vision of society, or even the Reformed version of it. What he rejected was the thought that social order could be maintained by social processes outside of the state (212). It is maintained by fear and punishment—the penal state. But as Dauber emphasizes, once we pass beyond the moment of state founding, commonwealth preoccupations reappear in Hobbes. His proposed governance strategies for sustaining the state reveal once again a concern for a participatory dimension to the state (221–22). Indeed, Hobbes’s policy program in general is quite close to traditional commonwealth programs (219–20). Meanwhile, his utter disregard for traditional rank and hierarchy (223) and his interest in creating the conditions for acts based on true conscience (209–10, 228) recall the Christianized respublica of the early Reformers. One might say that, for Hobbes, the penal state is the precondition for the Reformer’s idealized commonwealth of uncoerced, neighborly relations. Tying Hobbes to Reform concerns with moral regeneracy certainly cuts against the grain of modern scholarship, and will be one of the more controversial, but potentially most productive, interpretive forays in Dauber’s work.

This is a book written for specialists. Yet it does not take a great imaginative leap to find present-day relevance in the concerns of its subjects. The political fallout from today’s rapidly growing inequality has suddenly revived the question of the relationship of distributive justice to social peace. Relatedly, the exodus of the white working class from the Democratic Party reminds us of the enduring relevance of the distribution of honor. Economically abused by both parties, but by the Republican Party most of all, the white working class nonetheless moves behind it, feeling it is held in less contempt there than among Democrats. Finally, given the mushrooming around the world of “populist” authoritarianism and illiberal democracy, Thomas Smith’s warning about the political danger of undifferentiated conceptions of “the people” rings loudly. This is a well-executed study that pays reading even by the nonspecialist.

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elegantly and succinctly written, contains insightful discussions of an impressive array of political, legal, and constitutional theory, and puts forward a number of distinctly original lines of thought that will become essential contributions for anyone who is concerned with the origins of democratic polities.

The broad thrust of the book is to defend the seemingly obvious claim that how constitutional democracies get off the ground matters, in particular, that a democratic founding is to be desired for both normative and empirical reasons. While it may seem obvious that a constitutional democracy ought to have democratic origins, a bit further thought and reading, especially in recent political theory, throws up all kinds of problems and indeed paradoxes. The signal achievements of this book are to elegantly work through most of the problems and paradoxes, and indeed to show how that claim, despite manifold challenges, is nevertheless eminently defendable theoretically and useful for illuminating the practical politics of constitutional birthing.

Two central “founding paradoxes” structure Tekin’s book: one concerning democratic culture, and the other law and democracy. The former starts from a basic axiom of constitutional democracy: as a normative matter, all legitimate power is supposed to come from the people. Yet the notion of “the people” is deeply problematic. Among many issues concerning the people—its unification, boundaries, internal pluralism, identity, and so on—Tekin focuses particularly on a problem highlighted by Rousseau: how could a people found a new democratic constitution if they are not already steeped in the ethos, habits, practices, and culture of democracy? It seems we are stuck in a paradoxical situation in which what we need as a causal agent—a people ready for democracy—only comes about as an effect of what they have yet to cause: a democratic constitutional regime.

Tekin provides an engaging, thorough, and clear presentation of variations on this founding paradox as they have been worked through by older (Rousseau, Hume, Kant, and Hegel) and more contemporary theorists (Arendt, Derrida, Connolly, and Honig). Rejecting skeptical conclusions that democratic foundings are either impossible or normatively unimportant, Tekin draws on innovative readings of Rousseau on the need for an external “legislator,” on Arendt’s reflections on Jewish identity and politics, and on perspicuous contrasts between the successfully democratic founding in South Africa and the unsuccessful and nondemocratic origins of the post–Arab Spring constitution in Egypt. In briefest terms, his solution is not to deny the paradox, but rather to see how it can be productively worked through in the active politics of constitutional foundings, where sufficient democratic competences and culture may emerge in a stepwise and gradual manner precisely through public political education, wide participation, and interactive, deliberative consultation in the making of fundamental law. As Tekin puts it drawing on Arendt, “action is prior to and constitutive of peoplehood. The people is not given as a self-contained subject which precedes action, but rather we become (and keep becoming) who ‘we’ are as a people in and through acting” (144).
Tekin’s book addresses the second paradox by explaining historical versions in the work of Rousseau, Madison, Sieyès, and Arendt, and more recent versions in Michelman and Habermas. The paradox appears to show that a democratic founding of constitutional democracy is both normatively required and conceptually impossible. Normatively, since democracy requires that citizens could be authors of the law they are subject to, citizens must be able to be authors of constitutional law: foundings must be democratic. From this, the paradox of infinite regress arises: legitimate democratic processes to create the constitution must be legally structured. But yet, those legal procedures must themselves already have been democratically endorsed to be legal. Hence legitimate democracy requires preexisting law, but legitimate law requires preexisting democracy, and so on into an infinite regress.

There are a number of responses to this conceptual paradox within democratic theory. You can stop the regress—for instance, by appealing to the mere decisionism of constituent power. You can despair of escaping the regress—for instance, by skeptically asserting that foundings are always and ineliminably violent or arbitrary. Or you can try to avoid placing any normative importance on founding moments—for instance, by rationalist appeal to hypothetical popular consent, or by insisting that democratic legitimacy can be earned only after a constitution has gotten started. Tekin addresses and attempts to rebut all three of these types of responses, for they all give up on his central point that how foundings happen matters.

His own innovative approach is not to overcome or avoid the paradox, but rather to embrace it as a heuristic for understanding the practical difficulties of democratic constitutional beginnings. Tekin insists that deliberative democratic participation in the constitution-making process itself is as important for the legitimacy of a resulting regime—at least at first—as the results, namely, the content of the constitutional settlement. In short, how the constitution is made and by whom is equally as important as what constitution is thereby made. Returning then to the conceptual paradox, Tekin draws on Habermas and Arato to paint a picture of the possibility of constitution making as a stepwise bootstrapping process. In this process, law and democracy iteratively enrich each other, and a productive spiral of increasing democratic legitimacy and legality is generated in the founding process.

Tekin thus embraces the two founding paradoxes as heuristic lenses for distinguishing democratic and nondemocratic constitutional origins, showing how origins matter both empirically and normatively. Surely he is correct about the empirical thesis: the way constitutional settlements actually begin can have substantial path-dependent effects on the later prospects of that regime. Of course, Tekin’s account of individuals becoming a democratic people through the action of constitution making is but one among many ways in which origins might matter empirically. I expect that Tekin should be able to extend his convincing conclusions by engaging further with recent results from the burgeoning comparative constitutionalism literature that demonstrate other ways that foundings have impact.
However, I am less convinced by his arguments that democratic origins are criterial for normative legitimacy. To begin, there is some ambiguity in Tekin’s thesis, ranging from the strong claim that a regime cannot be legitimate without democratic origins, to a weaker claim that democratic origins are as important as the content and institutions of the constitutional settlement, to an even weaker claim that constitutions do not normatively require democratic origins, but it would be better if they had them than not (this in response to the objection from nondemocratic origins of apparently democratic regimes such as Japan and Germany). I also detect a conceptual ambiguity here concerning “legitimacy” (a notoriously slippery term), oscillating between purely normative and more sociological usages of the concept. For when Tekin embraces the strong thesis, he supports it with purely normative arguments concerning the moral need for democratic coauthorship of law. By contrast, when retreating to the weaker theses, he employs a sociological sense of legitimacy, suggesting that a constitution “may indeed come to be embraced and regarded as democratically legitimate over time” (29) despite involving no actual democracy during its founding. These criticisms are not dispositive rejections of Tekin’s work, but rather calls for further work.

Tekin has convincingly made the case that democratic theorists must again pay attention to constitutional foundings: the birth pangs of regimes matter substantially for their future prospects. Theoretical worries about the paradoxical nature of democratic beginnings must not dissuade us from looking at them. Anyone concerned to think more deeply about constitutional foundings will now have to take seriously the various substantive innovations Tekin has clearly and insightfully presented in this fascinating book.

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The *Empire of Habit* identifies itself as the most thoroughgoing application of Michel Foucault’s understandings of modern disciplinary power and governmentality to John Locke’s liberalism. Building on the earlier Foucault-inspired scholarship of James Tully, Uday Mehta, and others, John Baltes contends that we have yet to come to grips with the extent to which Lockean liberalism is grounded less in consent, contract, or the rights of the individual than in