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Book Review

Richard Tuck: *Active and Passive Citizens: A Defense of Majoritarian Democracy.* (Princeton and Oxford: Princeton University Press, 2024. Pp. vi, 208.)

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Democracy is having a moment, but one that its supporters neither anticipated nor cheer. Expectations of a triumphant march into the end of history have long since evaporated. In its 2024 annual report, the Economist Intelligence Unit notes that "only 8% of the world's population lives in a full democracy," and that overall, the average global democracy score "fell to its lowest level since the index began in 2006" (https://www.eiu.com/n/democracy-index-conflict-and-polarisation-drive-a-new-low-for-global-democracy/). Right now, democracy is on the ropes.

Books about what has gone wrong and what to do about it are legion. Richard Tuck's *Active and Passive Citizens: A Defense of Majoritarian Democracy* takes on the essential question about the proper role of the democratic citizen. Based on Tuck's 2019 Tanner Lectures, this book is introduced and edited by Stephen Macedo, and includes responses to Tuck's lectures by Simone Chambers, Joshua Cohen, John Ferejohn, and Melissa Schwartzburg. Grounded in the work of Jean-Jacques Rousseau, this work offers first-class exegesis, but it does not offer much guidance for those fretting about our exigent circumstances.

Tuck's facility with the history of democratic thought is surpassing. He frames the problem with democracy as an argument that goes back to two eighteenth-century Frenchmen: Rousseau and Emmanuel Joseph Sieyès. For Sieyès, democracy must rest on an extensive and universal set of civil rights. With that foundation in place, citizens can maintain their sovereignty by electing representatives who make policy in their stead. Their citizenship is genuine, albeit passive. For Rousseau, citizens are only free, and a democracy is only moral, if they give themselves the laws under which they live. "Sovereignty … cannot be represented; it lies essentially in the general will, and will does not admit of representation" (22). Tuck argues that Sieyès's conception won the day, and that victory amounts to a democratic failure.

Sieyès sets the table for the debate, but the rest of the book concentrates unreservedly on what Rousseau did and did not mean by law, sovereignty, democracy, citizenship, the general will, freedom, and so on. That turns out to be plenty. Rousseau's writings are replete with profound insights, as well as ambiguities, vagaries, and outright contradictions. The four distinguished commentators responding to Tuck's arguments also know Rousseau's work extremely well, so they spend a great deal of time delving deep into the weeds

to engage and contest Tuck's reading. Most of these commentaries focus on Tuck's fundamental and certainly controversial claim that an active, powerful, indeed, "unconstrained" majority rule is the only genuine form of democratic freedom.

One wonders if Rousseau's antagonist is pushed off the stage too quickly. Sieyès does indeed insist that democracy need not demand active citizenship, but he does so because he recognizes that citizens often have other things to do. However, his conception of democracy also affords citizens the opportunity to become more active when they deem it necessary. Such a conception does not, as Rousseau would have it, force anyone to be free; rather, it leaves the choice up to the citizen, depending on her assessment of the circumstance. Frankly, that sounds like a species of freedom that is more genuinely free.

By Rousseau's own account, the proposition that human beings are good by nature but corrupted by society is foundational to his thought. Social science has a hard time making sense of such a statement, let alone validating it. In what way can a human being be abstracted from society, and, accordingly, in what sense is any human society unnatural? This is another argument in the weeds. But the point is that this clearly unempirical claim undergirds Tuck's reading of Rousseau: that majority rule is morally better, and operationally no worse at preserving the well-being of minorities than a democracy that seeks to articulate and defend universal civil rights. Indeed, Tuck argues the more extreme position that rights illegitimately restrict the ultimate authority of the majority. But the reason he can make this claim is because he and Rousseau believe that human beings ought to rise to a level of virtue whereby they are able to put the good of the polity ahead of their own self-interest. Rousseau is pessimistic, and sometimes despairing, about the prospects of that "ought" moving to "can." But regardless, he insists that this condition is constitutive of the only democracy worthy of its name.

History obliterates any such hope, let alone expectation. Human beings simply are tribal. And tribes always defer status to ingroup members and distrust and diminish the standing of any outsider. Thus, the majority will always seek to buttress and expand its own power. Tuck is obviously correct to say that institutionalizing civil rights that seek to constrain majority rule are by no means foolproof, but that does not mean the constraint is ineffective, let alone unwarranted or illegitimate.

Tuck of course knows this history. He therefore seeks to account for (one is tempted to say explain away) several historical examples of the majority oppressing the minority as conditional rather than baked in. In the contemporary context, for example, he therefore concludes that Viktor Orbán's celebration of Hungary as an "illiberal democracy" (i.e., a democracy that is has no interest in constraining the majority will, especially regarding minorities) is driven by and reflects a national resentment at an overreaching European Union. I bet that Hungary's immigrants and queer residents would contest that conclusion. As would those members of the academy and free

press who have been run out of town. (What's more, a very similar tale could be told about contemporary Turkey, India, and Trumpian America.)

Starting with the title, this book considers a number of rigid dichotomies: constitutional or administrative law, sovereignty or government, and active or passive citizens. But when the rubber hits the road, the rigidity often falls apart. Rousseau demands an active citizenry, but he admits that even the folks in Geneva have better things to do—like make money—and will therefore not devote the time necessary that a genuine democracy demands of them. This is quite close to what Sieyès says. Rousseau also admits that the rise of the modern state makes representative democracy inevitable. At times, I wondered what exactly we are arguing about.

More importantly, the question of what this all means for democracy right now is likewise left dangling. Tuck briefly mentions referenda and plebiscites as mechanisms that might foster a more active and thus more genuine and viable form of democratic citizenship. He even argues that such efforts are essential ways to forestall civil war. But these appeals rarely rise above the level of suggestions, gestures really, whereas common empirical criticisms about the takeover of such mechanisms by anti-democratic forces are left unexamined.

These discussions are representative of the book as a whole: It offers universally stimulating and provocative insight into one of history's most important democratic theorists, but it offers little to those who seek to better understand and respond to democracy's deep and abiding crisis.

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