

## BOOK REVIEWS

OBLIGATIONS: ESSAYS ON DISOBEDIENCE, WAR, AND CITIZENSHIP. By Michael Walzer.<sup>1</sup> Cambridge: Harvard University Press, 1970. Pp. xvi, 244. \$7.95.

For thousands of years men have been discussing the question of what the individual owes the state. The issue crops up again and again in both the Old and New Testaments; it is the major thesis, of course, of Sophocles' *Antigone*, and a gnawing concern of Plato's. It is hard to see how much new could be mined from this old vein, but Professor Walzer has succeeded in looking at the old problem in new and absorbing ways.

When one thinks about it, that is not so surprising. What is political theory in quiet times becomes the stuff of political battles in turbulent ones, and we certainly live in a turbulent time today. States, even (in some ways, especially) democratic ones, ask so much of their citizens today and, after a century of advancing governmental power, everyone, from left to right, has complaints. In particular, peacetime conscription seems an extraordinary burden. If one thinks about the draft in the abstract, it is amazing. In a period of twenty-five years during which our country has been technically at peace (since the Congress has declared no wars) millions of young men have been forced to serve in the Army. If we were to conscript policemen, there would be an outcry; if the government were to require all able-bodied young men to work on the highways for two years (or, *pace* the current mood, to build rapid transit systems), the government in power would surely fall. Or suppose a socialist state would replace the profit motive with a permanent labor draft, with national KP lists? To think of the military draft that way requires a fresh look, which Walzer supplies.

This book is redundant because it is a collection of separate essays. In reviewing these questions of obligation, Walzer sometimes seems like an agitated man jumping from one vantage point to another. But this has advantages too. By covering so many aspects of this question, the author forces us to think harder about its problems. Does the state have a right to punish suicide, and if so, why? If not, how can the state require the citizen to run the risk of death, to force suicide, so to speak? Is this not a bizarre form of capital punishment? Walzer clearly states that he

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approaches these questions from classical liberal, Lockean premises. He asks us how, if we too support these principles (the ideas which underlie the Declaration of Independence and most of the American Credo), we can reach other conclusions.

This is where this book, so largely theoretical, becomes a ripe subject for scholarly legal thought. If we follow the logic of these essays, it is imperative to reconsider many of the assumptions of our law. Is there an implicit right, perhaps under the 9th Amendment, of the citizen to determine his own life, absent some special overriding governmental need? This need may, the author concedes, arise in times of national emergency, or when individual behavior is thoroughly other-regarding. But otherwise, the presumption would seem to be in favor of the citizen.

Yet, not exactly. For Walzer is a pluralist, a real old-fashioned one of the Figgis-Laski type. The individual is helpless before the state, so he must resist it or ignore it in groups, and these groups have a life of their own. The result seems to be that, as much as Walzer has rescued from the state, he snatches back to hand to the association. And here the author plays favorites. Not mean old corporations or absolutist churches, but good democratic groups. And, as much as he admires the Black Revolution, it does not qualify either. So, like Figgis and Laski before him, a comprehensive work of *haute politique* sometimes seems to end up as a nifty bit of special pleading for "our" side—here, the voluntary community of idealistic protesters. Walzer sees the problem and apologizes for the bias, but then proceeds on his way. This is understandable, but unfortunate, for beyond the advocacy (mixed with sage advice) is a fine work of general theory.

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SENTENCING: THE DECISION AS TO TYPE, LENGTH, AND CONDITIONS OF SENTENCE. By Robert O. Dawson.<sup>1</sup> Boston: Little, Brown and Company, 1969. Pp. xxi, 424. \$12.50.

The sentencing of offenders has maintained an ambivalent position in the administration of criminal justice. Attorneys (both prosecuting and

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