little which is "beyond politics." To assume there are many areas where democratic govern-
ment does not need to be is to assume that those areas do not affect us unless we choose them to. This is laissez-faire nonsense. If one of the normative functions of politics is to pursue and guarantee justice, then politics must often define as its territory those public concerns controlled privately.

Democratic neo-Marxists may believe politics, economics, religion, and socialization are all holistically and undifferentially related in any society, and they may believe that there is a more just economic solution than capitalism available, requiring comprehensive political planning. But that prospect is not, by any stretch of the imagination, a more totalitarian solution than the modern Western states have already found.

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Reply

TO THE EDITOR:

Ideologies, of course, may bolster political regimes, but they cannot be "synonymous" with them. As Marx said in the 18th Brumaire, the rhetoric of classical republicanism lent an aura of legitimacy to the activities of the Committee of Public Safety, but it was only one factor among many. In my original article, I had very little to say about Marxism. Nothing I did say, moreover, implied the fashionable Parisian insight that "Marxism must inevitably trace the path of Stalinism." In fact, the most I would want to claim is that Marxism—like various extreme right-wing ideologies—has historically had a high potential for being (mis)used to legitimate non-democratic regimes. Several of the illustrious souls Robin Gass parades before us have written something similar.

But Gass is not simply wrong about the implications of my article. Because of her lack of clarity about the connotations of the old organicist metaphor, she cannot even present her own position in a coherent way. For example, it is conceptually absurd (leaving aside the empirical issue) to say both that there is no distinction between capitalist power and law, and that the capitalist class coercively manipulates the law. Likewise, it is unintelligible to assert (without further qualification) both that politics should take over crucial social sectors now controlled by "private" enterprise, and that politics and the economy are already "holistically and undifferentially related."

Without presuming to unravel Gass' numerous inconsistencies, I would like to speculate on their source: even though she is vaguely aware that a "more just" society would require more differentiation (for instance, between law and capitalist power), her conceptual pre-commitment to diffuse social "wholeness" forces her to deny explicitly what she implicitly affirms.

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ON BOOK REVIEWS

Comment on Wertheimer's Review
(Vol. 73, March 1979, pp. 226-27)

TO THE EDITOR:

In his review of my Punishing Criminals, Alan Wertheimer suggests that I am "not aware of some of the difficulties in [my] argument" and "make some glaring errors." He may be right. His generosity, perhaps excessive, must have prevented him from substantiating the "glaring errors" I made. Instead, he charges me with errors I did not make.

Quoting my "conduct prohibited by law is wrong" (p. 9), Wertheimer comments: "This is either tautologically true (if he means ... legally wrong) or false." But I continued: "To engage in it is to commit an offense. Legal guilt is incurred. . . ." i.e., the "tautological" interpretation was intended in this section, which explicitly pointed out that acts "not intrinsically wicked . . . whatever their moral quality" may be offenses. However, even if my "wrong" is misread to mean "morally wrong," it still does not become "false." Unless he contends that conduct prohibited by law is never morally wrong, Wertheimer must have meant—but did not write—"sometimes false (and often irrelevant)."

Wertheimer quotes (p. 16), "Since we all benefit from even the worst social order. . . . we all owe society some allegiance in exchange" and comments that I have not shown either the benefit or that it creates an obligation. I didn't, because I attributed this view (which has been around since Socrates) to others, adding: "The idea loses what explanatory value it has . . . when treated as an actual contract rather than an . . . obligation which many people reject. . . ." I do not believe the obligation can be shown.

Wertheimer writes that I "argue that society