3 *Interviews: Concepts of representation*

MOON DUCHIN AND OLIVIA WALCH

This chapter features interviews with four political thinkers.

Q. What is your specialty?

RYAN MULDOON   PHILOSOPHY, UNIVERSITY AT BUFFALO

I work on Social Contract Theory and what's called "Public Reason," particularly with respect to diverse societies. There's been an interesting move since the 1970s where people became increasingly aware of how much diversity matters for ideal political philosophy, what the rules should be, social justice, coercion by the state, and so on.

BRIAN KOGELMANN   PHILOSOPHY, POLITICS, AND ECONOMICS, UNIVERSITY OF MARYLAND

I'm interested in normative questions about what our institutions should look like, what our voting rules should be, how we should structure our systems.

LIZ ANDERSON   PHILOSOPHY & WOMEN'S STUDIES, UNIVERSITY OF MICHIGAN

I work on egalitarianism, democratic theory, social epistemology, and pragmatism as a methodology of moral inquiry. I am a leading proponent of what is known as a "relational egalitarian" framework, which focuses on creating the conditions for people to relate to each other as equals, rather than in relations of domination/subordination, or honor/stigmatization, or counting/not counting in deliberation.

CLAUDINE GAY   GOVERNMENT & AFRICAN AND AFRICAN AMERICAN STUDIES, HARVARD

I'm trained as a political scientist, with a focus on American politics. In that work, I look at political behavior, public opinion, and the politics of ordinary people. I'm especially interested in how all of this intersects with, and how it's inflected by, race.

Q: The United States was set up as a democratic republic—what does that mean? What are the relevant design principles in the U.S. case?

First of all, "democracy" is a system where individual preferences determine political decisions, such that (in the ideal) each person counts the same.

I define a democracy as involving 3 levels (obviously this is an ideal and all democracies fall short):

1. As a membership organization, it offers all permanent residents an easy pathway to citizenship. There is only one class of citizens; all adult citizens must be equal under the law.

2. As a formal mode of government, democracy is either direct (the citizens directly vote on laws) or representative (citizens vote for legislative and executive offices). There must be a universal franchise of all adult citizens, periodic elections, free speech, assembly, and rights to petition government, a free press, an open right to compete for office, and provisions for fair competitive elections. All voters count equally.

3. As an informal way of life, democracy is a mode of relating to fellow citizens as equals, communicating public concerns with them in a spirit of open and sincere exchange, working together toward just compromises.

"Republic" just means *not a monarchy*—it's a contrastive term. Democratic republics are usually for big nation-states; setting up multiple levels lets you pump the brakes a bit, to mediate straight public will. The U.S. Constitution is designed around the states having significant authority and interacting with the federal government. Cities, towns, and districts don't have this kind of special authority.

In part, the institutional design was intended to promote the election of representatives that are a little more elite than the average citizen—which was supposed to mean more educated, more enlightened, and so on. The Electoral College in particular is a weird hybrid compromise between those who wanted a popularly-elected president and those (like James Madison) who wanted the president selected by Congress.
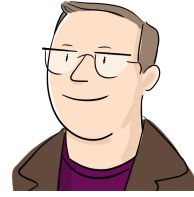
The U.S. is a republic and not a full democracy because there are arbitrary exclusions (D.C. citizens can't vote for Senators and only have a nonvoting member of the House) and because the Senate is a grossly unequal form of representation, with California and Wyoming each getting two senators despite the vast population difference. The U.S. only became an approximate democracy with the 1965 Voting Rights Act, empowering Black citizens to vote.

Q: What would it mean to have a *more* representative democracy?

One important aspect is the feedback loop between representative government and citizens' own orientation. When you have an elected body that looks more like constituents—what is sometimes called *descriptive representation*—that may create greater trust, so that the decisions that emanate have more legitimacy. As individual political actors, voters might feel a greater sense of agency and efficacy, manifested in more participation. Those are all empirical questions and hypotheses, but they were borne out in my studies.

I think inputs and processes matter for assessing whether a system is democratic and representative, and not just outputs. The system should be responsive to citizen inputs. A clairvoyant dictatorship that just happened to deliver what the people want is not democratic. This is partly because "what the people want" has itself to be a public thing shaped by public discourse about what the problems are, and not just an aggregate of private opinions formed without considering what other citizens think.

I would tend to try to cash this out in some notion of civic equality, equalizing the voice of the people. "Voice" works through two mechanisms: a formal or procedural voice (i.e., votes), or a civic "exercise of voice" (like protests, or letters of complaint or support).

The key justification for representative rather than direct democracy is that a smaller elected body, especially if it is full-time with serious investigative powers, is better able to gather the information needed to construct policies likely to deliver good outcomes. So this is an epistemic justification: representatives can study the issues, consult experts, get testimony, etc., so that they can legislate with an informed view. At the same time the perspective one brings to the table must be sensitive to the concerns of one's constituents, which vary depending on who is in the district. (Voters are more certain about their concerns than about what policies would effectively address them.)

Q: What is the role of parties in a representative democracy? (What could it be, and what is it actually in today's United States?)

Political parties are needed to set agendas—that is, to lay out and organize concerns to be addressed in the legislature with a broad sense of how to address those concerns. Otherwise representatives would come to the legislature with such disparate concerns from diverse constituents that there would be no working majority for anything.

Political scientists used to say that parties would be good at ensuring the "trustee model" of representation: parties would restrict who would be allowed to run, so that we would be more confident of getting wise representatives whom we should trust to operate with autonomy. (This is in contrast to the "delegate model" where the representative is merely a mouthpiece.) Primaries undermine this screening role! Trump, in particular, is unimaginable without primaries.

In the U.S., things changed greatly with post-1968 reforms. Before that, primaries were primarily a tool to give the party bosses insight into who would be more popular—they were not binding. The parties reformed themselves in the wake of the 1968 Democratic convention riots and other upheaval, which was partly driven by public frustration with backroom decisions. Primaries became binding in the 1970s.

One of the problems with our current party system is that the parties are too weak. They should be able to perform a screening function to screen out demagogues and irresponsible actors. Obviously, the GOP has failed at that and now the U.S. is paying the price.

Q: What's the best case for proportionality? And is race different from party?

I think that a representative body that demographically reflects the population is not a necessary condition to produce substantive policy representation, but it has a value in and of itself.

This idea of the body looking like the polity is something like proportionality. But aspects of proportionality worry me. The spectrum of political views is quite wide, and there is a critical mass in support of some fringe views. We don't necessarily want those institutionalized in an elected body—this is the risk of going all-in for proportionality.

Look, for instance, at the Voting Rights Act, where rough proportionality has been used as a guide to locating shortfalls in minority representation. Its role is remedial, not a statement of ideal theory. Proportionality is used as a rule of thumb for what would happen in a normal, well-functioning democracy where everyone has equal voice. We wouldn't need to articulate a positive right to proportionality in order to impose heightened scrutiny when we deviate too far.

When it comes to party, the current U.S. system is not in great shape. One party is multi-ethnic while the other is not at all, and geographic factionalism helps to lock the parties in place. But if we posit nimble, responsive parties, then over a long enough time-span, consistent disproportionality would signal that something is broken.

The problem with proportionality as a barometer of fairness is that not every cognizable group can have proportional representation. Being represented in proportion to your numbers, or at least getting enough representation to be effective, is only critically important if a group and its concerns are marginalized.

But everyone has cross-cutting identities and must be free to define for themselves which ones matter for representation. Race comes to the fore because in the U.S., groups that suffer continuing racial discrimination and marginalization have an overwhelming common concern in overcoming that.

The best argument for party proportionality is that it signals a more equitable distribution of representatives, in the sense of ideological equity. The knock on this view is that it leads to incoherent policy agendas. Perhaps the one good thing to say about a first-past-the-post voting system is that, if you couple it with strong parties, you get coherent policy.

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Q: How can any of this help us to think about gerrymandering? What is wrong with gerrymandering from the point of view of democracy?

I don't know! It's quite difficult to articulate. Regardless of how gerrymandered your district is, you still have a 1/N say in who's elected. And quantifying something like influence on who's elected is elusive. If we make sense of this in terms of influence on policy decisions, the harm would have to be really long-lasting to be recognizable.

It may be useful to think in terms of "communities of interest." This is a very legitimate concept—there do truly exist cognizable COIs, such as along lines of race and class and urbanicity, reflecting different life chances, different infra-structure needs, and so on. Part of what we want our political process to reflect, what we want our policies to be shaped by, are the preferences and values of these communities.

What are the mechanisms that allow those shared values to be articulated and to be introduced meaningfully into the process? We can understand gerrymandering as disruptive of communities of interest, ensuring that some interests never make their way into the policymaking process.

Other than by ensuring that everyone has effective access to the polls (time, transportation, no legal hassles), it is hard to think about this at the individual level. One has to analyze this at the level of salient interest and identity groups that need representation, including political party as one kind of identity.

To best meet the goals of representative democracy, a system must be responsive to changes in public opinion. Officeholders can't be allowed to entrench themselves by choosing who gets to vote for them, as in the current gerrymandering system. Without a real risk of being unseated in an election, there is no accountability of representatives to the people. Michigan voters, on a bipartisan basis, passed a referendum to establish an independent citizens' redistricting commission. Voters were acting against politicians being able to entrench their power by drawing districts they will always win. Entrenchment gives politicians a kind of electoral security that enables them to ignore their voters. I think this is a compelling argument!

ECLECTIC READING RECOMMENDATIONS

Classical democracy

- Bernard Manin, *The Principles of Representative Government*—Athenian government described as a mix of councils of the enfranchised and some "lottocracy" (random selection).

- Danielle Allen, *The Origins of Political Philosophy* (in the Oxford Handbook of the History of Political Philosophy) and *Talking about revolution: on political change in fourth-century Athens.*

18th–19th centuries; French and American Revolutions

- David Hume *Of Parties in General* (1742)—Hume distinguishes between parties (which is used broadly here, like factions) that are based on shared interests as opposed to religions or personalities. He is writing just as Whigs and Tories are starting to emerge in Britain; he notes that alignments based on shared interests make it more feasible to compromise on policy.

- Jeremy Bentham—consequences of democracy; are people too selfish? *A fragment on government* (1776), *Short Review of the Declaration* (1776), *An Introduction to the Principles of Morals and Legislation* (1780), *Deontology or, The science of morality* (1834).

- *The Federalist Papers*—a series of essays where Hamilton, Madison, and friends are working out their defense of the new U.S. Constitution. See for instance Federalist 47 (Madison on factionalism).

- Benjamin Constant—How did the French revolution channel ancient democratic theory? *Réflexions sur les constitutions, la distribution des pouvoirs et les garanties dans une monarchie constitutionnelle* (1814).

- Alexis de Tocqueville, *Democracy in America* (1835–1840)—thoughts on the young American democracy; he observes democratic culture and small-scale communities of interest giving people practice with democracy.

20th century

- Hanna Pitkin, *The Concept of Representation* (1967). A classic book-length essay about what representation, and good representation, might mean.

- John Rawls was an important abstracter who only gradually realized how diversity is inescapable. In *Theory of Justice* (1971) he thinks he's got it figured out abstractly; by his last major book (*Political Liberalism,* 1993) he's really grappling with what he calls the "burdens of judgment"—we can have different ontological commitments, and considered moral views, that we treat as irresolvable disputes.

- Amartya Sen's works are generally essential reading—especially *Collective Choice and Social Welfare* (1970) and *Inequality Reexamined* (1992).

- Arend Lijphart is one of the first people to do what you might call econometrics of democracy. Notable reads include *Dimensions of democracies* and

Power-sharing and group autonomy in the 1990s and the 21st century.

- Lani Guinier, *The Tyranny of the Majority* (1994)—essential reading to shake us up and remind us that other systems are possible.

- Robert Dahl, *On Democracy* (1998)—a good overview at the turn of the century.

Up to the minute

- Claudine Gay, *Spirals of Trust: The Effect of Descriptive Representation on the Relationship Between Citizens and Their Government* (2002)—I use survey data to test intuitions about the effects of racial identification of voters with their representatives, in terms of individual and institutional perceptions as well as the likelihood of contacting one's representative.

- Elizabeth Anderson, *The Imperative of Integration* (2010)—I make a case for racially integrated districts in order to maximize accountability.

- For the history and dynamics of U.S. political parties, see for instance Marty Cohen et al, *The Party Decides* (2008); John Aldrich, *Why Parties?* (1995, 2011); Levitsky and Ziblatt, *How Democracies Die* (2018); or Rosenbluth and Shapiro, *Responsible Parties* (2018).

- Sam Issacharoff, Rick Pildes, Pam Karlan are all modern legal thinkers who have a lot to say on representation.

- Alex Guerrero, *Against Elections: The Lottocratic Alternative* (2014)—a normative case for random selection in government.

- Gerald (Jerry) Gaus pioneered a New Diversity Theory. See especially *The Tyranny of the Ideal: Justice in a Diverse Society* (2016). You can read work of Gaus (on Property) and Anderson (on Equality) in the Oxford Handbook of Political Philosophy.

- Ryan Muldoon, *Social Contract Theory for a Diverse World*—I develop a post-Rawlsian framework for handling the challenges posed by very diverse societies.

- Brian Kogelmann, *Secret Government: The Pathologies of Publicity*—my new book is on transparency and its relationship to democracy. Sometimes transparency doesn't serve our democratic goals!

- Hélène Landemore, *Open Democracy*—can modern representative government recover some of the anti-elite openness of ancient democracies?