

POLITICAL POLITICAL THEORY: ESSAYS ON INSTITUTIONS. By Jeremy Waldron. Cambridge, MA: Harvard University Press, 2016. xi + 403 pp.

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Political theory is a field that continues to hold little sway in the discipline. The 2007 decision by the department of political science at Pennsylvania State University to eliminate political theory from those subfields available for graduate student training provoked an outcry that has all but abated. No drastic reformulation of the mission of the subfield—if there ever was an explicit one in the first place—has emerged justifying its position alongside American, comparative, and international politics. As Andrew Rehfeld (2010) has noted, “Theorists are often marginalized within their departments, their contributions to the general disciplinary journals have an ‘odd man out’ quality to them, and their scholarship is often treated as trivial” (466). So what steps might be taken to make theory more respectable within the discipline, beyond the glib suggestion to “be more relevant”?

In the collection of essays comprising *Political Political Theory*, Jeremy Waldron believes he has an approach to political thought that will elevate the field’s status just in the nick of time. His solution: shift the attention of political theory to questions of institutional design, structure, and process and away from the abstract normative questions of justice and equality. For too long, he believes, political theory has tilted too far toward philosophy and not enough toward “questions about political process, political institutions, and political structures” that govern and regulate everyday politics (3). Correcting this imbalance is his motive in writing *Political Political Theory* and, indeed, it characterizes Waldron’s scholarly output in general. As he puts it in chapter 1, there is life beyond John Rawls, “beyond the abstract understanding of liberty, justice, and egalitarianism,” if only political theorists will renew their engagement with the “old institutional questions” that long ago fell by the wayside (ix).

The book was put together during Waldron’s tenure as Chichele Professor of Social and Political Theory at Oxford, a position that was also held by the philosopher Isaiah Berlin. Berlin, who believed the study of political theory is foremost concerned with higher-order questions concerning the “ends of political action,” is Waldron’s foil throughout the book (3). Waldron’s criticism of Berlin is not simply that his “airy talk of freedom and openness” resolutely downplays the role of political institutions, constitutions, and the rule of law in preserving liberty (288). An equally grave consequence of Berlin’s focus on “abstract philosophical theses” is its role in ushering in a trend toward the study of the meaning of liberty and justice but not the constitutional thought that represents “the real-world application” of political theory (289). Waldron is referring to the effects of the study of political theory in the classroom, but his polemic clearly extends to scholarship as well. I was not convinced by the link Waldron draws between Berlin and contemporary analytic philosophy, but within the confines of a book review I will leave that quibble aside.

Waldron largely succeeds in his goal of making old concepts feel new. Altogether these chapters show how engagement with even the most commonplace principles of liberal democracy (e.g., majority decision making, bicameralism, judicial review) can yield important new considerations for contemporary constitutional design. Superficially, such topics may appear so stale and uncontroversial that they need little further elaboration. But Waldron is not deterred from “discussing the obvious” since, as he cheerfully declares, “that’s what philosophers do” (254).

The first half of the book addresses several “foundations of democracy”; the second half deals with various “issues of constitutional structure” (6). Chapter 2 discusses constitutional authority, arguing that constitutions empower the political process rather than merely restrain state power. This idea of constitutions as devices that construct a political process is further developed in chapter 3, where Waldron contends that the principle of separation of powers initiates “an articulated process ... so that the various aspects of lawmaking and legally authorized action are not just run together in a single *gestalt*” (63). On Waldron’s account, separation of powers should be valued not simply for its function in dispersing political decision points, but also for its ability to set in motion a discrete, sequential process of lawmaking—legislation, execution, and adjudication—with each discrete phase possessing a peculiar significance and dignity. The benefits of this orderly “sequence of functions mapped onto different institutions and processes” drives Waldron’s endorsement of bicameralism in chapter 4, a principle that ensures “a twofold sampling of the people” for lawmaking. Though directed toward reforms in Parliament, Waldron’s argument takes a Madisonian turn in its suggestion that the “principle of separate concurrence” guaranteed by the presence of two legislative chambers better guards against the passions of the moment than a unicameral assembly (80, 91).

The second half of the book takes a more conceptual road, moving from the nuts-and-bolts of particular institutions to the ideas underpinning and guiding them. Chapter 5 deals with the inevitability of “political dissensus” as embodied in a loyal opposition, with Waldron favoring not only robust debate in the legislature but also institutional codification and financial support for political opposition (93). As he puts it, such hardwired guarantees *ala* the parliamentary model are essential for a legislature to function as “a forum for genuine critical debate” and for the opposition party to serve its vital role as watchman over the majority party in power (101). Chapters 6 and 7 extol the virtues of representation and legislative lawmaking relative to executive decree or judge-made law (an argument discussed more thoroughly in Waldron (1999)), while chapter 8 sets forth a compelling theory of representative accountability based on the principal-agent model.

Moving beyond the legislature, chapter 9 offers a critique of judicial review in instances where political institutions are in good working order and civil liberties are valued by most citizens, arguing that under such circumstances the “second-guessing” of legislation by unelected officials corrodes judicial authority. Chapter 10 takes an even closer look at the judiciary and the use of majority decision making in appellate courts. The book concludes with a critique of Isaiah Berlin (chapter 11) and a paean to Hannah Arendt

(chapter 12). Once again Waldron accuses Berlin of indifference to the institutions of constitutional government bequeathed by Enlightenment political thinkers, an unfortunate blind spot since the political institutions of liberalism developed during that time in fact “accommodate[d] the pluralism and untidiness he thought so important to human life” (288). In contrast, Waldron locates political theory’s proper orientation in Arendt’s “constitutional politics,” which gives importance to “the walls and structures intended to house” the affirmative exercise of political freedom (306). Arendt’s defense of the political realm will be familiar to many readers, but Waldron’s insistence on her concern for “the formalities of political order” forces those readers to see her philosophy from a different, more structured and rule-bound perspective (305).

The book’s most obvious weakness is the loose, disjointed pace characteristic of most edited volumes. But more substantively, Waldron is unwilling to confront seriously the broader disciplinary consequences of his approach to political theory. To give an example, what becomes of the history of political thought (ancient, medieval, and modern) if we study political theory of his terms? Do we confine thinkers to speak to institutional and legal concerns of the here and now, or is now the time to once and for all discard those authors who have nothing to say to our mundane concerns? We must remember that many writers whose thought we would classify as “political” were little concerned with talk of institutions, electoral rules, voting, and so on.

Waldron is also loath to reflect on the positive merits of sustained attention to “big questions” about justice, rights, and the good society. I find this attitude from a political theorist to be a little jarring. But nonetheless, isn’t there some value, even at an institutional level, in asking and trying to answer normative questions about (e.g.) justice? As the *Republic* teaches, are not ideal theories practically valuable insofar as they provide a sketch of what the best political order might look like, conceivable in speech but imperfectly approximated in deed? To the extent that arguments along such lines are indeed helpful for thinking about political institutions today, they administer a dose of prudence and humility to the best-laid plans of those engaged in constitutional design. We could use that humility.

His insouciance on these points aside, Waldron’s *Political Political Theory* makes a strong case for a focused study of the institutional principles, practices, and structures that are too often neglected because so familiar. He hopes to resurrect interest in these subjects, and in doing so, political theory itself. Whatever one may conclude regarding the second hope, the accessibility of Waldron’s book has at least delivered a good riposte to those who would isolate or dismiss the field. Its arguments deserve special attention from scholars of public law, legal philosophy, and—above all—political theory.

WORKS CITED

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