

consequences “haunts us today,” he writes, noting Donald Trump’s attacks on federal judges during the 2016 campaign (256–58). He could also cite President Barack Obama’s criticism of the *Citizens United* decision during the 2010 State of the Union address. But Trump’s continued assaults on the integrity of federal judges prompted a rebuke from Chief Justice John Roberts. “We do not have Obama judges or Trump judges, Bush judges or Clinton judges,” Roberts stated in November 2018. “What we have is an extraordinary group of dedicated judges doing their level best to do equal right to those appearing before them. That independent judiciary is something we should all be thankful for.” Kastenbergs’s chronicle of the effort to impeach Douglas highlights the responsibilities of both judges and elected officials to act in ways that allow courts to fulfill their constitutional duty to say what the law is.

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Amitai Etzioni: *Reclaiming Patriotism*. (Charlottesville: University of Virginia Press, 2019. Pp. 220.)

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For sixty years Amitai Etzioni has crafted a sociological, moral, and political vision he calls liberal communitarianism, of which his new book is a succinct summary. The term is something of an oxymoron, given that communitarianism developed as a critique of liberalism, but these days I welcome any defense of tolerance, facts, due process, transparency, the rule of law, and other basic elements of liberal societies. Etzioni’s effort will appeal to most scholarly readers, whose education and expertise are among the frequent targets of today’s global antiliberalism.

Etzioni is not the only author to defend liberalism by calling for a new, “good” patriotism to replace the bad patriotism of hateful nationalism. He pins his hopes on a new patriotic movement that would promote the public good through social interactions like national service, civics classes, and volunteers who would teach English to immigrants. It would identify shared values through local and national “moral dialogues.” He entrepreneurially offers a number of specific programs, right down to a suggested logo of a national flag with a *P* on it, ready to be stamped on millions of lapel pins and T-shirts.

Several chapters lay out issues, central to current political conflicts, that moral dialogues might address. One examines the tension between citizens' rights to encode all electronic information and messages and the state's need to investigate criminal activity and potential security threats. Another recounts the extensive research showing that economic growth harms the environment without making people happier, at least for those above a certain minimum level of income sufficient to protect them from the vicissitudes of poverty. One chapter assesses the corrupting role of money in politics, especially in the United States, while another argues that supranational institutions have outpaced the growth of international bonds and values necessary to support them. Another chapter argues for "diversity within unity" as a way of incorporating immigrants that neither forces them to assimilate fully nor allows them to remain isolated, separate communities. Etzioni also argues that the rights of free speech should be tempered with self-restraint based on the bonds of sympathy that true communities foster. Etzioni does not shy away from tough tensions like these.

In all these cases Etzioni makes sensible, sometimes wise suggestions. But how realistic are they? *Reclaiming Patriotism* is a pleasure to read because it raises some of the most urgent questions facing the world at a time of rising hate and disregard for the rule of law; it is frustrating because its answers are less compelling.

First, how much common ground do citizens share in most countries? For instance, is the United States racked by culture wars, or do we share basic values to which we can refer in our debates and conflicts? In discussing the schooling of immigrants' children, Etzioni allows perhaps twenty percent of subject matter to be devoted to their own particular communities, histories, and religions, while eighty percent would pertain to our shared culture and knowledge. Do the Right and the Left share this much common ground in their values and beliefs? Does it even make sense to add up values and beliefs, since some are infinitely more sacred to us than others are? We have no way to know, especially as the importance and salience of cultural meanings shift over time, often in reaction to political mobilization. Political polarization remakes some pretty basic cultural understandings.

As a way of identifying shared values, Etzioni suggests moral dialogues, in line with many theories of the public sphere. Such dialogues are not an established part of democratic polities and processes; indeed, their potential lies in their being outside those rules so that they can address and perhaps change the moral underpinnings of the rules. But if this kind of communication, patience, and tolerance is valued by one side of the political divide and not the other, these dialogues will not be a very good bridge between the two. What happens when one player's leaders or scriptures command intolerance?

Liberalism is under siege today, as it always has been, because very few groups pay allegiance to it as a distinct value. Groupings based on class, religion, or race demand liberal protections and inclusions when that helps them but not when it helps their opponents and rivals. Some lawyers, a handful of academics, and human rights groups may value sound procedures as ends in themselves, but political parties based on that idea are always the first to disappear. Even a constitutional law professor such as Obama did as much, as president, to chip away at transparency and protections as he did to enhance them.

A related question is whether there is a common good, unrelated to any aggregation of individual gains and losses. Etzioni acknowledges that this common good is key to his position, as it is to any version of communitarianism. Religious faith provides one answer, but not a satisfactory one to most readers. Another popular answer used to be that the state embodies a nation or community, and in some countries the idea still retains some plausibility. But by taking the claim to its extreme, fascism discredited it at the time—although who remembers fascism today? In many countries, including the United States, a great number of citizens view their own state as an enemy, a view that contains much truth but usually leads to even worse states in the end.

Etzioni fumbles here, reflecting the tension between the liberal and the communitarian in his approach. He says that common goods or values must be recognized “by large majorities and [be] embodied in law and in other institutions” (74). He admits that these values can be immoral and that they can change. But what are the grounds for the moral dialogues that would improve them? Black Americans in the old South won various rights by squeezing corporate profits, burning stores, and disrupting politics, not by arguing with intransigent segregationists.

Which brings me to the last in this series of related questions: Where do social movements come from, including the Patriotic movement Etzioni hopes for? Trump’s megalomaniac assault on due process helped trigger street protest initially, but it settled into dismay and resignation after a while (compared to the relentless longevity of the antiabortion movement, for example). To the extent to which there is a movement against Trump, it is just that; it is not a movement *for* liberalism or community. Financial resources and social networks, two other ingredients of social movements, abound, but they are tied to the Democratic Party, so that opponents can reject them as self-interested politics rather than a cry of moral indignation. Etzioni cites a number of local, organized communities, but he struggles to show that the same term can be applied to a nation, and yet a national community is necessary to generate or recognize the common good and its institutional embodiments.

When social movements defend liberalism only as it suits their private interests, they are not offering much of an opening for moral dialogue. When each side can dismiss the other as corrupt or even evil, there is little

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hope of building bridges. Is there a liberal community out there that is larger than a few scholars and lawyers?

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Peter Augustus Lawler and Richard M. Reinsch III: *A Constitution in Full: Recovering the Unwritten Foundation of American Liberty*. (Lawrence: University Press of Kansas, 2019. Pp. x, 180.)

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This book makes a thoughtful effort to make sense of the bewildering phenomena of American politics in the last fifty years, especially given the deepening influence and guidance of the Supreme Court. The *Obergefell* decision represents a culmination of the “imposition of egalitarian and individualistic tendencies on relational institutions” (57). How are we to understand a trajectory of American politics that leads to increasing impositions in the name of autonomy? The authors look back to Orestes Brownson and Alexis de Tocqueville to formulate the dialectical categories by which to understand the field of possibilities for American politics.

Brownson, a great American seeker, Catholic convert, and writer, cast a cold eye on the Founding and made prescient observations about the constitutional crisis surrounding the decisive fratricide of 1861–1865. The authors apply his categories to the present American crisis of a house divided between the progressivist plan to remold America using education, the courts, and federal government and the contrasting vision of the more libertarian and radical individualist attempts to free the citizen from regulation, social obligation, and moral constraint. According to Brownson, the divisions of our nation stem from its very beginning. The authors trace out the ideological projections of the southern aristocrats and their unlimited assertion of the self to include slavery, and similarly of the New England Puritans and their transcendental abolition of all difference. Selfishness and pantheism are the monsters lurking under the Founding that continue to threaten each subsequent generation; the extremes convulse the republic with a utopian plan to transform human nature and reduce the republic to some grotesque caricature of itself.

The authors propose a “full unwritten constitution” deriving from the culture and customs of the American people to correct and rein in the