Politics *with* the People
Building a Directly Representative Democracy

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Designs are brought to nothing where there is no counsel:
But in the multitude of counselors they succeed.

– Proverbs 15:22

Contents

1

Introduction: Directly Representative Democracy

Here, sir, the people govern; here they act by their immediate representatives.

– Alexander Hamilton, 1788[2]

Today, Hamilton's boast is more likely to elicit cynical laughter than reverential striving. Many will recognize his picture of democracy from their middle school civics textbooks. We are taught quotations like these as children in order to connect our first ideas about politics to the Founders' vision of representative government. Doing so can serve worthy purposes. Fostering such ideals early can inspire us to work toward realizing them as adults. Yet many citizens now believe that Hamilton's picture has been turned upside-down. Far from self-governing, they feel alienated by the trench warfare of partisan elites. Far from being empowered to act, they feel paralyzed by the complexity of modern governance. And far from having the ear of their 'immediate' representatives, they feel remote from them, their voices drowned out by the clamor of interposed special interests.[3] The gap between our civics textbook pictures of representative democracy and our lived experience feels large and growing.

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[2] Jonathan Elliot, The Debates in the Several State Conventions on the Adoption of the Federal Constitution: As Recommended by the General Convention at Philadelphia in 1787 (Vol. 2., 1866), 348. These remarks were made at the New York convention on the adoption of the federal Constitution in Poughkeepsie, New York on June 27, 1788. Hamilton was referring to the House of Representatives.

[3] See, for example, a recent poll by AP-NORC, where 65 percent of Americans believe that political lobbyists have too much influence in DC, while 75 percent state that people like themselves have too little influence. "Power and Influence in Washington," APNORC.org, http://www.apnorc.org/projects/Pages/Power-and-Influence-in-Washington.aspx.

This gap is felt beyond the United States as well. Strained relationships between citizens and their representatives have led to accusations of "democratic deficits" against European Union technocrats. In the United Kingdom, citizens split with most experts and officials on the "Brexit" referendum. And more generally, resurgent nationalism across much of the globe is rejecting many mainstream parties.

In the United States, trust and approval of Congress remains near its all-time low (9 percent).[4] Populist challenges, driven by anxiety and alienation, are roiling both major parties, and fueling our own nationalist backlash. Even politicians themselves express frustration and dismay, notably in their retirement speeches.[5] Hamilton's picture of the people governing in a meaningful way seems quaint, perhaps even funny, if the stakes were not so deadly serious. Many citizens believe that interest-group capture and partisan bloodsport have disfigured beyond recognition any such portrait of authentically acting through our immediate representatives.[6]

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[4] Congressional approval was 9 percent in November 2013, and in early-2018 hovers around 16 percent. For historical approval trends of Congress, see "Congress and the Public," Gallup, http://www.gallup.com/poll/1600/congress-public.aspx.

[5] For three retirement speeches laced with worry over our representative system, see Mike DeBonis, "Rep. Charlie Dent, outspoken GOP moderate, will not seek reelection," *Washington Post*, September 07, 2017. https://www.washingtonpost.com/news/powerpost/wp/2017/09/07/rep-charlie-dent-outspoken-gop-moderate-will-not-seek-reelection/?tid=a_inl&utm_term=.a1fbba322114; Maxwell Tani, "John Boehner just gave an emotional last speech," *Business Insider*, October 29, 2015, http://www.businessinsider.com/john-boehner-last-speech-2015-10; and Aaron Blake, "President Obama's farewell speech transcript, annotated," *Washington Post*, January 10, 2017, https://www.washingtonpost.com/news/the-fix/wp/2017/01/10/president-obamas-farewell-speech-transcript-annotated/.

[6] For more general worries, consider the titles of just a few recent books: Thomas E. Mann and Norman J. Ornstein, *It's Even Worse Than It Looks: How the American Constitutional System Collided with the New Politics of Extremism* (New York: Basic Books, 2016); Adam Garfinkle, *Broken: American Political Dysfunction And What To Do About It* (American Interest EBooks, 2013); Lawrence Lessig, *Republic, Lost: How Money Corrupts Congress--and a Plan to Stop It* (New York: Twelve, 2011); Jacob S. Hacker and Paul Pierson, *Off Center: The Republican Revolution and the Erosion of American Democracy* (New Haven, CT: Yale University Press, 2006); John R. Hibbing and Elizabeth Theiss-Morse, *Congress as Public Enemy: Public Attitudes toward American Political Institutions* (Cambridge: Cambridge University Press, 1995); Larry M. Bartels, *Unequal Democracy: The Political Economy of the New Gilded Age* (Princeton, NJ: Princeton University Press, 2009); and Christopher H.

Given this dissatisfaction, reformers have naturally begun contemplating changes that might help remediate the problems besetting representative democracy. Some call for returning power to the people via voter initiatives, referenda, and other directly democratic institutions. Others urge going in precisely the opposite direction by insulating policy from politics via technocratic innovations like independent commissions and expert panels. More recently, voters have been drawn to populist candidates who promise to restore the values of some putatively authentic group of their fellow citizens. Finally, "pluralists" believe that previous reform efforts have made the cure worse than the disease, and that we should *strengthen* interest groups, political parties, and the broader apparatus of status quo politics.

We agree that the problems of modern representative democracy are real, but argue that any attempt to double down on establishment politics is likely to deepen the incipient crisis. However, the going reform proposals – direct democracy, technocracy, and reactionary populism – are unlikely to help much either. Each of those proposals misdiagnoses the fundamental problem, and so ends up treating the symptoms rather than the causes of our democratic discontent. Much of that discontent is rooted in the absence of meaningful avenues for citizens to engage in effective dialogue with public officials. As our republic and the complexities of governing it have grown, the Founders' original vision of deliberation oriented toward the commonweal has been narrowed to mean little more than gladiatorial contests between parties and among highly organized interest groups. There is little room for citizens to act in their deliberative capacity *as citizens*, rather than just as consumers. Contemporary democracy asks

Achen and Larry M. Bartels, *Democracy for Realists: Why Elections Do Not Produce Responsive Government* (Princeton, NJ: Princeton University Press, 2016).

little more of citizens than their votes and money, and so it is no wonder that many citizens share a sense of dissatisfaction and disconnection from public life.[7]

The great political theorist Hannah Pitkin summed up the problem pointedly:

> Representatives act not as agents of the people but simply instead of them. We send them to take care of public affairs like hired experts, and they are professionals, entrenched in office and in party structures. Immersed in a distinct culture of their own, surrounded by other specialists and insulated from the ordinary realities of their constituents' lives … Their constituents, accordingly, feel powerless and resentful. Having sent experts to tend to their public concerns, they give their own attention and energy to other matters, closer to home. Lacking political experience, they feel ignorant and incapable … Not that people idolize their governors and believe all the official pronouncements. On the contrary, they are cynical and sulky, deeply alienated from what is done in their name and from those who do it … *The arrangements we call 'representative democracy' have become a substitute for popular self-government, not its enactment.*[8]

Our alternative, which we call "directly representative democracy," seeks to reconnect citizens[9] to their government *as citizens* – that is, as partners with their representatives and each

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[7] It is true that protests have ticked up a bit since the Tea Party (on the right) and Indivisible (on the left) have gained momentum. Disruptive protest itself, however, is rarely a good outlet for deliberation or community building. See Zeynep Tufekci, *Twitter and Tear Gas: The Power and Fragility of Networked Protest* (New Haven, CT: Yale University Press, 2017).

[8] Hanna Fenichel Pitkin, "Representation and Democracy: Uneasy Alliance," *Scandinavian Political Studies* 27, no. 3 (September 1, 2004): 339. Emphasis added.

[9] Our use of the word "citizen" here and throughout the book raises complicated questions about the proper representative relationship between elected officials and *non-citizens* who live in their electoral jurisdiction. Some countries and localities have experimented with extending voting rights to non-citizens based on the principle of affected interests. And many people would argue that elected officials have specifically representative obligations to non-citizens even in cases where they are not extended the formal franchise. We are certainly open to such arguments, but wish to bracket these questions for purposes of the current study since they require more extended treatment than we can allow for here. We experimented with different ways to address this issue, but decided not

other in seeking just and effective policy. On this account, citizens should not be regarded only as consumers who "buy" policy by contributing money to organized interest groups or votes to political parties. Rather, they should have a direct role in advising (*ex ante*) and evaluating (*ex post*) the reasoning and policy actions of their representatives. Thus, we argue that contemporary democracies need new, effective channels of communication between citizens and their government. Rather than merely trying to find the right balance between our representatives acting as "delegates" or "trustees," the goal is to lessen the tension between the two.

In the words of John Adams, representative democracy was rooted in the idea that elected officials should "think, feel, and reason" like the people, often "mixing" with them "and frequently render[ing] to them an account of their stewardship."[10] Adams was right that republican government requires a robust relationship between citizens and their elected officials. Without such contact, politics is at best practiced *for* the people. Critics worry today that it is more often practiced *on* the people. To avoid withdrawal or reaction, though, healthy representative democracy requires that elected officials practice politics *with* the people.[11]

To the contemporary observer, the Founders' view may seem naive and outdated. Indeed, some might regard contemporary politics as so bad that such calls for more public discourse go beyond naive into reckless or dangerous. We disagree. We argue that new technologies open up the possibility of repairing the channels of quality communication and the bases of trust between

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to avoid the term 'citizen,' even when it may not seem precise on some normative interpretations. The reader is encouraged to regard our arguments as applying to anyone they deem to have a legitimate claim on the representational activities of a given elected official.

[10] John Adams, *The Works of John Adams Vol. 4: Novanglus, Thoughts on Government, Defence of the Constitution* (Altenmünster, Germany: Jazzybee Verlag, 2015).

[11] Our title and discussion here is meant to recall President Lincoln's famous paean to democracy as government of, by, and for the people. Even in Lincoln's time "of" and "by" had to be understood either in an ultimate sense, or perhaps closer to the meaning of "with" that we use, less poetically, here.

citizens and their representatives. Moreover, our claims are not merely speculative or notional. We base them on the results of our own real-world experiments in democratic innovation. Thirteen sitting members of Congress – themselves frustrated and dissatisfied with status quo politics and the going alternatives – agreed to work with us and groups of their constituents on a set of unprecedented field experiments to test our ideas. We developed new "deliberative town hall" technologies to help strengthen the strained lines of communication and trust with their actual constituents. Political engagement under our innovations was utterly different from the patterns of engagement we see in current practice. Both citizens and their elected representatives behaved differently, and all found the process much more satisfying and constructive than the status quo. The story of those institutional experiments, and what they mean for improving representative democracy, is the story of this book.

A Perfect Storm

Many citizens believe that establishment politics is nothing but a power game, and a rigged and dubiously rational one at that. They believe that public debate has become completely detached from consultation about the common good with average citizens. And they believe, with some justification, that elected officials listen and respond primarily to powerful special interests. As we will show later in the book, people's perceptions that democracy today reduces to money and votes leads many of them to withdraw from politics, not out of disinterest, but rather out of disgust and despair. And many of those who remain feel like the only outlet for their voices is shouting into the wind. Three interacting trends have combined to make citizens feel like they have little outlet for their voices other than angry, often bootless protest: the

growing size of congressional constituencies; unprecedented levels of party polarization; and a shift in civic organizations away from membership and voice to management and money.

Of course, there have been ways for members of Congress to interact and communicate with constituents since the beginning of the republic. However, these existing opportunities have become strained as congressional constituencies have swelled to several hundred thousand people; as the number of matters the government manages has multiplied; and as policy problems have grown more complex. Contemporary Washington politics is now almost exclusively the domain of media-savvy legislators, highly trained committee staff, legal counsel, agency heads, lobbyists, and expert policy analysts. Today, it is difficult for interested citizens even to understand the policy process, much less have their voices heard in it.[12] As a consequence, citizens are disengaged from – and distressed by – the work of Congress.

Alas, the citizens who remain engaged tend to be more extreme politically, view their partisan opponents with greater antipathy, and are less interested in deliberative communication than citizens a generation ago.[13] Such a dynamic can set off a self-reinforcing cycle, as politics becomes even more polarized and bitterly partisan. As one former senator argued:

> The structure of governing isn't working…[Members of Congress] are all a product of what comes out of their town meetings…It pulls them to the right or

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[12] Hugh Heclo, "Issue Networks and the Executive Establishment," in *The New American Political System*, ed. Anthony King (American Enterprise Institute, 1978), 87–124.

[13] Samantha Smith, "A Wider Ideological Gap Between More and Less Educated Adults," Pew Research Center for the People and the Press, April 26, 2016, http://www.people-press.org/2016/04/26/a-wider-ideological-gap-between-more-and-less-educated-adults/.

pulls them to the left, and it imposes a huge penalty if they decide they want to be somebody that wants to meet in the middle someplace.[14]

Indeed, the two major parties in the United States have been growing more polarized over the last forty years, and are now more so than at any time since the modern party system emerged. This process aggravates the problems with deliberative voice created by the longer-term trend toward larger constituencies since the size of the House of Representatives was fixed in 1910, and the franchise was (rightly) extended in 1920 and 1971. Figure 1.1 shows the relationship between both district size (solid line) and partisan polarization (dotted line) since 1880. We measure district size using the average count of eligible voters per district, and we measure partisan polarization based on the ideological distance between Democratic and Republican members of Congress.[15]

Figure 1.1 reveals three broad eras in American politics since 1880. Prior to 1940 Congress was highly polarized but Congressional districts were relatively small. Congressional districts increased steadily in size between 1940 and 1980 but that was also a time of relatively low partisan polarization. Starting around 1980, however, the two trends dramatically coincide and create the circumstances for much of the disaffection citizens feel toward contemporary representative democracy.

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[14] Jennifer Steinhauer and David M. Herszenhorn, "Congress Recesses, Leaving More Stalemates Than Accomplishments," *New York Times*, July 14 2016, https://www.nytimes.com/2016/07/15/us/politics/congress-recesses-leaving-more-stalemates-than-accomplishments.html.

[15] "Voteview.com," Voteview, https://voteview.com/. Distance is in terms of the widely used DW-NOMINATE score, derived from a statistical procedure that uses the voting records of members of Congress to give a number for how liberal or conservative each member votes over time. Our measure of partisan polarization in Figure 1.1 shows the distance between the average DW-NOMINATE score for Democrats and Republican members.

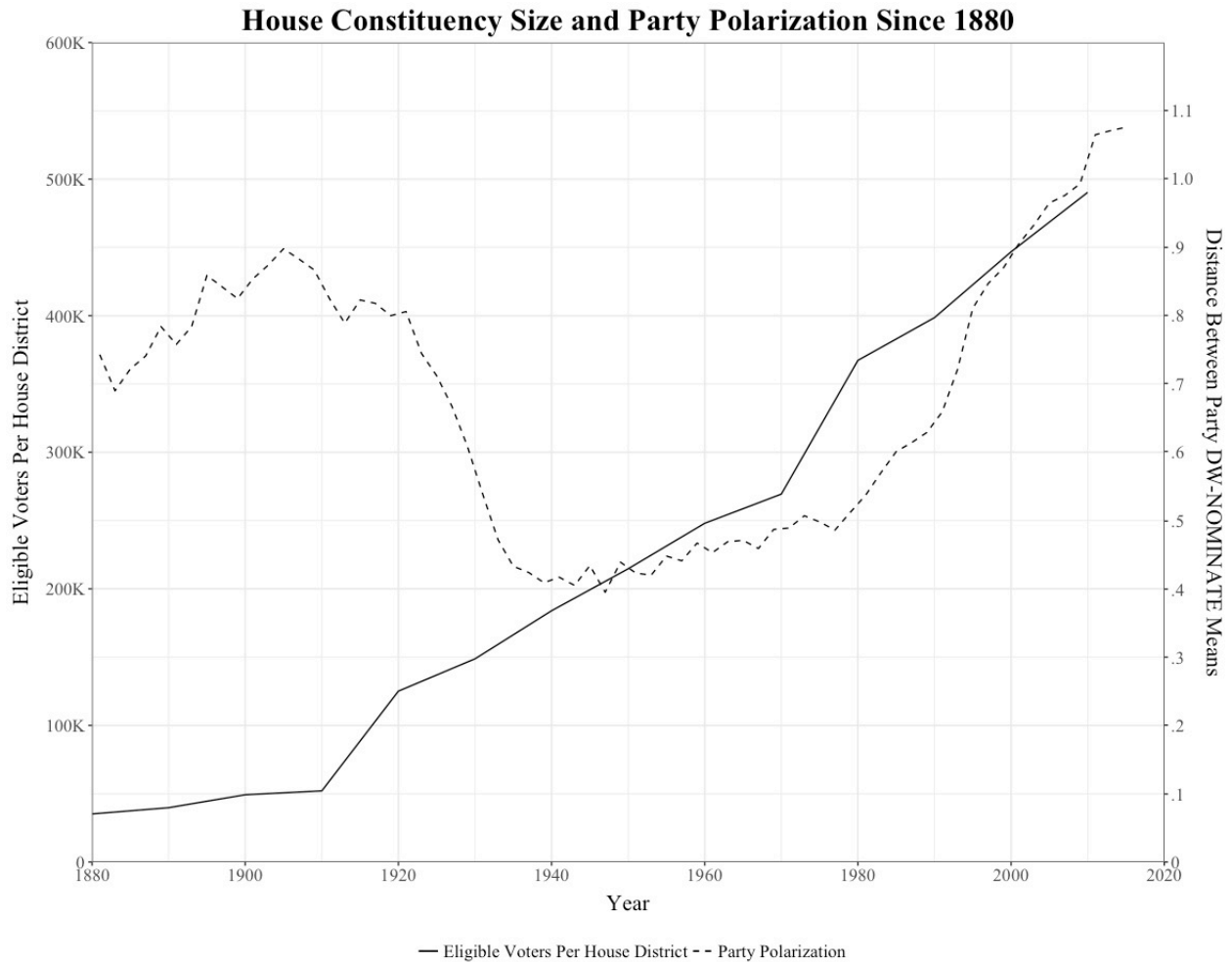**House Constituency Size and Party Polarization Since 1880**

Figure 1.1: The voting eligible population of congressional districts continues to increase (solid line) at the same time that partisan polarization (dotted line) has sharply increased post-1980.

Worse yet, these trends in partisanship and formal representation also coincide with fewer meaningful opportunities for exercising political voice in civil society. As Theda Skocpol documents,[16] over the last forty years such organizations have moved dramatically from a "membership" to a "management" model of representing both general and special interests:

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[16] Theda Skocpol, *Diminished Democracy: From Membership to Management in American Civic Life* (Oklahoma University Press, 2013).

The very model of civic effectiveness has been upended since the 1960s. No longer do civic entrepreneurs think of constructing vast federations and recruiting interactive citizen-members. When a new cause (or tactic) arises, activists envisage opening a national office and managing association-building as well as national projects from the center. Even a group aiming to speak for large numbers of Americans does not absolutely need members. And if mass adherents are recruited through the mail, why hold meetings? From a managerial point of view, interactions with groups of members may be downright inefficient. In the old-time membership federations, annual elections of leaders and a modicum of representative governance went hand in hand with membership dues and interactive meetings. But for the professional executives of today's advocacy organizations, direct mail members can be more appealing because … 'they contribute without meddling' and 'do not take part in leadership selection or policy discussions.'

That is to say, excluding deliberative participation appears to be a feature, not a bug, in evolving interest-group liberalism. In Skocpol's view, it is (paradoxically) the groups most committed to advocating for some greater purpose that are most likely to conceive of their "members" as primarily check-writers.

We believe that our reform proposals would be valuable in lessening the back and forth tension between direct democracy and elite representation under any circumstances. But the combination of these three trends makes it an especially crucial moment to augment the deliberative capacity of representative institutions.

Beyond Populists, Planners, & Plebiscites

Against this backdrop, it is not surprising that so many citizens have seen fit to simply withdraw from institutions of representative democracy. But giving up on representative democracy is giving up on a lot, so some have turned their thoughts to reform proposals. Jeremiads against dysfunctional establishment politics come with calls for reform that fall into three basic varieties: direct democracy, technocracy, or populist leadership. Direct democratic reformers seek to make representative democracy less representative, with calls for returning power directly to the people via referenda, initiatives, and recalls. Technocratic reformers move in exactly the opposite direction, arguing for more insulation of policy from democratic politics – for example, independent commissions, weak parties, strong bureaucracies, or governance by policy experts. Finally, those looking for populist leadership are attracted to strong executives who promise to bypass the messy, putatively debased process of normal legislation.

Each of these three approaches may have its merits, but none goes to the root of the problem of modern representative democracy. For example, recent experiences in California and other states that make heavy use of voter initiatives and referenda suggest that directly democratic policy-making, ironically, may be even more subject to the influence of money, cooptation, and special interests than normal legislative politics.[17] The massive costs of getting an issue onto the ballot, as well as advertising and lobbying for it, mean that powerful, well-financed groups use it as a tool to advance their special interests, despite the patina of popular control. Moreover, the piecemeal nature of initiatives can lead to less coherent policy relative to

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[17] Bruce E. Cain, *Democracy More or Less: America's Political Reform Quandary* (Cambridge: Cambridge University Press, 2014); Michael A. Neblo, "Reform Pluralism as Political Theology and Democratic Technology," *Election Law Journal* 13, no. 4 (2014): 526–33.

broad party agendas.[18] For example, initiatives limiting taxation have made it impossible to implement reforms of prisons, schools, and infrastructure that have also garnered clear popular support.[19]

Few citizens have the time or resources to read and analyze the technical details of referenda directly and thoroughly. Indeed, they may not even have the inclination: much of the apparent enthusiasm for direct democratic measures stems from a desire to avoid the perceived corruption of establishment politics rather than real enthusiasm for direct measures. Moreover, critics worry that standard directly democratic practices fail to be even minimally deliberative, since they completely cut out legislative deliberation and the broader conversation that formal debate stimulates.[20] It is worth repeating the old saw that direct majorities are just as capable of tyranny – both gross and mundane – as less direct forms of government.[21] For all of these reasons, then, reformers who propose to reduce the role of representation in representative government cannot solve the core problems facing modern democracies.

Worries over the problems endemic to direct democracy motivate some reformers to try the inverse tack. Technocratic innovations – such as independent commissions, central banks, autonomous bureaucracies, and the like – seek to insulate policy from both establishment politics and the vicissitudes of direct democracy. However, such attempts often end up foundering on so-

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[18] Nancy L. Rosenblum, *On the Side of the Angels: An Appreciation of Parties and Partisanship* (Princeton, NJ: Princeton University Press, 2008).

[19] Elisabeth R. Gerber et al., *Stealing the Initiative: How State Government Responds to Direct Democracy* (Upper Saddle River, NJ: Prentice Hall, 2001).

[20] John R. Hibbing and Elizabeth Theiss-Morse, *Stealth Democracy: Americans' Beliefs About How Government Should Work* (Cambridge: Cambridge University Press, 2002); Robert A. Dahl, *Democracy and Its Critics* (New Haven, CT: Yale University Press, 1992); James S. Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform* (New Haven, CT: Yale University Press, 1991).

[21] "The Federalist #55," http://www.constitution.org/fed/federa55.htm. Madison argues that, "In all very numerous assemblies, of whatever character composed, passion never fails to wrest the scepter from reason. Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob."

called "democratic deficits."[22] Many citizens say that they want policy to be removed from the messy process of standard politics, which they view as corrupt and irrational. They long for experts who will simply execute the policies that "everyone" already knows are in the common interest, only to find that the experts often disagree with them and indeed often cannot arrive at a consensus among themselves. On some issues, such as military base closings, elected officials are happy to comply, so that they can avoid taking no-win public stands. Independent commissions and other attempts to insulate the policy process provide political cover. But the process is seldom so simple and is prone to backfire. When citizens perceive that their voices are not being heard in the policy process – an almost built-in feature of technocracy – normal imperfections in policy outcomes become magnified, decreasing confidence in political institutions.[23] Protests against "unaccountable" central banks and the Brexit backlash against European Union bureaucracy are but two examples.

If direct democratic and technocratic reforms attempt to weaken (respectively) the representative and democratic aspects of representative democracy, reactionary populists attempt to strengthen both, but in the peculiar sense of embodying the will of the people in the will of a strong leader. Like direct democrats and technocrats, populists regard status quo politics as the province of a corrupt and self-serving elite who have become detached from "the people." The

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[22] Pippa Norris, *Democratic Deficit: Critical Citizens Revisited* (Cambridge: Cambridge University Press, 2011).

[23] Joy L. Pritts et al., "Veterans' Views on Balancing Privacy & Research in Medicine: A Deliberative Democratic Study," *Mich. St. UJ Med. & L.* 12 (2008): 17. Beyond matters of public perception, depoliticized policy formation is acutely subject to regulatory capture, magnifying the influence of special interests. While experts typically have superior technical knowledge about a policy area, there is no reason to believe that their value judgments will be superior to those of the public. Michael E. Levine and Jennifer L. Forrence, "Regulatory Capture, Public Interest, and the Public Agenda: Toward a Synthesis," *Journal of Law, Economics, & Organization* 6 (1990): 167–98.

remedy, however, is to consolidate power in the hands of an uncorrupted and selfless executive who can bypass the messiness of the normal legislative process.

Alas, history shows that it is difficult to find executives who stay immune to corruption, are selfless, and genuinely embody the whole of diverse societies in a single person. Even just at the policy level, such executives often promise more than they can deliver, or worse, deliver "results" at the cost of running roughshod over social diversity and the checks and balances of democratic governance. Either they get caught in a downward spiral of legitimacy akin to the original disaffection with status quo politics, or they damage the liberal restraints of modern representative democracy. Italian and German fascists arose originally as populist nationalists via fairly standard institutions of representative democracy. Less disastrous, if still worrisome, examples abound in the nationalist movements sweeping the globe. Reactionary populism, though tempting, rarely ends up solving the problems of representative democracy at their root.

One of the core challenges of modern representative democracy consists in the citizenry developing and maintaining warranted trust in their elected officials despite the enormous growth in constituency size, party polarization, and the complexity of governance. When the public loses confidence in establishment politics, the polity ends up lurching between perceived remedies (populists, planners, and plebiscites) that fail to restore confidence, do little to ameliorate citizens' sense of alienation from their government, and generate commensurate problems of their own.

Dissatisfaction with the perceived excesses of direct, technocratic, and populist reforms has even led to a backlash, with some arguing that we should reinforce the role of political parties and interest groups – the elite-driven system of government that political scientists refer

to as "pluralism." To many modern-day pluralists, citizens today are petulant and unrealistic "politiphobes," directing their anger at the intrinsic limits of modern representative democracy.[24] As one observer notes:

> Washington doesn't have a crisis of leadership; it has a crisis of followership … Congress's incompetence makes the electorate even more disgusted, which leads to even greater political volatility. In a Republican presidential debate in March, Ohio Governor John Kasich described the cycle this way: The people, he said, 'want change, and they keep putting outsiders in to bring about the change. Then the change doesn't come … because we're putting people in that don't understand compromise.' Disruption in politics and dysfunction in government reinforce each other. Chaos becomes the new normal. Being a disorder of the [body politic's] immune system, chaos syndrome magnifies other problems, turning political head colds into pneumonia.[25]

From the pluralist perspective, citizens should accept that the political establishment is the only game in town.

A simple return to establishment politics, however, will not solve the root problem underlying citizens' growing sense of alienation from politics, since it would fail to address the way that size and complexity strain channels of communication and trust between citizens and their representatives. Doing so will only perpetuate the cycle that demobilized and demoralized average citizens in the first place. Doubling down on interest group and party politics, then, will only aggravate the very problems that we began with. If so, then it might appear that there is no

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[24]   Jonathan   Rauch,   "How   American   Politics   Went   Insane."   *Atlantic*,   July,   2016, http://people.ucls.uchicago.edu/~cjuriss/US/Documents/US-Jurisson-How-American-Politics-Became-So-Ineffective-Atlantic-2016-07.pdf; Cain, *Democracy More or Less: America's Political Reform Quandary*; Rosenblum, *On the Side of the Angels: An Appreciation of Parties and Partisanship*; and Achen and Bartels, *Democracy for Realists: Why Elections Do Not Produce Responsive Government*.
[25] Rauch, "How American Politics Went Insane."

way to expand the capacities of representative democracy, and thus our only option is to sensibly blend and balance the going reform proposals with status quo politics.

We argue, however, that contemporary disaffection with politics is *internally* related to what citizens see as the failures of status quo politics as interest group pluralism and partisan bloodsport.[26] Current patterns of engagement do not necessarily reflect how most citizens would engage with elected officials given more attractive opportunities. Pluralists and establishment reformers alike falsely assume that citizens who do not even bother to vote would not want to participate in a more demanding form of democracy that requires increased time and cognitive effort.[27] We offer a demonstration to the contrary.

Directly Representative Democracy

The fundamental problem in contemporary democracy is that the representative relationship between citizens and elected officials has become strained in such a way that citizens no longer trust that their individual voices are being heard and heeded. At best they take up a posture of angry, demanding customers. Representation has become almost exclusively the representation of interests, rather than the representation of people.

While elements of direct, technocratic, populist, and even pluralist reform initiatives may have their place, we argue that a much more broadly promising reform paradigm has been overlooked: *directly representative democracy*. Directly representative democracy is a proposal for building more direct, inclusive and deliberative connections between citizens and government

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[26] Hibbing and Theiss-Morse, *Stealth Democracy: Americans' Beliefs About How Government Should Work.*
[27] Michael A. Neblo et al., "Who Wants To Deliberate—And Why?," *The American Political Science Review* 104, no. 3 (August 2010): 566–83.

officials in order to create alternatives to our broken system of interest group politics and blind partisanship. We propose it as a paradigm to narrow the gap between our highest ideals and disappointing realities by leveraging new communication technologies to reconnect citizens to their 'immediate representatives.'

Political theorists and political reformers have traditionally contrasted direct and representative democracy, depending upon how much power is exercised directly by the people themselves (e.g., in referenda) versus how mediated that exercise is through representatives (e.g., via elected officials). We claim that the traditional contrast between direct and representative democracy – at least as it plays out in today's discussions about political reform – does not fully capture the practical possibilities. We propose augmenting existing democratic institutions to make them simultaneously both more direct *and* more representative. Doing so will enable citizens to reconnect with their representatives, engaging them in important, substantive policy matters.

Directly representative institutions can take many forms, and can connect citizens with any branch of government. Our own innovation in directly representative democracy involves a new kind of online deliberative town hall meeting that brings average citizens into dialogue with their elected legislators on important policy matters, *directly as citizens,* rather than only as voters, campaign contributors, or members of interest groups. Both the citizens and the members of Congress who participated in our project agreed that the deliberative town hall that we designed improves communication and trust.[28] Thus, our term, *directly representative*

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[28] It is important to note that we do not regard our deliberative town halls as the only institutional innovation available under directly representative democracy. Our paradigm offers a way of thinking about the core problems of representative democracy that have many implications, which we discuss in our concluding chapter.

democracy, is not an oxymoron, nor merely some middle position between direct and representative democracy. Rather it *expands* the policy-making and legitimacy-evoking capacities of representative democracy itself.[29] The core ideas behind directly representative democracy are simple and intuitive.

Our approach is *direct* in that the primary representative relationship is between a constituent and her elected official. Parties and interest groups, though important, are emphatically secondary and derivative. You may be an environmentalist, an evangelical Christian, a Teamster, a Republican, or some combination of these. The representative claim that you have on your elected officials, however, does not depend upon and need not flow through these identities. Direct representation in this sense is important for both theoretical and practical reasons. Theoretically, we are all individual citizens with rights and the moral power of political judgment–something that is not merely a weighted average of our supposed group interests and identities. Moreover, when those characteristics are translated into the policy process, they often get used in a misguided way. Say that you are an environmentalist, and as such, you are leery of genetically modified foods. But you do not like pesticides either, and GMOs require fewer pesticides. And you are worried that without either, food costs will go up, causing hardship for poor people, contrary to your egalitarian commitments. Such cross-cutting identities create cross-cutting frames and considerations that inform our political judgments. But interest groups (including *public* interest groups) tend to act as inflexible agents of their core demands. Direct

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[29] Michael A. Neblo, "Deliberation's Legitimation Crisis," *Critical Review* 23, no. 3 (2011): 405–19.

representation ameliorates this problem, and encourages citizens to engage policy in a more substantive and nuanced way.[30]

Our approach is *representative* in that it focuses on and seeks to improve citizen communication within institutions of representative government, rather than emphasizing initiatives, referenda and other unmediated institutions as the primary engines of reform. Directly representative democracy agrees that the scale and scope of modern democracies preclude direct institutions from effectively serving as more than a supplement in governance. Unlike the relatively few enfranchised citizens of ancient Athens, most citizens of contemporary democracies have day jobs and many other demands on their time. The benefits of representative government, moreover, are not merely matters of "second best." Talented public servants who acquire policy expertise can promote high quality deliberation, develop coherent and forward-looking policy, and protect against lurches in public opinion, among other reasons to favor representative over direct democracy.[31]

Our approach is *democratic* in that we seek to create new and meaningful opportunities for citizens to participate in ways that go beyond checking off a ballot every few years, writing a check to a political organization, or shouting protest slogans. Indeed, our vision is closer to the civics textbook presentation of democracy than either technocracy or interest group pluralism. Directly representative democracy centers on reintroducing effective and inclusive communication between citizen and legislators.

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[30] One promising new online platform that enables participants to explore the nuances of complex problems is the Common Ground for Action (CGA) forum developed by the Kettering Foundation and National Issues Forum Institute.

[31] Kevin M. Esterling, *The Political Economy of Expertise: Information and Efficiency in American National Politics* (Ann Arbor: University of Michigan Press, 2004).

Thus, directly representative democracy is direct in that it bypasses and supplements the highly mediated pathways via interest groups, parties, and mass media that constitute status quo politics. It is representative in that it strengthens established representative institutions rather than attempting to work around them. And it is democratic in that citizens play a robust role through all phases of the political process, rather than simply showing up every four years to render an up or down judgment.

Effective communication, of course, is a two-way street. Officials should communicate the reasons for their actions to constituents; but they must also genuinely listen to their constituents. Respectful, inclusive, two-way communication helps to establish perceptions of legitimacy and warranted trust in representative democracy. Elected officials build such trust and legitimacy through what we call *ongoing republican consultation* and *ongoing deliberative accountability*.

By *ongoing republican consultation* we mean representatives making special efforts to engage a broad cross-section of their constituents, seeking them out to provide reflective advice and input on substantive policies at the time that policies are under consideration in the legislature. As John Adams noted, representatives must "mix with their constituents" if they are to be able to "think, feel, reason, and act" on their behalf. Contrast republican consultation as envisioned within directly representative democracy with politicians' more typical practices of relying merely on electoral mandates, pandering to raw public opinion, attending to vested interests, or attempting to manipulate opinion through "crafted talk."[32] Elections, however, bundle together a large number of issues that constituents care about, making it difficult to

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[32] Lawrence R. Jacobs and Robert Y. Shapiro, *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness* (Chicago: University of Chicago Press, 2000).

interpret democratic support for any given policy proposal. Public opinion polls can sometimes help clarify apparent support on certain issues, but they generally lack anything but the barest of contexts and rationales; moreover, they do not reliably track people's considered views on policy when informed. Nor do they generally lead citizens to feel that they have been "heard" by their representatives in any meaningful way. Finally, when elected officials *do* consult constituencies outside of elections, it tends to be primarily via interest groups, which, we have argued, are a secondary and derivative form of representation. Such an approach does not reliably reflect the way a broader swath of the public would respond if meaningfully consulted.

In a similar vein, by *ongoing deliberative accountability* we mean legislators making special efforts to engage a broad cross-section of their constituents in providing explanations for representative activity throughout the policy process on discrete issues – to "frequently render to them an account of their stewardship" in Adams's words.[33] Our approach encourages accountability between elections, disaggregates issues, and fosters a more deliberative political culture. In one sense, this is merely the flip-side of ongoing republican consultation, with an emphasis on legislators explaining how they took such consultation into account in their work. The idea is to expand on the notion of electoral accountability. As we noted above, elections bundle together a large number of issues, with only a few hot-button topics reaching the threshold of attention in compressed and heated campaigns that discourage anything that cannot be crammed into a thirty-second ad designed to contrast maximally with one's opponent. In the context of campaigns, such proposals tend to be long on imagery and short on specifics. As

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[33] For a related view of accountability see Jane Mansbridge, "A contingency theory of accountability." In *The Oxford handbook of public accountability*. 2014.

Mario Cuomo noted, "You campaign in poetry; you govern in prose." Citizens should be able to hear and respond to the prose as well.

When representatives engage in republican consultation and deliberative accountability, they bring citizens into a respectful, two-way discussion that can meaningfully reconnect them to their government. Elected officials have a general duty (and a strong incentive) to enact policies that will eventually be popular among their constituents. However, the officials typically have better information with which to make policy judgments than most citizens, so they do not simply vote for whatever an uninformed public thinks it wants at the moment. They generally do not and should not assume the role of either a paternalistic "trustee" or an effectively direct-democratic "delegate."[34]

Through a system of online deliberative town halls, we envision creating a cycle of deliberation that cuts across this trustee-delegate dichotomy. In this cycle, citizens communicate their general interests, and legislators debate and craft policies to advance those interests via republican consultation. They then attempt to persuade their constituents that they have succeeded via deliberative accountability. The process repeats itself in a cycle of feedback culminating in periodic elections. Directly representative democracy thus breaks out of the zero-sum trade-off between direct and representative democracy. It represents both a theoretical innovation and a practical opportunity, deployable in good times and bad.

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[34] Hanna Fenichel Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967); Brandice Canes-Wrone, *Who Leads Whom?: Presidents, Policy, and the Public* (Chicago: University of Chicago Press, 2010); and Justin Fox and Kenneth W. Shotts, "Delegates or Trustees? A Theory of Political Accountability," *The Journal of Politics* 71, no. 4 (2009): 1225–37.

The goal of directly representative democracy is to give citizens good reasons to trust that, in ceding some of their sovereign power, they are not also ceding democracy itself. As Mark Twain put it:

> In a monarchy, the king and his family are the country; in a republic it is the common voice of the people. Each of you, for himself, by himself and on his own responsibility, must speak. And it is a solemn and weighty responsibility, and not lightly to be flung aside at the bullying of pulpit, press, government, or the empty catch-phrases of politicians.[35]

But why should we believe that politicians – prone as they are to trading in empty catch-phrases – will listen?

Townhalls! (Townhalls?)

We build much of our practical case for *directly representative democracy* with evidence from a series of novel experiments that tested our alternative conception of democracy in a realistic, yet scientifically rigorous way. Members of Congress agreed to participate in our research by hosting specially designed, online deliberative town hall meetings with randomly assigned, representative samples of their constituents, discussing some of the most important and controversial issues of the day – immigration policy and terrorist detainee policy. These experiments demonstrate a model of how our democracy could work, where representatives consult with and inform constituents in substantive discussions, and where otherwise marginalized citizens participate and become empowered.

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[35] Mark Twain and John S. Tuckey, *Mark Twain's Fables of Man* (Berkeley: University of California Press, 1972).

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Town hall meetings are a natural place to start for purposes of trying to enhance two-way dialogue via ongoing republican consultation and deliberative accountability. The modern "town hall meeting" emerged from the classic New England town meeting. Such meetings, with their direct, face-to-face democracy have an iconic status in U.S. history. In his famous "four freedoms" series, Norman Rockwell represents "freedom of speech" in terms of an individual citizen speaking up at a New England town meeting (see Figure 1.2, below).
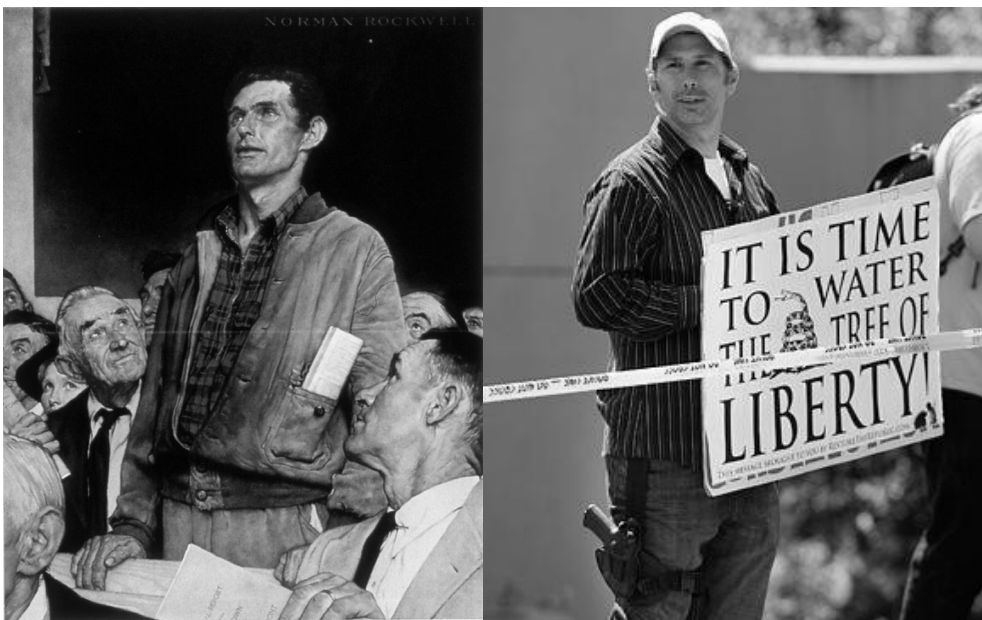

Figure 1.2: Rockwell's depiction of a New England town meeting (left) and a protestor outside one of President Obama's town halls (right)

Recently, members of Congress have used what they call "town hall meetings" to interact with their constituents. Yet these meetings typically fail to promote rational public deliberation very well. Qualitative evidence seems to support the idea that politicians do not typically host town hall meetings to engage in discussion on the merits of issues and controversies. Rather, the

highly unusual types of constituents who attend these face-to-face meetings lead representatives to use the platform primarily to rally their strongest supporters and to deflect the attacks of their most vocal opponents.[36]

The 2009 and 2017 town halls on, respectively, enacting health care reform and then its possible repeal, for example, suggest that whatever semblance of reality Rockwell's portrait may have captured has been almost entirely lost. The health care town halls routinely devolved into shouting matches interspersed with threatened and, occasionally, actual violence. The armed man in the right panel seems as if he might be the radicalized grandson of the genial citizen in the left panel.[37]

Technocratic reformers and those who want to reinforce status quo politics may be apt to think that, in focusing on town halls, we have chosen the least plausible venue to argue in favor of directly representative reforms. On this account, town halls are emblematic of exactly what is wrong with trying to incorporate average citizens into the political and policy process, and any attempt to expand their scope and influence is at best a waste of time, at worst a recipe for disaster.

Institutional Design

Such concerns are reasonable. We do not advocate a return to some Rockwellian golden age. Yet, as we argued above, directly representative democracy is designed to promote

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[36] Jane J. Mansbridge, *Beyond Adversary Democracy* (Chicago: University of Chicago Press, 1983); Richard F. Fenno, *Home Style: House Members in Their Districts* (Boston: Little, Brown and Co., 1978.); and Smith, "A Wider Ideological Gap Between More and Less Educated Adults."

[37] The sign the man holds refers to Jefferson's famous words: "*The tree of liberty must be refreshed from time to time with the blood of patriots & tyrants.*" See also: Karpowitz, Christopher F., and Chad Raphael. *Deliberation, democracy, and civic forums: Improving equality and publicity*. Cambridge University Press, 2014.

something like most people's civics textbook vision of how democracy is supposed to work, with citizens directly and constructively engaging with their representatives. We teach children this vision because it embodies our deepest ideals and commitments. We should be slow to toss it aside even in the face of seemingly intractable problems. As Max Weber noted, "politics is a strong and slow boring of hard boards."

We began this project, then, with a simple conjecture – that the worrisome spectacle of many standard town halls was largely a result of who shows up: either very politically active citizens who already love their member of Congress or those who are nursing specific grievances – i.e., their most vocal critics.[38] The vast majority of each representative's constituents fall into *neither* camp. Generalizing from what happens in the ensuing discussions in the standard town halls may be wildly inaccurate relative to what would transpire if town halls could be designed to encourage widespread, informed, and constructive participation.

Relatively small changes to the institutional structure behind town halls would encourage broader and higher quality participation. As it turns out, the main reason that citizens do not participate in political events outside of voting is that no one asks them to do so. Simply asking people to participate can dramatically increase the rate and representativeness of those who show up, as does using online technology to lower the costs of participation.[39] As we shall see, changing who shows up profoundly changes how events unfold. Making deliberative participation much easier is realistic with moderate effort on the part of elected representatives.

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[38] See Smith, "A Wider Ideological Gap Between More and Less Educated Adults."

[39] Fay Lomax Cook, Michael X. Delli Carpini, and Lawrence R. Jacobs. "Who Deliberates? Discursive Participation in America," In *Deliberation, Participation and Democracy: Can the People Govern?*, ed. Shawn W. Rosenberg (London: Palgrave Macmillan, 2007): 25-44; and Neblo et al., "Who Wants To Deliberate—And Why?"

We therefore see it as both a positive duty of outreach as well as an increasingly prudent and plausible communication strategy for elected officials.

Real(istic) Politics

When we first started presenting work from this project, people often responded with comments like, "Wow, those experiments with online town halls are really cool. Of course, they're not real politics." They questioned whether directly representative outreach really is an increasingly prudent and plausible activity for elected officials. Yet the deliberative town halls we have already put into practice involved *sitting* members of Congress talking with their *actual* constituents about *real* legislation. If that does not constitute "real" politics, we cannot see why. This may not be politics as usual, but that is the whole point. We are trying to revive a form of politics taken to be essential at the founding of the republic, but that critics now regard as naive given the growth in the size of the country and the complexity of governance.

One might concede that our deliberative town halls were isolated examples of "real" politics, and yet doubt that they can be realistically taken to scale. Can these new institutions of directly representative democracy engage large numbers of citizens or influence elected representatives? The full reply to such concerns will unfold throughout the book, but a few points are worth noting up front. First, in building civic capacity, success breeds success. In our studies as well as studies of jury participation and many other forms of civic engagement, citizens tend to be surprised by how much they like participating, hold on to the gains from doing

so, and deploy those gains in new contexts.[40] Because civic participation tends to create a virtuous cycle, the response to the chicken-and-egg problem in building better citizens and better institutions is to start small, but to start somewhere. Creating citizens who are more responsible, prepared, and capable of discharging their roles well requires giving them the means, motives, and opportunities to do so in the first place. Below, we present evidence that many citizens want to engage in an informed and constructive way if they believe that their representatives are not merely putting on a show, that the political process is not irredeemably rigged, and that somebody with power is listening.

Listening, however, is a two-way street, and one may wonder whether the elected officials are actually doing that listening. Can institutions of directly representative democracy really change anything among legislators when the caucus and committee doors close? Although this book emphasizes the effects the deliberative town halls had on citizens rather than on the representatives who participated, there are good reasons to believe that directly representative consultation can influence elected officials as well. In addition to electoral goals, elected officials have governance goals, and the *informed* views of their constituents will typically influence their judgments about good governance.

Since V. O. Key, political scientists have also argued that elected officials care about *latent* opinion – that is, public opinion that will emerge after the official takes some action. Standard public opinion surveys are not reliable indicators of future or emerging public opinion because most people do not pay much attention to legislation outside the context of election campaigns. Ongoing republican consultation, however, is likely to yield a form of deliberative

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[40] John Gastil, Chiara Bacci, and Michael Dollinger, "Is Deliberation Neutral? Patterns of Attitude Change During 'The Deliberative Polls[TM],'" *Journal of Public Deliberation* 6, no. 2 (2010): Article 3.

opinion that better tracks latent opinion among constituents. Thus, elected officials and parties can use republican consultation to avoid mistakes that they themselves might later regret.

For their part, citizens can make two kinds of mistakes regarding the actions of their representatives. They can support actions that they would not have approved had they been better informed, and they can fail to support actions that they would have supported. Directly representative democratic reforms seek to minimize such mistakes by placing citizens in a better position to both inform and judge their representatives. Informed citizens, then, give the representatives better information and better incentives to make good choices, and enable them to convincingly communicate, in turn, the grounds for those choices to their constituents. By building new ways for legislators and citizens to interact constructively, directly representative democracy aspires to help reconnect citizens to their government, thus improving democratic outcomes. We present the evidence for each step in this process below.

In the next chapter we develop our vision and aspirations for directly democratic institutions, proposing a list of five normative criteria that any successful reform effort should meet. Chapter 3 describes the institutional design of our deliberative town halls. In Chapters 4 through 8 we assess how well our deliberative town halls measured up to our five criteria. In the conclusion, we reflect on our experiment and consider the prospects for directly representative democracy going forward.

... **Is Now the Time?**

"While confined here in the Birmingham city jail, I came across your recent statement calling my present activities 'unwise and untimely.'" Thus, Martin Luther King Jr. launched his great epistle on political protest, rejoining those moderate white ministers who rebuked him for

abandoning deliberation and negotiation in favor of disruption. Extraordinary injustice justifies extraordinary politics, Dr. King explained. Many people today fervently believe that we live in similarly extraordinary times, and call again for extraordinary politics. Indeed, such calls for extraordinary politics hail from all over the political landscape.

Black Lives Matter highlights the ways in which urgent racial injustices that motivated the civil rights movement remain urgent. The Tea Party formed out of fears that the federal government's growing reach stifles economic dynamism and threatens the prerequisites of a free society. Indivisible and the Occupy movement coalesced from corresponding fears that corporate plutocracy was eroding democratic norms of equality and the rule of law. The Never Trump movement suborned unfaithful delegates, rebelling against its own party's standard bearer. And Trump himself drew support from those who wanted to radically disrupt establishment politics generally. All of these groups claim the kind of urgency, enormity, and moral clarity that justify disruption over deliberation.

Readers of very different political stripes might therefore worry that the reforms proposed in this book – which focus on improving the deliberative quality of ordinary politics – are altogether "untimely." Now is not the moment, you might say, to emphasize dialogue and deliberation. At best, we are naive and complacent, rearranging deck chairs on a sinking ship of state. At worst, we abet a fundamentally broken system.

Yet, despite appearances, Dr. King affirmed the priority of deliberative politics. While languishing unjustly in a jail cell for engaging in disruptive action, he responds with a remarkable enactment of higher-order deliberative politics, one that justifies and delimits the conditions of extraordinary politics: "Since I feel that you are men of genuine good will and that

your criticisms are sincerely set forth, I want to try to answer your statement in what I hope will be patient and reasonable terms." The subtlety and sublimity of Dr. King's reply emerge from the way that he fused the rational persuasion of the text with the moral suasion of its context. The letter itself is a brilliant contribution to deliberative politics, penned under wildly inauspicious circumstances.

We should not be surprised to find deliberative politics at the heart of the civil rights movement. From the perch of history, we tend to focus on the acts of civil disobedience themselves, rather than on how the protesters justified and prepared for them. We are tempted to see the justification as obvious, and the preparation as a formality. Yet that is precisely because the leaders of the movement were explicit and exacting about both: "In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self purification; and direct action." Knowing that police dogs, fire hoses, night sticks, and jail cells would follow on their actions rendered such careful progression anything but obvious and perfunctory.

Dr. King believed that any political movement that could withstand the scrutiny of history would first need to re-engage in deliberation informed by the facts collected, before considering disruption. But more importantly, any successful movement must aim to *restore* deliberative politics on terms that are more just and inclusive: "You may well ask: 'Why direct action? Why sit ins, marches and so forth? Isn't negotiation a better path?' You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action … Too long has our beloved Southland been bogged down in a tragic effort to live in monologue rather than

dialogue." Done well, disruption and deliberation can work together to deepen democracy. After enduring the dogs and night-sticks, John Lewis stood for a seat in Congress.

We leave it for each reader to judge which of today's rallying cries meet Dr. King's criteria. We submit that the directly democratic reforms of ordinary politics that we propose remain vital whatever you decide. Even if our proposals were to succeed beyond our highest ambitions, they would of course still pale next to the civil rights movement's epochal achievements. And we evince none of its leaders' moral courage in proposing them. Nevertheless, they share in the same vision of building a democratic community rooted in equality, freedom, justice, and mutual understanding. To those who worry that directly democratic reforms are untimely, then, our reply echoes Dr. King's concern that in politics, "'Wait' has almost always meant 'Never.'" Our republic can scarcely afford further delay.