

What Role Can Equality Play in the Justification of Representative Democracy?

Abstract:

This paper seeks to answer the question of what role considerations related to equality can play in the justification of representative democracy—regimes that (1) select political officials through regular elections and (2) give those officials wide discretion to rule as they see fit in the interim between elections. We begin by arguing that although equality-based justifications of democratic government provide important reasons to prefer representative institutions to traditional alternatives such as oligarchy and hereditary monarchy, the distinctive features of representative democracy render such regimes inherently problematic on equality-based grounds and difficult to justify on such grounds against more compelling present day alternatives (Sections 2-5). We then argue that while there are instrumental considerations that could provide reason to accept each of the core features of representative democracy, those instrumental considerations are indeterminate across a range of possible regimes organized around such features (Section 6). Egalitarian considerations can provide reason to prefer the subset of representative democracies that respects egalitarian constraints (including, for example, one person-one vote and equal opportunity for access to political office) (Section 7). Thus, even though egalitarian considerations do not themselves compellingly justify representative democracy as an umbrella institution, they can nevertheless play a crucial role in shaping, and ultimately justifying, the kind of representative democracy, under that umbrella, that we ought to accept. This gives such considerations an important role to play in the justification of (egalitarian forms of) representative democracy, but one that is much different than typically suggested.

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Representative democracy is the central mode of democratic governance in contemporary liberal societies. Although such societies represent a nexus of cross-cutting institutional features and policies (and we will have more to say on them below), we will, for the purposes of this paper, define representative democracies as regimes with the following two institutional features:

1. Those who govern are selected, directly or indirectly, by the governed at regular intervals in elections that allow opposition parties to compete on reasonably fair terms.
2. In the interim between elections, elected officials enjoy significant leeway to rule as they like.

While there is considerable variety in the particular forms that such regimes take, these are the principal distinctive characteristics shared by modern regimes of representative democracy. A justification of representative democracy must implicate these institutional characteristics as such, not merely, for example, the desirability of popular sovereignty, which cannot distinguish between different forms of democratic governance.

Our goal in this paper is to explore precisely what egalitarian considerations can contribute to the justification of representative democracy. We begin by arguing that although equality-based justifications of democratic government provide important reasons to prefer representative institutions to traditional alternatives such as oligarchy and hereditary monarchy, the distinctive features of representative democracy render such regimes inherently problematic on equality-based grounds. Indeed, we argue that there are no significant equality-based grounds for insisting that electoral regimes must be preferable to salient non-electoral alternatives. Not only do egalitarian justifications fail to provide clear reason to prefer electoral systems, they also conflict with the second

distinctive characteristic of representative democracies—namely, the independence that such regimes give to elected officials.

By contrast, we identify a two-step instrumental argument that provides reason to prefer regimes organized around the central features of representative democracy. First, considerations related to minimizing the social cost of removing widely disliked leaders – anchored in the tradition of minimalist accounts of democracy advanced by Schumpeter and his present-day intellectual descendants – provide reason to prefer electoral systems to non-electoral alternatives. Second, when properly institutionalized, the independence that representative democracies grant to elected officials produces epistemic benefits that provide reason to prefer them to other electoral regimes.

Although these instrumental arguments succeed where the egalitarian ones fail, it would be a mistake to conclude that the egalitarian considerations are, therefore, irrelevant. Instead, we argue, there are at least two important justificatory roles for egalitarian considerations. First, egalitarian norms should shape the kinds of instrumental justifications that we entertain; all else equal, we should prefer instrumental justifications that are egalitarian in their presuppositions and, so, critically, in their institutional consequences. Second, instrumental justifications for representative democracy are indeterminate across an important range of institutional options. Egalitarian considerations can and should play a key role in picking out preferred options on that range. Thus, even if egalitarian considerations do not themselves compellingly justify representative democracy as an umbrella institution, they can nevertheless play a crucial role in shaping, and ultimately justifying, the kind of representative democracy, under that umbrella, that we ought to accept.

1. A Note on Method

Before we turn to the substantive argument, it is important to clarify the nature of the analysis that we will undertake. We understand a regime type to be justified if there are all-things-considered reasons to prefer it to alternatives over the long run. Although the ultimate prize in a normative analysis of institutions may be such an all-things-considered justification, our goal is more modest. We do not seek to argue that any particular representative democracy *is* justified, much less that all such regimes are justified. Instead, we aim to clarify debate by clearly identifying the potential benefits associated with the distinctive features of representative democracy on important dimensions of performance, thus considering the *prima facie* case for its justification.¹ Justificatory arguments are inherently comparative: the question is whether representative democracy is desirable in comparison to alternative regime types. Yet, with a few notable exceptions (e.g., Estlund 2008; Guerrero 2014), typical justificatory arguments in contemporary democratic theory are extremely vague about the relevant comparison set. Moreover, arguably the most compelling alternative to representative democracy in today's world—the non-democratic meritocracy found, to a certain extent, in China and

¹ It is possible—at least in principle—for a regime type to be justified because it performs well across a wide variety of categories without having distinctive benefits in any particular area. Yet, to establish that, one would need detailed information about the range of feasible regimes and their consequences, and we lack the kind of systematic variation in regime type that would allow one to make precise empirical claims about the consequences of different institutional structures. Furthermore, if the empirical benefits associated with representative democracy are not closely associated with the distinctive characteristics of such regimes, then there is reason to suppose that alternative regimes could do a better job of bringing forth the benefits in question.

Singapore—is very rarely considered in the democratic theory literature (though, see Bell 2015).

In order to compare regime types effectively, we need to identify important benefits associated with their distinctive features. To gain leverage on this issue, we make two methodological moves. First, we hold fixed assumptions about the behavior of political actors (including both ordinary citizens and officials), while considering the effects of varying the institutional context in which they operate.² In particular, throughout, we maintain agency assumptions that are broadly realistic: that individuals may not be primitively perfectly motivated to advance social welfare, that they are not omniscient, that they are responsive to incentives, and that officials tend to have a strong desire to continue to hold positions of power. We then imagine such realistically imperfect agents in different institutional contexts, including those characterized by the central features of representative democracy identified at the essay’s outset. We wish to ask: given such assumptions about political actors, what reasons might we have to prefer representative democracy to alternative regime types and what role might egalitarian considerations play in such a justificatory argument?

This perspective resists idealizations sometimes associated with the concept of a well-ordered society—namely, the assumption that all political agents within a system are themselves sufficiently primitively motivated to uphold the values (such as political

² An alternative approach, influentially pursued by both J.S. Mill and Karl Marx, is to (a) allow for the possibility that the institutions under which people live fundamentally shape their capacities and tendencies; and (b) assess competing institutions in light of that effect on the people living under them. Without denying that there is value to that approach, we focus instead on what may be a simpler question: how different institutions are likely to operate, holding fixed assumptions about the likely behavior and capacities of citizens living under them.

equality) that might help justify a particular form of government. Instead, our operating assumption is that the value of political institutions depends, in important part, on how well they can function even when importantly placed individuals, though perhaps committed to the justifying values in principle, may be willing to take actions departing from them when such actions are not pivotal to those values being socially upheld.

The second methodological move is to focus the analysis not on the assessment of specific (including existing) representative democracies, but on the problems and properties endemic to that form of government as such. One reason for this is that specific representative democracies may be plagued by a number of problems that are not a consequence of the central institutional features identified above and so are not endemic to that regime type. For instance, a particular representative democracy may struggle to respond effectively to emerging problems because its governance structure has too many veto points. Yet, by itself, that would not tell us that representative democracy is a poor regime type, but merely that that particular form of representative democracy may be suboptimally designed. Similarly, there may be attractive characteristics whose presence tends to be correlated with representative democracy (such as freedom of speech or the press). Indeed, since our definition of representative democracy requires reasonably fair elections, it presupposes that those liberties are protected to some significant extent.

However, in the absence of an explanation of why other systems of government could not themselves protect such liberties, valuing freedom of expression does not generate a clear justification of representative democracy. With this in mind, we seek to identify a justificatory argument that emerges directly from the central distinctive features of representative democracy such that, given the behavioral assumptions

identified above, alternative regime types could not be expected to replicate the relevant benefits even under their best institutional forms. With these introductory methodological remarks in place, we turn now to the substantive argument.

2. The Appeal of Relational Justifications

An influential family of justificatory arguments hinges on the idea that if one is committed to respecting citizens as equals, then one must accept a democratic form of government. This basic thought has been developed in a number of different ways. For instance, Thomas Christiano argues that, in the face of disagreement about substantive policies, the best way to treat citizens as equals is to make decisions through democratic institutions (Christiano 1996, 59). Likewise, it has been argued in the social choice tradition that only democratic procedures can simultaneously satisfy the requirements of anonymity, neutrality, and responsiveness—all of which we must accept if we are to treat one another as equals (May 1952). Although there are certainly different ways to develop equality-based (or, equivalently, ‘relational’) arguments, they share a common thread: namely, the thought that citizens have a strong interest in relating to one another as equals, and that promoting this interest requires democratic political institutions (Anderson 2009; Beerbohm 2012; and Kolodny 2014).

Traditional relational arguments are fairly successful when they are used to compare democratic regimes to standard alternatives, such as hereditary monarchy and oligarchy. Consider the following explanation, by Niko Kolodny:

[D]emocracy is a particularly important constituent of a society in which people are related to one another as social equals, as opposed to social inferiors or superiors. The concern for democracy is rooted in a concern not to have anyone else above—or, for that matter, below—one. (Kolodny 2014, 287-288)

This relational interest is important. It helps explain why we wish to avoid living “under the thumb” of a superior. We want to be respected as members in equal standing in the collective life of the political community—ones whose interests are as important as those of our compatriots.

The idea of social equality is, however, nebulous and can be understood in a variety of ways. Indeed, it is because of this that there is, as noted above, a family of equality-based arguments. To fix ideas, we follow Kolodny in saying that there are three specific types of inequalities that raise particularly important concerns related to social equality: inequalities in power, inequalities in authority, and inequalities related to consideration or deference (Kolodny 2014, 295). A consequence of this position is that unequal opportunities to exercise political power pose a central threat to social equality. Those who have more opportunities for political power than their compatriots thereby have greater relative power and greater relative authority. As a result, they will also often, though not necessarily, acquire a special (even if informal) status that will lead them to be given special consideration. Thus, Kolodny insists that “a particularly important component of relations of social equality among individuals” is “equal opportunity for influence over the political decisions to which they are subject” (Kolodny 2014, 308).

This focus on equal opportunity for political influence is not an idiosyncratic feature of Kolodny’s position (e.g., Christiano 1996, 69; also see 2008, 95-96). Still, it is clear that equal opportunity (however understood) is not *sufficient* for relations of social equality. Most obviously, decisions that result in hierarchical social practices could be made even under a procedure that protects equal opportunity for political influence. For

now, though, it is enough to observe that relational arguments for democratic government standardly insist that equal opportunity for political power is a central requirement of social equality.

While egalitarian arguments for democracy differ in specific details, the following structure captures the generic relational justification for democratic government:

1. We have strong reason to want our ongoing relations with fellow citizens to be on equal terms.
2. A necessary condition of satisfying this standard is that opportunities to exercise political power must be equally distributed.
3. Only democratic government equally distributes chances to exercise political power.
4. Therefore, all else equal, democratic government is justified.

At the cost of repeating this point, it is important to emphasize that this type of argument clearly has something going for it: democratic regimes are preferable, on relational grounds, to many alternative forms of government. For instance, a traditional hereditary monarchy rests all power and authority in a single individual. It makes no attempt to provide citizens with say in the exercise of political power or authority, and it gives special consideration to members of the royal family. Given realistic assumptions about how those who hold power are likely to use it, it is straightforward that such regimes will maintain distributions of opportunities to exercise political power that are less equitable than representative democracy. Thus, when we compare modern regimes of representative democracy with standard non-democratic alternatives, the attempts that the former make to institutionalize a formally equal distribution of votes gives them a substantial advantage in terms of satisfying the demands of social equality.

3. Social Equality and the Limits of Representative Government

Although representative democracy is therefore preferable to many non-democratic alternatives on relational grounds, its ability to satisfy the requirement of equal respect is importantly limited. Since there seems to be a broad presumption in the literature that representative democracy satisfies the goal of equal respect, we begin – in this section – by identifying three distinct ways in which representative democracies are bound to fall short of satisfying the ideal of relational equality. The shortcomings that we highlight are endemic to the class of representative democratic institutions as such, rather than merely affecting some instantiations of representative democracy. These departures from the ideal make pressing the comparative evaluation of the relative merits of alternative regimes types, and in the following sections, we revisit the issue in the context of such a broader comparison.

The first departure from relational equality is essentially unavoidable in any kind of representative system. In such systems, very few individual citizens have the privilege of holding office or exercising significant political power. For example, while there are just five hundred and thirty-five members of Congress, over one hundred and sixty five million citizens cast votes in the 2012 election. So, about one citizen for every three hundred thousand voters is elected to Congress. This is a simple point that we often overlook in speaking about modern representative democracies—namely, they work by elevating a *tiny* number of individuals into positions of *enormous* power. Presidents and legislators can move armies, dramatically alter the percentage of our paycheck that ends up in our bank account, and change rules that end up committing us to prison. Yet, hardly any of us will ever have the chance to hold such office or exercise such power;

indeed, few of us will ever even *know* someone with such power. Insofar as we organize ourselves into the very large political communities characteristic of modern states and expect legislators to be able to meet and deliberate in a shared chamber, this is a necessary feature of representative democracy.

There is surely something odd about arguing for such regimes by emphasizing the importance of living in a society in which people can relate to one another as social equals. After all, it is hard to look at the tiny number of individuals who exercise significant political power in representative regimes and celebrate this as a triumph of social equality. The members of this club have greater relative power and authority than their fellow citizens and are typically the beneficiaries of significant consideration.³ This seems, *prima facie*, like the kind of ruling elite whose very presence threatens social equality.⁴ The next two reasons explain how such a threat may be realized.

The second reason to worry about the consistency between representative democracy and social equality is entailed in the complexities of the agency relationships underlying representation. Such relationship inevitably create considerable leeway for

³ In many modern electoral democracies, these few tend to be fabulously wealthy, spend large parts of their working lives in such institutions, and able to raise more money over dinner than the vast majority of us can make in a year. Unlike other features of electoral democracy that we discuss in this section, this is not a necessary implication of such institutions. Still, it would be hasty to assume that the present empirical reality is irrelevant. At the very least, it should affect how justifiable we think our existing democracies are not just against some implementable democratic ideal, but also against non-democratic possibilities.

⁴ It may be tempting to respond that insofar as voters select these particular individuals, there is no conflict with social equality. But this response misses the point. We can imagine a system in which, once every decade, citizens elect one individual to exercise unchecked political power and authority. Whatever merits such a system might have, consistency with social equality would not be one of them. Pointing out that those who have special opportunities to exercise political power are selected by ordinary citizens is not, therefore, a sufficient defense of the compatibility between social equality and representative democracy.

elected officials to use their special political power and authority to advance their own personal agendas and/or for private benefit at the expense of social welfare. Given the asymmetric distribution of such power and authority, the effect is clearly to undermine the egalitarian ideal.

The effect is made particularly pronounced by the bluntness of periodic elections. While this bluntness can be appreciated in a variety of ways, the fundamental point is that representatives are called upon to act on a wide variety of issues across a fairly long term in office, but constituents have only one vote with which to hold them accountable. When nominees from major parties are bundles of attributes, positions, and records that differ along many dimensions, a voter's choice is, inevitably, a tradeoff that builds a certain amount of leeway for officeholders into the system and provides them with opportunities for rent seeking.

This problem is exacerbated by the informational asymmetries between voters and officeholders. Individual voters and politicians enjoy fundamentally different returns to acquiring information about policies (Downs 1957). An under-informed choice by an incumbent office-holder can cost him a job, whereas a single voter is almost surely not pivotal and is exceedingly unlikely to suffer for being ill-informed beyond the usual minimal civic opprobrium. Countless empirical studies have found that voters are systematically ignorant on matters relevant to their vote (Achen and Bartels 2016). Although it may be individually rational, that ignorance undermines accountability. For instance, an official might give beneficial treatment to a local business in ways that are not easily understandable to voters and receive, as a part of a tacit exchange, lucrative employment upon leaving office. From a relational perspective, such rent seeking is

problematic because it is an instance of public officials claiming special political power and consideration. However, since it is a consequence of the basic features of representative regimes (periodic elections and considerable independence for elected officials), it is unclear how such a regime could eliminate this type of problem entirely.

The third ground for skepticism about the identification of representative democracies with social equality has to do with how diverse interests obtain policy responsiveness. When constituents disagree about the best policy, louder and better organized interests will, naturally, get more attention. A part of this effect is, surely, due to the private benefits they offer to pliant office holders, but another part is due to the fact that superior organization allows these groups to influence public opinion in a way that is out of proportion to their weight in social welfare. The latter influence turns on voters' ignorance, but also on their impressionability, which makes them predictably, if also unfortunately, responsive to selective information, exaggeration, and simple appeals to identity. The better-organized groups tend to be those that champion interests of those with greater resources. A political outcome that is responsive to those resources is, ipso facto, a departure from social equality. Although certain kinds of campaign finance regimes may mitigate this problem, unless we are willing to forbid citizens from using their resources to advocate on behalf of their preferences or insist on radical resource egalitarianism, this departure is to a certain degree unavoidable.

While representative regimes vary with regard to how susceptible they are to each of these criticisms, no regime could be representative and avoid them altogether.⁵ With these features of representative government in the foreground, it becomes clear that the fit between such systems and the goal of relational equality is at best complex and quite strained.⁶

Recognizing this leaves proponents of egalitarian justifications with two main options. First, they can argue that their positions are not meant to justify representative systems, but rather to show that there are egalitarian grounds on which to criticize representative regimes and argue for direct democracy.⁷ Since it is the justification of representative democracy that interests us here and is relevant to actually existing democratic regimes, we set this possibility aside.

Second, advocates of relational justifications can insist that their arguments *do* provide a justification for existing schemes of representative democracy, but in a somewhat more complicated way than the objections suppose. One commonly suggested possibility is that representative regimes will not conflict with social equality *if* representatives act as delegates (at least with regard to the ends that they pursue).

⁵ Indeed, even a representative system that selected officials through lotteries rather than elections would face such problems. Meanwhile, there are other departures from egalitarianism that are specific to particular forms – e.g., proportional representation, which can give smaller parties disproportional king-making power in governing coalitions. We set them aside in this discussion in order to focus on more endemic issues with representative democracies.

⁶ In the epistemic justification of democracy developed by Knight and Johnson, democracies must provide citizens with equal opportunity for political influence in order to generate the beneficial results that allegedly justify democracy (Knight and Johnson 2011). However, the above arguments call into question the feasibility of this requirement. This raises the question: what could justify democratic regimes that fail to satisfy the requirement of equal opportunity for political influence?

⁷ Note, though, that the third reason for skepticism also applies to direct democracy.

Another possibility is that even if there is some tension between relational considerations and representative democracy, it is nevertheless the best way to promote citizens' interest in relational equality among feasible options. In the next two sections, we argue that neither of these responses can show that systems of representative democracy are justified on relational grounds. Notice that we are not saying that egalitarian considerations are irrelevant to the justification of representative democracy. Instead, we are arguing that the way in which they are typically invoked does not succeed. In Section 7, we explain how such considerations may better figure in justificatory arguments.

4. Representatives as Delegates

A common way to resist relational concerns about representative systems is to insist that if representatives lack meaningful discretion, then the special power that they hold is not a threat to social equality. For instance, Christiano explains that the proper role of representatives in a democratic society is to pursue the ends selected by citizens in the most effective way possible:

They are charged with the tasks of figuring out the means to achieving the aims that the citizens have expressed. Thus, legislators may not substitute their own judgment for those of the citizens with regard to the aims of society. (Christiano 1996, 215-216; Beerbohm 2012, Ch. 8.)

Similarly, Kolodny explains that if we see representatives as the delegates of ordinary citizens, then there is no reason to worry that their power threatens social equality:

In ordinary, nonpolitical contexts, if a person, or group, as 'principal,' delegates to another person, as 'agent,' certain powers (for example, to make certain decisions, to bargain on behalf of the principal's aims), this need not imply the social inferiority of the individual principal (or the members of the group principal) to the agent. Examples of such agents are lawyers, doctors, accountants, and financial planners.... The relationship between the citizenry and official—say, representative in the legislature—might be one of such delegation. If so, then the electorate, or individual constituents belonging to it, need not be socially inferior to the representative. (Kolodny 2014, 317-318)

In short, these views try to circumvent the tension between social equality and representation by arguing that so long as representatives are nothing more than citizens' *delegates* (at least when it comes to the selection of ends), there is no reason to think that their presence undermines social equality.

To begin: notice that this is, at best, a partial response since it does nothing to blunt our third concern about the relationship between representative democracy and social equality. Furthermore, there is an important difference between the structure of the delegated relationship in Kolodny's examples (lawyers, doctors, accountants, and so forth) and political representation. In the non-political examples, the principal would ordinarily be free to fire the agent at any moment or to insist that the agent pursue a particular course of action. But, as Adam Przeworski explains, a "striking feature" of representative democracy is that

Politicians are not legally compelled to abide by their platform in any democratic system. In no existing democracy are representatives subject to binding instructions. No national level democratic constitution allows for recall. While provisions for impeachment and procedures for withdrawing confidence are common, they are never targeted at the betrayal of promises. Hence, citizens give the government some latitude to govern. (Przeworski 2016, 57; also see Manin 1997, 163)

Representative regimes do not give ordinary citizens the power they would need to force representatives to act as delegates, and it is a violation of the agency assumptions laid out above to suppose that representatives will systematically do so of their own volition.

Thus, even if it were correct that representatives who were obliged to pursue the ends selected by citizens would not raise concerns about social inequality, systems of representative democracy give representatives substantial discretion.

As outlined in the introduction, we are considering the relevance of egalitarian considerations for the justification of regimes that use elections to periodically select leaders and then give those officials significant leeway to rule as they choose. Such regimes cannot be justified by the benefits that would follow *if* elected leaders happened to defer to the wishes of citizens – at least, not without a further argument that they will, indeed, do so under the incentives generated by representative democracies. Now, we can imagine a political regime that gave voters such power (perhaps by instituting imperative mandates, electing representatives for very short terms, and making it easy for citizens to recall representatives and utilize direct initiatives). But a regime that thereby sharply mitigated the independence of representatives would be a fundamental departure from existing representative systems, and given the arguments in Section 3, its very possibility points to the infeasibility of relying on egalitarian arguments to justify the second definitional feature of representative democracies.

In Section 6, we explain what would need to be true for traditional forms of representative democracy to be preferable to electoral regimes of this kind. For now, though, the important point is just that representative regimes do not give ordinary citizens the power they would need to force representatives to act as delegates and, as a result, they do not circumvent the relational concerns raised about such regimes in the previous section.

5. Is Representative Democracy the Best Feasible Strategy for Promoting Social Equality?

At this point, a skeptical reader might concede that representative regimes are imperfect with regard to social equality, but insist that they nevertheless outperform other

feasible regime types with regard to relational considerations. As we have already noted, relational justifications of democracy provide reasons that could plausibly justify imperfect liberal democracies relative to alternatives such as traditional hereditary monarchy or kleptocratic oligarchies. But such historically prominent alternatives do not exhaust the range of counterfactual possibilities, and we will argue that, considered against more promising present-day counterfactuals, this strategy appears much less plausible.

We focus our analysis on the comparison between representative democracy and one such present-day alternative – *non-democratic meritocracy* (NDM). Focusing on this alternative has the further benefit of sharpening our critique because many contemporary democratic theorists will likely regard it as egregiously inconsistent with egalitarian values. The conclusion we are urging, then, that the argument for representative democracy as the best feasible strategy for promoting social equality is not persuasive even against non-democratic meritocracy, is particularly stark.

A. *Non-Democratic Meritocracy*

The core features of NDM are as follows:

1. Officials are selected through a series of exams in which citizens can compete on reasonably fair terms.
2. Officials are promoted through the ranks of the administrative hierarchy, including into the highest leadership roles, by performance evaluations or exams conducted by high-ranking officials.

It is reasonable to expect that those who govern NDM are aware of, and take into account, the interests of ordinary citizens because they recognize that the continuing legitimacy of the regime (in the sociological sense) depends upon it and because citizens' implicit acquiescence may be necessary for fulfilling their individual career aspirations.

Thus, higher level officials have self-interested instrumental reasons (though ones that may not be dispositive) to select and promote lower level officials who show themselves to be particularly competent (e.g., with respect to promoting economic growth, life expectancy, poverty reduction, and so forth). Nevertheless, the citizenry—taken as a whole—has no role in governing the regime, and consequently the system fails the key definitional requirement of democratic governance.

The NDM that we are describing is not a particular regime but, like the representative democracy that its defenders seek to justify, a category or regime type. One can think of China or Singapore as two regimes that exhibit, however imperfectly, certain of the features associated with NDM. Indeed, NDM comports with how certain sympathizers and representatives of those regimes describe their motivating ideal (e.g., Bell 2015; Hamilton-Hart 2000; Li and Zhou 2005). For instance, Lee Kuan Yew emphasized that Singapore’s political leaders are chosen through a competitive process such that talented and high performing individuals can rise to political power regardless of their family background, and it is on these grounds that he insisted that, “Singapore is a meritocracy” (quoted in Kwang et al. 1998, 315). Of course, the actual Chinese and Singaporean regimes fall some distance short of the gold standard for a well-functioning NDM (critical accounts of such regimes are readily available, see e.g., Ringen 2016; Shih *et al.* 2012). But it is also clearly true that existing representative democracies operate very differently than *their* motivating ideal suggests (think, for instance, of the gap between an ideal deliberative process and public political debate in Western democracies).

A different kind of exemplar of NDM can be discerned from caricatures of civil service bureaucracies in some Western democracies. Such bureaucracies—which are typically merit-based and enjoy considerable protections against attempts to subvert their internal rules of promotion, retention, and rank—can be more or less insulated from the political process (depending, for instance, on the depth of political appointee ranks in the leadership of government departments). One can imagine a case in which elections bring into and turn out of elected offices one set of politicians after another, without essentially disturbing the operation of the bureaucracies those elected officials putatively direct. This is the idea behind the political comedy *Yes, Minister*, in which a British government minister is systematically outmaneuvered by his department’s chief bureaucrat, the latter not so much dictating as directing the *real* policy-making authority in his department. It is also behind some portrayals of French state bureaucracy, in which professional advancement and ultimate policy influence is closely tied to graduating from and high performance in the highly selective *École nationale d'administration* (ENA). The point is *not* that Britain or France count as examples of NDM, but that there is a way of thinking about NDM that is perhaps more familiar to Western readers, and closer to Western political institutions, than the examples in the previous paragraph.

Having described this alternative, we can now ask: is representative democracy systematically preferable to NDM on relational grounds? Since, as we explained in Section 2, the standard relational argument for representative democracy hinges on the importance of citizens having equal opportunity for political power, the first way to approach this question is to assess which type of regime better satisfies that goal. After arguing that representative democracy is not systematically preferable to NDM with

regard to equal opportunity for political power, we will offer reasons for skepticism that two other kinds of egalitarian criteria—equal political power and one person-one vote—could show that representative democracy is robustly justified relative to NDM. None of this is meant to suggest that NDM is immune to different kinds of problems that could undermine performance; indeed, we explore what we believe is the most important such problem, which gives rise to an instrumental justification of electoral regimes, in Section 6.

B. Equal Opportunity for Political Power

One can imagine an NDM that perfectly realizes equal opportunity for political power. Given the maintained agency assumptions, however, we should expect that real NDMs will depart from equal opportunity for political power to a significant extent. For instance, civil service exams may imperfectly select well-qualified individuals, and officials will sometimes use their positions of power to promote others on the basis of family connections or opportunities for personal profit rather than performance in office.

Given the same agency assumptions, however, we should expect representative democracies to be plagued by many similar problems. For instance, for the reasons described in Section 3, the wealthy and well connected will have undue electoral advantages, and incumbents will sometimes use their positions of power to generate unjustified electoral advantages, as well as to appoint people to important offices for reasons connected to personal gain. Since the two regime types face similar problems in satisfying the ideal of equal opportunity for political power, there is no clear basis on which to insist that representative democracies should be expected to be superior with regard to it.

An objection to this argument may seek to distinguish between two kinds of equal opportunity for political influence, maintaining that NDM could, at best, provide a kind of once and for all version of equal opportunity for political influence, whereas representative democracy could better approximate a situation of *ongoing* equal opportunity for political influence. The thought would be that while NDM would give citizens a one-time opportunity, via good performance on a civil service exam, to rise through the ranks of political power, representative democracy is capable of providing citizens with something more valuable from an egalitarian perspective—namely, egalitarian relationships sustained by a system that offers ongoing equal opportunity for political influence.

To address this objection, it is important to distinguish between formal and substantive opportunities for political power. Insofar as representative democracy gives citizens equal voting power and the right to run for political office, it provides a *formal* version of ongoing equal opportunity for political influence. However, the claim that there is a qualitative difference between these regime types with respect to formal equality of opportunity for political influence is not persuasive. While a system in which citizens have only a once-and-for-all chance to exercise political power would, indeed, be unattractive, there is no reason that that needs to be a characteristic of NDM, which can instead allow citizens to sit for the relevant exams repeatedly. Moreover, since promotions through the civil service are based on performance evaluations, officials have (in principle, at least) continuous opportunities to show their merit. Thus, both types of regimes can give citizens ongoing formal equal opportunity for political influence.

It is much more difficult to provide citizens with ongoing *substantive* equal opportunity to exercise political power. In NDM, even if you and I have equal formal opportunities to enter the civil service, if I carefully prepare and have the right skill set, while you do not, then I am going to have – in a substantive sense – more opportunity for political influence than do you. However, something similar is true in representative democracy: if one citizen builds relationships with influential political figures and amasses a great deal of wealth, s/he will then have more opportunity to exercise political influence than a fellow citizen without such a background. This claim does not depend on unfairly juxtaposing well-functioning NDMs to poorly organized representative democracies; it hinges on the endemic problems, identified in Section 3, that representative democracies face in satisfying equal opportunity for political influence: the concentration of political power in the hands of a small group of political officials, the opportunities unavoidably given to those officials to use political power to advance their own interests, and the ability of well-organized and resourced groups to exercise an outsized influence on public opinion. In short, neither representative democracy nor NDM has a plausible claim to providing ongoing equal opportunity in a substantive sense.

Regardless of whether we conceive of equal opportunity for political influence in formal or substantive terms, and whether we prioritize ongoing over once-and-for-all opportunities, there is no *prima facie* reason for confidence that, on such grounds, representative democracy must be superior to NDM. The central reason for this is that *no mechanism connected to the distinctive features of representative democracy has been*

identified that gives such regimes a systematic advantage over NDM with regard to equal opportunity for political influence.

However, not all relational defenses of democracy turn on claims about equal opportunity for political influence. It, thus, remains possible that there is some other way to account for the relational superiority of representative democracy that would show it to have a clear advantage over NDM. Although we cannot consider every possibility, the remainder of the section considers and rejects two tempting alternatives—one that strengthens the equal opportunity requirement by insisting on equal actual political power and the other that weakens it by emphasizing the egalitarian significance of one person-one vote.

C. Equal Political Power

One way to respond to the argument that we made in the last section is to insist that the standard of equal opportunity for political influence is too weak. After all, equal opportunity for political influence would be consistent with a scheme that randomly selected one individual to exercise *all* political power. Nobody, though, would think that such a system was the best way to satisfy the demands of social equality. The disparity in actual political power that it allows would surely undermine relations of social equality. Thus, some have argued that social equality requires equal political power—as opposed to equal *opportunity* for political power (Viehoff 2014, 361-364).⁸ Indeed, equal political weight in the form of a voting rule (the “anonymity” condition in May’s theorem and in a number of its descendants) is at the core of the social choice-theoretic axiomatizations of

⁸ Such a position also seems to underlie Christiano’s objections to lottery-based systems (Christiano 2008, 108-111).

majority rule, which have sometimes been used to support equality-based defenses of democracy (e.g., Christiano 1996 and Schwartzberg 2014).

An initial worry about such positions is that it is unclear that representative democracies satisfy the demands of equal political power in any meaningful way. The axiomatizations relied upon are more relevant to direct than representative democracy, as they abstract away from principal-agent problems that are fundamental to the relation of representation. Furthermore, they focus on the last, and easy to codify, stage of the aggregation process (viz., voting), setting aside influences on citizens' preferences over alternatives, whereas our critique focuses precisely on the responsiveness of those preferences to pre-voting political activity (for a similar point, see Beitz 1989, 60).

In addition to skepticism about whether representative democracies do meaningfully approximate equal political power, there are two more basic concerns about the attractiveness of such positions. First, there are good reasons to doubt whether an equal distribution of power is, in fact, an attractive ideal in political contexts (Dworkin 2000, Ch. 4). After all, an equal power requirement would force us to object to some citizens having more influence than others as a result of: skills relevant to governance (including those developed through hard work at earlier stages), the persuasiveness of the arguments that they offer, or even the fact that they were victorious in free and fair elections.

Second, enforcing equal actual power in the face of this diversity of interests and capabilities would require, to at least some extent, restrictions on seemingly mundane exercises of individual liberties. For instance, it would lead to misgivings about allowing persuasive individuals to address large audiences. A similar concern would need to arise

about an individual who was interested in using his or her personal resources to start a magazine arguing for the attractiveness of socialist policies. Indeed, we would even need to worry about people's liberty to associate with like-minded citizens in the pursuit of political goals, lest they accumulate more political power than their less engaged counterparts. The point is that equalizing political power as well as, presumably, empowering the state to enforce those constraints to at least some extent would create conflicts with ordinary exercises of individual liberty.

It is therefore hard to see how a demand for equal political power could avoid raising strong prima facie concerns related to both the quality of collective outcomes and the protection of individual liberty. In short, even were it true that certain conceivable representative democracies outperformed other feasible regimes in terms of providing citizens with equal political power, there are good reasons to doubt that this would render such regimes attractive.

D. One Person-One Vote

To this point, we have argued that a concern with equal opportunity for political power does not provide good reason to prefer representative democracy to certain non-democratic ones (Section B) and that equal political power is not an attractive metric by which to assess systems of government (Section C). However, one clear difference between representative democracy and NDM is that only the former protects one person-one vote. In this section, we will examine two reasons for thinking that representative democracy's protection of one person-one vote provides egalitarian reason for preferring representative democracy to NDM.

The first possibility is that due to one person-one vote, systems of representative democracy—unlike NDM—give citizens equal formal influence over the selection of political leaders. This is a real difference, and it may provide an egalitarian reason to favor representative democracy over NDM. Yet, we will suggest that, at best, that reason is relatively weak—it is not the kind of reason that could sustain firm confidence in the justifiability of representative democracy.

To see why, it is helpful to begin by noticing that a regime in which all citizens are granted a vote, but the votes of some are weighted more heavily than the votes of others—like the system of representation that J.S. Mill imagines—is widely considered by advocates of the relational position to be a paradigmatic affront to social equality. The obvious egalitarian complaint about the system that Mill imagines is that although it gives all citizens *some* political power, some have far more than others and, in virtue of this, it is in conflict with basic egalitarian norms. Although systems built around one person-one vote look, on a formal level, significantly more egalitarian than Mill's proposal, it is crucial to recognize that they are – in fact – susceptible to the very same complaint. As we argued in Section 3, representative democracies systematically – and, unless the economic structure itself is radically reformed, also endemically – allow well-organized and wealthy groups to have more opportunities than other groups to influence the preferences of their fellow citizens in the background culture. This gives certain citizens and groups significant advantages with regard to setting the agenda, including selecting candidates, both prior to and after elections. It is not the case, then, that the formal equality provided by one person-one vote gives citizens equal influence over the selection of leaders.

Notice that we are not denying that there is a difference between representative democracy and NDM related to the ability of citizens in the former to exercise equal formal power in selecting their leaders; instead, the point is to ask why – given that a system can satisfy that ideal and still be run through with deep inequalities in political power with regard to the selection of leaders – that fact should be afforded significant normative weight from an egalitarian perspective? It may be tempting to respond that the equality protected by representative democracy involves more than just one person-one vote—that such systems meaningfully protect equality in a deeper way. However, we have already ruled out at least the most obvious explanations of the deeper sort of equality protected by representative democracy (i.e., equal opportunity for political influence and equal political power).⁹ Since egalitarians must care not just about the formal appearance of political institutions, but also how they actually operate, the equal distribution of formal power over the selection of leaders looks like an awfully thin basis on which to hang an egalitarian justification of representative democracy. It is, after all, easy enough to imagine that alternative regimes, including NDM, could establish parallel formal protections of equality (such as equal chances to sit for entrance exams to the civil service). It is not obvious why the particular formal equality protected by representative

⁹ A related possibility is that systems that feature one-person-one vote are distinctively attractive on egalitarian grounds because such an institutional arrangement is necessary for egalitarian self-determination. Because of space considerations, we cannot consider arguments related to self-determination in any detail. Note, however, that one person-one vote is far from sufficient for egalitarian self-determination because it must be joined with positive responsiveness of collective policy outcomes to individual judgments not just within the agendas with which voters are, in fact, presented, but within all conceivable agendas. It would be hard to call a condition under which only some agendas for collective choices are actualized and the power to bring up or create those agendas is asymmetrically distributed, a condition with egalitarian self-determination. Yet, as we argued in Section 2, it is not clear how representative democracy could distribute control over the agenda in an egalitarian fashion.

democracy should be privileged by egalitarians. Indeed, one needs to at least consider the possibility that the significance of one person-one vote is largely ideological in the sense that it allows the regime to appear egalitarian, even while generating policy that is systematically responsive to the interests of elites.¹⁰

A second possible connection between one person-one vote and egalitarian considerations is rooted in significant disagreement about the best available policy options, presumably induced by underlying disagreements about values. Some have argued that, given such disagreement, the only way to respect people as equals is to give them equal weight in selecting political leaders (e.g., Christiano 2008 and Valentini 2013). The thought is that in the absence of agreement over the substantive policies that would best treat people as equals, the best way to do so is to give people equal power in selecting representatives. A representative democracy that satisfies one person-one vote publicly creates a symbolic core of egalitarian political discourse despite sincere disagreement about which policies advance egalitarian ends. There is, undoubtedly, some power and plausibility to these arguments. In particular, it is hard to deny their force when a one person-one vote system is compared to Mill's inegalitarian system of representation.

However, the force of such considerations seems substantially weaker once we step outside conventional representative systems. The problem is that although the underlying argument proceeds from the recognition of substantive disagreement, it

¹⁰ There is at least some empirical evidence that the preferences of poorer citizens have no effect on public policy in the United States (Gilens 2012). It is possible that this is the result of perfectible problems associated with the American system, but – for all that is known – it could also be reflective of the normal functioning of representative systems that feature one person-one vote.

understates the level of procedural disagreement, and, in part for that reason, ends up with a parochial view of what conferring equal status requires. Citizens of contemporary societies (including professional political theorists) disagree significantly not only about which policies to implement and what rulers to select, but also about the appropriateness of using elections to accomplish that. Advocates of lotteries will surely object that using elections unfairly favors famous citizens, or those with great wealth or social connectedness (Guerrero 2014). Advocates of NDM might think that election-based systems wrongly give power to people who lack special political competence (Bell 2015). Members of permanent minorities worry that majoritarian systems fail to respect them as equals since they tend to give power to representatives of the largest group (Saunders 2010). In short, just as there is disagreement about substantive policies (including which policies would respect people as equals), so too there is disagreement about which procedure for selecting policies best respects citizens as equals. Adopting one such procedure over others necessarily favors certain citizens over others in just the way that the egalitarian argument claims to avoid.

Once this is recognized, it should also become more apparent that, while in representative democracies possession of the vote is an important way of recognizing citizens as equals, the meaning that it carries in such societies is a function of the way that they make collective decisions. Lottery-based systems treat citizens as equals by giving them an equal chance to hold office. NDMs have a different way of recognizing citizens as equals—namely, by allowing them to compete for access to political office on fair terms and promoting those who successfully pursue policies that advance important

components of the public good.¹¹ Thus, the mere existence of substantive disagreement is not enough to show that treating citizens as equals requires systems organized around one person—one vote.

We have argued that the fit between representative democracy and relational equality is far more strained than typically acknowledged. There is nothing about the distinctive features of representative government that provides systematic reason to think that such forms of government will, in expectation, be preferable to all plausible alternatives on relational grounds, including what may be the most prominent current alternative, NDM. While relational arguments, thus, cannot offer an effective justification of representative democracy, one can do better with instrumental considerations, and, as we will see later, it is in dialogue with such considerations, that relational arguments may be most effective.

6. Instrumental Justifications?

Having argued that egalitarian considerations do not furnish an effective justification of the central features of representative democracy, our goal in this section is

¹¹ One might object that no such system can successfully treat citizens as equals in light of disagreement over which policies treat citizens as equals. However, while there is certainly substantial disagreement over policies, it would be wrong to infer that *every* such component is always contested such that there is no sense in which NDM can be regarded as egalitarian. There is, after all, relatively wide agreement on important elements of the public good: economic growth is desirable, it is important to lift people out of poverty, it is valuable for people to live long and healthy lives, some conception of property rights must be protected, and so forth. Insofar as promotion in a well-functioning NDM satisfies equal opportunity for political influence and effectively tracks officials' capacity to contribute to the promotion of the public good with respect to these widely agreed upon criteria, it is not obvious that it does less well in respecting citizens as equals than a system of democratic representation built around one person-one vote. As we have argued, placing people into positions of political power as a result of electoral outcomes is *also* bound to be controversial.

to briefly sketch instrumental arguments that support each of the central features of representative democracy. We do so in two steps. First, we show how the use of elections can be justified by arguments in the minimalist tradition associated with Schumpeter, and, more recently, with Przeworski, Fearon, and others. Those arguments highlight the special ability of electoral systems to peacefully remove leaders widely thought to be performing poorly. Second, we explain how granting elected officials significant independence can be justified on epistemic grounds. Our aim is not to give a full articulation of either set of arguments (much less the broader class of instrumental arguments), but to set up our explanation – in the following section – of the important roles that egalitarian considerations can play in justificatory arguments *even if* the core features of representative democracy are justified on instrumental grounds.

A. The Use of Elections

Consider a regime in which reasonably fair popular elections are commonly understood to determine who gets to rule. Once such common knowledge is established, attempts to thwart popular elections are highly unlikely because (1) for established political actors in a competitive electoral setting, the possibility of future electoral victory significantly lessens the burden of a present loss (Przeworski 2010, pp. 122-124), and (2) such attempts serve as a public signal to citizens that the incumbent is seeking to conceal poor performance and so will be opposed by many fellow citizens regardless of their first-order political disagreements (Fearon 2011). These reasons strongly discourage politicians from interfering with elections in well-established democratic systems. Accordingly, such systems will, as a matter of course, peacefully remove rulers widely considered to be unworthy of holding office.

By contrast, under NDM, the removal of underperforming rulers may be easily undermined by rulers' strategic choices. While a group of elite officials may be given the power to remove the leader (as is, for example, the case in China), the relative smallness of that group gives underperforming leaders an opportunity to maintain their rule by currying favor with that group rather than by providing public goods (Bueno de Mesquita *et al.* 2004). Even when objective performance requirements are used to turn officials out of office and make way for replacements, it is safe to expect that—in the absence of a way for the citizenry to determine the relevant criteria for evaluation—underperforming officials will define these criteria in ways that permit them to maintain their hold on power by pursuing a strategy of cronyism at the expense of public good provision (Skorupski 2013, 125).¹²

If the critical mass of citizens under an NDM believe that leaders are performing poorly, yet those leaders manage to maintain their control over the political hierarchy (perhaps by providing private benefits to elite stake holders), then citizens' only option is to overthrow the regime and, in the process, risk tremendous social upheaval. Arguably, this is why lackluster economic growth is often seen as a potential threat to the Chinese regime, whereas in the Western democracies it typically poses a threat only to the ruling coalition. The latter allow citizens to replace underperforming leaders without toppling

¹² One might be tempted by the thought that NDM could use term limits to peacefully remove leaders from office. However, unlike democratic elections, term limits are not self-enforcing. The basic intuition runs as follows. Whereas a leader widely thought to be performing well would have no reason to cancel or interfere with elections, the value of office-holding gives her a reason to circumvent term limits. Thus, when a leader does so (as both Putin and Xi recently did), that action does not reveal to the citizenry that s/he is widely thought to be performing poorly and so does not provide a signal that can coordinate citizens on rebellion. As a result, leaders have less to fear from circumventing term limits than elections.

the entire structure of social and political institutions and risking enormous social costs, such as civil war. Thus, in contrast to NDM, electoral regimes have a distinctive ability to minimize the social costs associated with removing leaders widely thought to be performing poorly. Since this is a very significant benefit, one that is likely to outweigh many competing considerations, it could plausibly serve to justify the use of elections.

There are two very important things to notice about this argument. First, it does not depend on making asymmetric assumptions about the motivations of political leaders under the two types of regimes. Instead, the argument shows that when widely unpopular political leaders wish to maintain control of office, electoral institutions provide them with self-interested reason to peacefully relinquish their positions. (In that sense, such institutions are, in the language of the political economy literature, self-enforcing.) By contrast, the institutions characteristic of NDM provide pathways for unpopular leaders to stay in office unless citizens are willing and able to overthrow the regime itself. Thus, holding constant behavioral assumptions about political actors, electoral institutions have a critically important instrumental advantage. Second, in order for this argument to provide a robust reason to favor electoral systems, it does not need to be the case (for instance) that the system in question provides equal opportunity for political influence, which, we argued above, is an infeasible standard for representative regimes. Thus, unlike many proposed justifications of representative democracy, this argument identifies advantages associated with even quite imperfect democratic systems.¹³

¹³ An important side benefit of the relative ease with which leaders can be removed in electoral systems is that leaders are thereby given incentive to use public power to advance the interests of the citizenry. This benefit provides reason to prefer representative democracies to classic, corrupt autocratic regimes (Olson 1993). However, comparison to NDMs on the basis of that benefit is more ambiguous because, as already

Although we believe that the minimalist account sketched above provides (at least, at present) the best instrumental justification for the use of elections, we mean to leave open the possibility that other instrumental justifications might also be able to identify an important benefit that positively distinguishes representative democracy from NDMs. However, an instrumental argument that succeeds in showing that NDM is inferior to electoral democracy would share two critical features of the minimalist argument. It would (1) provide a non-relational rationale for endorsing electoral democracies as a class over NDM, and (2) it would do so by seizing on benefits specifically associated with the electoral mechanism.

B. The Independence of Elected Officials

Although minimalist considerations are typically articulated as implicating the class of modern liberal democracies, they are best understood as providing a justification for robust electoral systems – the first central feature of representative democracy. Once the system of elections is in place, however, those considerations do not provide reason to

noted, like representative democracies, they also include strong selection and incentive mechanisms that encourage policy decisions in the interests of the citizenry. Indeed, the mechanisms in NDMs may, arguably, sometimes be more effective: (1) while the instruments of accountability available to voters provide only a coarse choice between retaining and removing the incumbent, those available to a higher-ranking official within a bureaucratic hierarchy include a much finer range of inducements, and consequently, a much more effective set of tools for eliciting good performance; and (2) the informational asymmetries between principals and agents in representative democracies are likely to be considerably greater than the corresponding asymmetries within NDMs. The upshot is that ordinary officials in NDMs may be more effectively constrained to act as their principal desires than elected officials in representative democracies. When the selection process in NDMs generates a leadership more mindful of social welfare, this difference could plausibly give it an edge over representative democracies, but when the selection process elevates those without such interests, the difference, via a mechanism we describe in this section, could produce the opposite ordering.

favor the second feature—namely, the independence of representatives in the period between elections.

To make things more concrete, consider the set of electoral regimes in which various institutional devices (such as imperative mandates, short terms, recall, and direct initiative) are used to sharply reduce the independence of elected officials. We will call such regimes *modified direct democracy* since they can be thought of as empowering ordinary citizens in a way that is similar to direct democracy, while taking advantage of some of the efficiency-related benefits associated with turning over quotidian tasks of governance to public officials. Although minimalist considerations cannot adjudicate between modified direct democracy and traditional forms of representative democracy, instrumental arguments focusing on the benefits of specialization in governance can. We next describe one such argument in detail.

To begin, it is useful to recognize a key problem that afflicts modified direct democracy. Individual citizens in such regimes have little incentive to become informed about important political issues, to cast well-considered votes about those issues, or indeed even to cast votes at all. After all, citizens would be exceedingly unlikely to be in position to cast a decisive vote and so would see very little return on efforts to participate in an informed manner. In other words, modified direct democracy lacks a mechanism that would allow citizens to hold one another accountable to exercise their small piece of political power in a responsible and informed manner, thus making that regime an unreliable way for citizens to advance their collective interests.

The claim of what we call “the delegation argument” is that, with considered institutional design, granting significant independence to elected officials can help to

ameliorate – though, not to eliminate – this concern. The core idea is that (1) delegating the tasks of governance to a small subset of citizens with considerable freedom to make policy decisions and (2) creating a relationship of accountability between them and the full citizenry may allow the latter to more effectively advance their interests.

The mechanisms underlying this argument identify two ways in which choosing a small subset of citizens for important public office may lead them to behave differently than they would under a system that empowered all citizens. First, since each representative is far more likely to be pivotal in policy decisions, she has reasons to take considerable care with the exercise of that power, including being much more informed about choice-relevant issues and avoiding unnecessary welfare losses, than she would in a system, such as modified direct democracy, that broadly disperses public power.

And second, insofar as continued occupancy of public office is desirable and tied to public approval, office holders gain incentive to exercise their power in a more careful and informed manner than they would as individual citizens among many. Reducing the policy discretion of representatives and distributing that power more equally weakens both their pivotality and their reasons to exercise their political power responsibly with respect to the citizens' interests.

This argument, thus, identifies an important epistemic advantage associated with giving representatives considerable independence, and does so while holding fixed behavioral assumptions about the individuals working within different possible electoral institutions. It identifies, in other words, features of the institution of independence for representatives that can generate epistemic benefits given reasonable behavioral

assumptions. If the associated benefits are sufficiently large, it would be a mistake to entertain reforms that changed the system into a modified direct democracy.¹⁴

To be sure, it would be the height of wishful thinking to suppose that elections can *guarantee* that representatives will aim at the public good. Elections can be designed to be factional tools—for instance, to promote class interests if property qualifications are put in place or if successful candidates need to raise money from a small group of ideologically homogenous donors—but they can also be designed to minimize such effects. Contemporary political science scholarship on elections has identified a list of factors that influence the quality of incentives for public officials, including the legal campaign finance regime, the presence or absence of term limits, details of electoral systems, the strength of institutional determinants of incumbency advantage, the extent to which policy-making authority is divided or unified in relation to the complexity of the underlying policy areas, and others.¹⁵ Our concern here is not to assess such institutional factors, but simply to make the point that the benefits of delegation importantly depend

¹⁴ If representatives pursued the ends selected by citizens, but exercised discretion with regard to the choice of policy instruments used to advance those ends, one might think that it would be possible to take advantage of the epistemic benefits associated with delegation while significantly mitigating the associated relational costs. However, we are not aware of a mechanism by which citizens could effectively force representatives to act as delegates with regard to ends while granting them significant discretion with regard to means. Imagine that citizens insist that representatives pursue a particular end (e.g., maximize the position of the least-advantaged). If the representative pursues policies that improve the income of the least-advantaged class by three percent and insists that this was as much as could be done, citizens will often have no way of knowing whether this is true or whether the representative secretly prefers a different end and deliberately pursued a suboptimal strategy for benefiting the least-advantaged in order to more effectively pursue it. So long as citizens are unsure about the representative's preferred ends and uncertain about the consequences of different policy choices, it is unclear how a system that granted representatives significant discretion could reliably induce them to use it *only* with regard to means. This is akin to the logic of the agency problem associated with pandering (Canes-Wrone, Herron and Shotts 2001; Maskin and Tirole 2004).

¹⁵ For a review of some of this literature, see Ashworth 2012.

on the broader institutional context. In a *well-designed* electoral system, the independence of representatives can increase the chance of good policy outcomes (relative to other possible well-designed electoral regimes, including modified direct democracy) by incentivizing office-holders and discouraging the candidacy of those who are apprehensive about such incentives.¹⁶

We argued in Section 3 that delegating decision-making to a small subset of citizens generates principal-agent problems and raises relational concerns about representative regimes. The delegation argument does not obviate these concerns, but it does point to a potential silver lining: delegating important decisions to a small subset of citizens (officeholders) can incentivize them to take care that public policy does not fail too badly. The independence of elected officials around which representative regimes are built can, thus, be seen as a response to the problem of mutual accountability facing modified direct democracy.¹⁷

¹⁶ Public deliberation may, perhaps, be most relevant to justifying representative democracy in the context of enabling the effective institutionalization of delegation. By improving voters' judgment, deliberation enhances democratic oversight, improving, through electoral incentives, the policies made by representatives. The less informed the voters and the less considered their judgment, the less one should expect from delegation. An essential aspect of institutional design for an effectively functioning electoral process is, thus, provisions that enable and facilitate effective public deliberation.

¹⁷ Insofar as the delegation argument suggests that we can improve the quality of policy outcomes by concentrating decision-making power in the hands of a small group of citizens, it appears to run counter to wisdom-of-the-crowds logic. However, such arguments take as given that (1) appropriate legislation makes it onto the policy agenda and (2) participants are motivated to pursue the public good. Importantly, the delegation argument provides an explanation of how an electoral system could satisfy these prerequisites (by properly motivating decision makers). In other words, while it might at first seem that the two kinds of arguments are at odds, the benefits of aggregation are only likely to come about in an environment in which decision making is properly structured, and the delegation argument provides one explanation of how such a structure could come about.

We began by showing that egalitarian arguments are incapable of justifying the central features of representative democracy (Sections 3-5). Then, in this section, we offered a brief outline of the kind of purely instrumental justification for representative democracy that could provide reason to accept regimes organized around its two central features. However, the regimes that these instrumental considerations implicate vary significantly with regard to their satisfaction of egalitarian norms. After all, a range of regimes – some quite inegalitarian (again, think of the representative regime that Mill endorses in *Considerations on Representative Government*) – hold periodic elections and provide elected officials with significant leeway. Although the instrumental considerations we endorse are indeterminate across an important range of differently organized representative democracies, it does not follow that we should have no preferences within the set of regimes organized around the core features of representative democracy. Recognizing this puts us in position to develop a better account of what egalitarian considerations *can* contribute to the justification of representative democracy—even if, as we have argued above, the justification of the central features of those regimes must be fundamentally instrumental.

7. *Egalitarian Representative Democracy*

In this section, we describe two important roles that egalitarian considerations can and should play in the justification of representative democracy. To preview: first, if different forms of representative democracy can be rank-ordered with respect to their correspondence to egalitarian values, then embracing such values should lead us to select more egalitarian forms of representative democracy as special, preferred members of the broader set. Second, if different types of instrumental justifications are available, and

some are more consistent with egalitarian presuppositions than others, we have good reason to prefer the latter. This preference for egalitarianism-compatible instrumental justifications is not just a matter of preferring one type of argument over another, but, as we explain below, has important implications for institutional design.

A. A Preferred Class of Representative Democracies

As we noted in Section 3, although representative democracies face certain endemic difficulties in satisfying egalitarian ideals, systems organized around periodic elections vary, in terms of their fit with egalitarian norms, in a host of ways—including, for instance, how they distribute votes, their systems of campaign finance, and so forth. The minimalist considerations that provide a justification for the use of elections will be largely indeterminate across such possibilities. Having implicated representative democracies as a class, their value becomes considerably less relevant because, for large sets of regimes within that class, the marginal effect of such considerations is greatly attenuated, and once one is dealing with a set of regimes that adequately satisfy minimalist concerns, other kinds of considerations, including egalitarian ones, become more important.

This is the setting in which egalitarian norms can and should help in identifying and justifying the choice of a preferred version of representative democracy. Most obviously, egalitarian considerations can provide reason to prefer electoral systems organized around one person-one vote (thus, providing reason to reject Mill's proposal). Similarly, some representative democracies have systems of campaign finance that lead them to do better than other representative democracies at treating citizens as equals. The same is true of a whole host of other ways in which representative democracies vary:

their voting rules, constitutional structures, conceptions of free speech (including, for instance, the regulation of hate speech), their ability to satisfy the demands of descriptive representation, and so forth. In sum, instead of there being a direct argument from relational considerations to the justification of representative democracy, such considerations provide reason to favor – within the subset of electoral systems that give representatives independence – those institutional forms that are most consistent with important egalitarian norms.

While a justification of *egalitarian forms* of representative democracy may, therefore, rely on the importance of relational equality, such considerations play a different – and more limited – role than typically supposed. In particular, even if those considerations do not themselves compellingly justify representative democracy as an umbrella institution, they have a crucial role to play in shaping, and ultimately justifying, the *kind* of representative democracy, under that umbrella, that we ought to accept.

B. Compatibility with Egalitarian Presuppositions

Although we have articulated the delegation argument as a justification for the independence of elected officials, the historically prominent justification for such independence is selection-based. The classic formulation is due to Madison who argues, in *Federalist 10*, that the effect of representation is to:

Refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and who patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice pronounced by the representatives of the people, will be more consonant to the public good, than if pronounced by the people themselves convened for the purpose. (Hamilton *et al.* 2003, 44)

Madison's idea is that there are epistemic benefits attached to offering elected representatives significant leeway in the period between elections because the citizens selected via election will, in a well-designed system, be distinctively capable.

However, insofar as this account involves handing political power to a "chosen body of citizens" who are distinctive in their "wisdom", "patriotism", and "love of justice," it conflicts with egalitarian considerations. Madison's position trades on what Manin calls "the aristocratic property of elections" (Manin 1997). This dovetails with the point that we made at the end of Section 4: all else equal, there are strong egalitarian reasons to restrict the independence of elected officials.

Importantly, unlike Madison's aristocratic selection argument, our delegation argument provides an instrumental justification for the independence of elected officials that is compatible even with a commitment to the staunchly egalitarian view that all citizens are *equally capable* of effectively exercising political power.¹⁸ This is because the mechanisms associated with the delegation argument work *regardless* of who holds office; that is, they do not depend on the idea that elections can effectively select a set of distinctive individuals for political office. Instead, they explain why – regardless of the capacities of the individual who happen to hold office – the electoral system will incentivize them to act with more care than they would as ordinary citizens in a modified direct democracy. The presuppositions of the delegation argument are clearly more consistent with egalitarianism than the traditional, selection-based justification for the independence of representatives.

¹⁸ We take no stand on the plausibility of selection-based arguments or the relative capacities of citizens. The point is just that the justification of independence for elected officials need not depend on such considerations.

This justificatory difference has important implications for how we think about attractive *forms* of representation. Since the point of representation, on the selection-based account, is to hand power to the most capable citizens, such justifications have a tempting affinity with restrictions on the right to hold office (such as education or property qualifications). On that account, the obvious reason to reject such qualifications is merely practical: one might think, for instance, that it is too difficult to design such qualifications in a manner that will ultimately be effective. By contrast, the delegation-based justification for discretion laid out above is fundamentally congenial to a robust commitment to equal opportunity for access to political office and, so, the kinds of institutions (including campaign finance reform and robust public support for equal effective access to quality education) that would be necessary to bring that about. Thus, in offering a particularly egalitarian justification for the independence granted to elected officials, the delegation argument removes what would otherwise be a cover for inegalitarian forms of electoral representation.

8. Conclusion

Although it is widely thought that egalitarian considerations can provide a straightforward justification of representative democracy, we have argued that a commitment to egalitarianism cannot provide strong reason to prefer electoral regimes to salient non-electoral alternatives. However, we identified instrumental considerations, related to minimizing the social cost of removing widely disliked leaders and improving the epistemic performance of electoral systems, that could provide direct justifications of each of the central features of representative democracy. Importantly, though, even if the

central features of such regimes are justified on instrumental grounds, it does not follow that egalitarian considerations are irrelevant.

Instead, we emphasized that two important roles remain for such considerations. First, instrumental justifications are often indeterminate across a wide range of institutional arrangements; in such cases, egalitarian considerations should play an important role in ranking ordering the set of regimes that satisfy the relevant instrumental constraints. Second, all else equal, we should prefer justifications that comport with egalitarian presuppositions (as illustrated by our preference for delegation-based justifications of the independence of elected officials). Thus, even if egalitarian arguments cannot themselves justify representative democracy, they can nevertheless play an important role in explaining what *type* of representative democracy we ought to prefer.

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