of final authority (p. 6). By tracing the contingent ways in which shifts in the concept of sovereignty have occurred in the past, Lupel hopes to better understand how to push beyond the concept's current limits.

In the Lockean model of popular sovereignty, as the author renders it, the people are sovereign in the sense that they are the constitutive authority upon whose ongoing consent government relies for its legitimacy. They are not sovereign, however, in the sense of being directly involved in governance decisions. After the moment of founding, the people exercise their sovereignty in a strong sense only through acts of rebellion. According to Lupel, global transformations challenge this liberal paradigm by adding new layers of governance that are constituted beyond the domain of citizens and in a way that is “removed from public processes of consent and majority decision-making” (p. 37).

The republican model of popular sovereignty is also threatened by globalization, albeit for slightly different reasons. In Rousseau's vision of popular sovereignty, not only do the people constitute the political order; they also actively participate in its governance. It is, in Lupel's words, “a participatory, world-making concept of sovereignty” (p. 45). It is also, however, a vision that is inherently limited by the need for substantive forms of social homogeneity. This sort of homogeneity is undercut when social inequalities and cultural diversity grow too great and when external forces intervene in domestic contexts, as is the case with global interdependence among large, complex societies.

Habermas's deliberative model of popular sovereignty ostensibly reconciles liberal and republican models by locating popular authority not in the image of “the people” as

a macro subject exercising a general will but, rather, in democratic procedures and in communicative power dispersed intersubjectively in the strong publics of government and the weak publics of civil society. The participatory character of the model helps avoid the antidemocratic dimensions of the liberal model, while its decentered character helps avoid the totalizing dangers of Rousseau's general will. Nevertheless, despite its greater suitability for transnational politics, the deliberative model still depends upon the existence of strong deliberative publics capable of making binding, authoritative decisions. These are largely absent at the supranational level. This constraint leads Lupel to explore more proposals for a more explicitly cosmopolitan political order.

At the core of Lupel's rethinking of popular sovereignty is what he calls “the problem of cosmopolitan founding.” By this, he refers to the tension between the need to root democratic legitimation in particular communities, on the one hand, and the desire for a cosmopolitan politics with universal designs, on the other. He uses the cosmopolitan writings of Habermas and Held to illustrate this problem. Whereas Habermas's arguments about constitutional patriotism, postnational constellations, and European constitutionalism may offer a way to extend popular sovereignty beyond the nation-state, such a vision nonetheless remains anchored to the particular constitutive authority of European peoples, with their shared histories, values, and experiences. Held's political cosmopolitanism falls short for the opposite reason. It entails a universal vision of cosmopolitan democracy that lacks sufficient grounding in any particular constituent authority. Although Held's model of global democracy would allow democratic autonomy and self-determination at lower levels, at the global level it requires a common cosmopolitan political culture and an implausible shared commitment to cosmopolitan public law.

Having laid out the problem of cosmopolitan founding, Lupel presents a principle of “transnational popular sovereignty” as a way to grapple with it. Presumably, what sets transnational popular sovereignty apart from conventional forms of popular sovereignty is its focus on constitutive processes. On such a reading, popular sovereignty pertains not to preconstituted final authorities but, rather, to the processes whereby authority is brought into being. Transnational popular sovereignty entails the dual process of constituting transnational governance institutions and democratizing their authority. Adopting a reformist, antiutopian perspective, Lupel argues that the task is not a wholesale design of a new institutional architecture; it is, rather, to articulate the principles by which we can evaluate evolving decentered systems of global governance as they unfold (p. 141).

Ultimately, this book is stronger in its analysis of the competing traditions of popular sovereignty and in its characterization of globalization's implications for those

traditions than it is in constructing a convincing alternative. While provocative, the discussion of transnational popular sovereignty is underdeveloped. The book also tends to overemphasize the constitution of authority, while neglecting popular sovereignty's role in deconstituting illegitimate and encrusted forms of authority. In this regard, the author provides only glimpses at popular sovereignty's more radical potential. Further, he tends to equate popular sovereignty with democracy as such. This is controversial and needs to be explained and defended, rather than merely asserted. Additionally, with core chapters on Locke, Rousseau, and Habermas, the book does not stray far from well-trodden pathways of democratic theory.

Still, this is a work of serious political theory. Even if the source material is familiar, Lupel tackles his subject matter with considerable insight and analytic clarity. The book also makes a valuable contribution simply by bringing these canonical traditions of popular sovereignty into conversation with one another in a single, neatly organized text. The fact that it does so adds depth and nuance to the claim that globalization is undermining popular sovereignty. For these reasons, the book should be considered a resource for students and teachers alike.

Untying the Knot: Marriage, the State, and the Case for Their Divorce. By Tamara Metz. Princeton, NJ: Princeton University Press, 2010. 214p. \$27.95.

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— Brian Duff, *The University of New England*

In making a clear and original argument that the state should not be involved in the institution of marriage, *Untying the Knot* offers a provocative contribution to a pressing and complex political debate. But that is only one half of what Tamara Metz seeks to accomplish in this thoughtful and thought-provoking book. As Metz puts it, “the liberal case for disestablishing marriage must include an argument for the creation of an ICGU status” (p. 151). An ICGU is an intimate care-giving union, and readers' reactions to this book will be based as much on Metz's case for the creation of this new institution as on her proposed change regarding marriage.

At the heart of Metz's argument is the idea that state-regulated marriage currently conflates two things. Marriage is a category by which the state relates to citizens for material and instrumental purposes. But marriage is also something deeper: a formal and “comprehensive” status that can have profound effects on our self-conception and beliefs. Metz believes in the ideal of a liberal state—a state that protects citizens from harm and treats them equally, but also values liberty and respects the limits appropriate to it. Since only instrumental purposes are appropriate responsibilities for a liberal state, Metz suggests we hivel off that aspect of marriage and embed it in a new state

regulated institution. The deeper aspects of marriage can then be left to cultural groups to define and manage.

It is impressive that Metz gets you to think about marriage in a new way while appealing to liberal ideas and values that are so familiar. As Metz acknowledges, the case for disestablishing marriage has been made elsewhere. Metz's contribution is to think through the case carefully from the perspective of liberal theory. In doing so, she offers the sort of clear and reasonable argumentation that characterizes this tradition (perhaps at the cost of engaging the messier stuff that often animates our politics). But Metz is right that in addressing marriage, her book goes to the heart of one of liberalism's primary dilemmas: how to delineate the line between those matters that can be clearly understood to concern the public (and the state), and those murkier matters that are rightly a private concern.

For the sake of clarity, Metz engages in a substantial amount of ground clearing. In one chapter, she uses court decisions to identify a tension in the way the state in the United States conceives of marriage. The courts know that there is something special about marriage compared to other contracts, but they are inarticulate about just what that is. In the next chapter, she makes an analogous argument regarding the tradition of liberal theory, focusing on John Locke, John Stuart Mill, and Susan Moller Okin. Metz examines these liberals to see if they offer a compelling justification for why the state must regulate marriage, and she concludes that “they do not” (p. 81). These chapters have a slightly worker-like quality, and by the time Metz gets to Okin, she refers to the “now familiar manner” by which liberal theory fails to justify the state's role in establishing marriage.

What Metz gleans from these theorists is that in liberal theory, “the material side of marriage is the only appropriate concern of the state” (p. 72). This is a plausible take on things. But there are other interesting ideas that might be gathered from these liberal theorists, including some of what they say about the “meaning” side of marriage that Metz would like to excise. One common theme is the relationship between marriage and parenting, which Metz notes is central for Locke (p. 56), Mill (p. 70) and Okin (p. 77). Metz's chapter on the courts reveals that judges have been no less concerned with the relationship between parenthood and marriage.

Rather than wrestle with these liberals' ideas regarding the way parenthood helps determine the meaning of marriage, Metz turns away from liberal theory to engage Hegel's ideas about what marriage “means.” She summarizes Hegel's take on how marriage, consecrated by an ethical authority, transforms isolated individuals into fully integrated members of the community. Hegel saw that marriage had the power to remake an individual's self-understanding and a “unique power to train behavior and belief” (p. 97). True to her liberal roots, Metz believes