Book Reviews

ACHIEVING JUSTICE BY DEMOCRATIC MEANS

Ian Shapiro: *The Real World of Democratic Theory*. (Princeton: Princeton University Press, 2011. Pp. ix, 291.)

Ian Shapiro takes the slogan of Rawlsian political theory—"Political, Not Metaphysical"—farther into the thicket of real politics than most political theorists willingly tread. Apart from an opening chapter that offers a provocative account of John Locke's democratic theory, Shapiro ventures well beyond the traditional confines of political theory, into the details of the constitutional settlements of South Africa, the ceasefire in Ireland, the relation between foreign policy and democratic ideals, the estate tax cut of 2001 in the United States, and the constitutional politics of abortion in the United States.

This book is at once an afterword to Shapiro's earlier works *Democracy's Place* (Cornell University Press, 1996) and *Democratic Justice* (Yale University Press, 1999) and a prelude to two planned forthcoming books on distributive justice and democratic public institutions. Across all these works, Shapiro aims less at offering a "general theory" of democracy or democratic institutions than at defending "a conception of justice that can be realized by democratic means" (37, 252, 273). If the argumentative arc that unites the whole enterprise is at times elusive, this seems appropriate to Shapiro's task: to "rethink democracy from the ground up," which entails starting with the facts (19).

Shapiro makes the nature of his democratic sympathies clear in the opening chapter on Locke: the most urgent questions of politics, he claims, have no authoritative answer outside majority opinion. Shapiro's account of Locke's majoritarianism reveals his sympathy for ordinary real-world democratic procedures, with all their flaws: Shapiro prefers "competition to deliberation as a mechanism for keeping democracy honest" (270).

Shapiro's confidence in real-world procedures extends even to constitutional negotiations. In an expansive comparison of the South African, Irish, and Israeli cases, Shapiro argues that there "is nothing intrinsic to the conflicts in the Middle East and Northern Ireland that renders them less intractable than South Africa's" (123). The key is to see that negotiating settlements "in the context of flawed democracies" is more effective than insisting on a perfect negotiating context, where every party renounces violence or accepts protections of minority rights. Hardliners and radicals often cannot

be marginalized at the outset of negotiations. What matters for negotiating a stable democracy is not the moral purity of the views or techniques parties espouse, but the power of a party to command support from a broad base. Negotiating with groups with noxious commitments is objectionable in theory—but it works in the real world of democracy.

This posture toward democracy—one that privileges real-world negotiation and competition over morally ideal processes—elicits two familiar concerns: first, can this account make sense of the power of antimajoritarian institutions like courts that overturn legislation they deem unjust? And second, must democratic institutions respect the authority of uninformed and erroneous majorities? Put differently, what happens when democratic legitimacy conflicts with justice and good sense? The second half of the book takes up each of these challenges.

Shapiro's skepticism about morally ideal procedures is not based on a full faith in majoritarian institutions. The point of democracy, he affirms, is not to license majorities, but to protect individuals from domination (67–68). While majority rule is the appropriate decision rule for many occasions, "all decision-making procedures are flawed" (250). Thus, courts—and judicial review—have a place in democratic institutions. This power is best exercised when courts do not impose their own views on majorities but set out "criteria for the avoidance of domination in particular contexts" (250). Shapiro applauds the US Supreme Court's turn in its abortion decisions from the "metaphysical imponderables"of *Roe* (such as whether the fetus is a person) to the more real-world standard of "undue burden" of *Casey*. Rather than impose a metaphysical view, the undue-burden test invites a careful analysis of specific contexts. It assists democracy by creating a "good deal of room for rational argument about the legal right to abortion" (242). This room is occupied by legislators, activists, and ordinary citizens.

But what about those occasions when citizens seem ill-informed, or when rational argument gives way to manipulation? Prior to the estate tax cut of 2001, only 2 percent of the population paid the tax. Yet in polls, most supported its repeal. But when presented with the possibility of reforming the estate tax (through higher exemptions, for example), majorities favored keeping the tax (184). Polling results were very unstable and depended greatly on the way the question was framed. This indeterminacy gave elites what Shapiro calls "running room": they could interpret public opinion in a way favorable to the stand they advocated (206–9). Public opinion, Shapiro says, "is in fact a weapon that can be deployed" (181). In the case of the estate tax cut, opponents of the tax got a head start, and progressive defenders of the tax never caught up. The estate tax cut raises a more general problem for democratic theories like Shapiro's that privilege political competition in practice and nondomination in principle. The fact that public opinion is often neither intense nor settled gives elites an opportunity to abuse the "running room" it affords them. In these cases, political competition is less a mode of democratic accountability than an occasion for domination by elites.

How can democratic institutions tether elites to the majority, which is naturally apolitical and holds its views with less urgency than narrow and more interested minorities? The few, as Machiavelli famously observed, want to oppress; the many in turn do not want to have their way—they simply want not to be oppressed (167). How, short of converting the people into political animals—active, vigilant, yearning for power—can political institutions equip the people to defend themselves against elites?

This is a question not merely for Shapiro, given his dual commitment to the political competition in practice and nondomination in principle. It is a question for democracy in the real world. Shapiro underlines this problem so effectively because of his insistence on connecting democratic theory with empirical political science. It is that connection that makes the book both an important corrective to accounts that are more purely normative, on one hand, or exclusively empirical, on the other. By bringing together normative ideals and empirical causes, Shapiro places the health of the political order back at the center of political science.

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STRUCTURAL JUSTICE

Iris Marion Young: *Responsibility for Justice*. (Oxford: Oxford University Press, 2011. Pp. xxv, 193.)

Iris Marion Young's last book proves a fitting capstone to her work on justice. In *Responsibility for Justice*, Young proposes a social-connection model of responsibility to show that everyone is responsible for changing unjust structures because their interdependent actions support such structures. Her analysis proves strong, insightful, and accessible.

Young does not look to develop a new theory of justice. Rather, she examines whether and how we ought to hold people responsible for structural injustice. She begins by examining the notion that individual persons are responsible for their own situation in life, even the needy. This doctrine of personal responsibility has swept over the United States and other liberal democracies in the last thirty years. The doctrine consists in the claim that because societies have eradicated the obstructions to economic prosperity and because the programs of the Great Society failed to lift people out of poverty, then poverty is a result of persons failing to take personal responsibility for their lives. Welfare programs have produced a class of people who feel entitled to handouts and refuse to work for their own good.