Introduction

Directly Representative Democracy

> Here, sir, the people govern; here they act by their immediate representatives.
> —Alexander Hamilton, 1788[1]

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.[2] The gap between our civics textbook pictures of representative democracy and our lived experience feels large and growing.

[1] 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. Published under the Sanction of Congress, Accessed May 28, 2018. https://memory.loc.gov/cgi-bin/query/r?ammem/hlaw:@field(DOCID+@lit(ed0021)). 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.

[2] 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. "Views on Power and Influence in Washington,"

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).[3] 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.[4] 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.[5]

Given this dissatisfaction, reformers have naturally begun contemplating changes that might help remediate the problems besetting representative

APNORC.org, Accessed May 28, 2018. www.apnorc.org/projects/Pages/Power-and-Influence-in-Washington.aspx

[3] 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, www.gallup.com/poll/1600/congress-public.aspx

[4] 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. 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, www.businessinsider.com/john-boehner-last-speech-2015-10; and Aaron Blake, "President Obama's Farewell Speech Transcript, Annotated," *Washington Post*, January 10, 2017, www.washingtonpost.com/news/the-fix/wp/2017/01/10/president-obamas-farewell-speech-transcript-annotated/

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

democracy. Many 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 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.[6]

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

[6] 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. However, disruptive protest is often a poor 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).

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*.[7]

Our alternative, which we call "directly representative democracy," seeks to reconnect citizens[8] to their government *as citizens* – that is, as partners with their representatives and each 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."[9] 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

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

[8] Our use of the word "citizen" here and throughout the book raises complicated questions about the proper representative relationship between elected officials and *noncitizens* who live in their electoral jurisdiction. Some countries and localities have experimented with extending voting rights to noncitizens based on the principle of affected interests. And many people would argue that elected officials have specifically representative obligations to noncitizens 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 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.

[9] John Adams, In *The Political Writings of John Adams*, ed. George W. Carey (Washington, DC: Regnery Publishing, 2000), p. 493.

avoid withdrawal or reaction, though, healthy representative democracy requires that elected officials practice politics *with* the people.[10]

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 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

[10] 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.

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.[11] 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.[12] 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 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.[13]

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 I.1

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

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

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

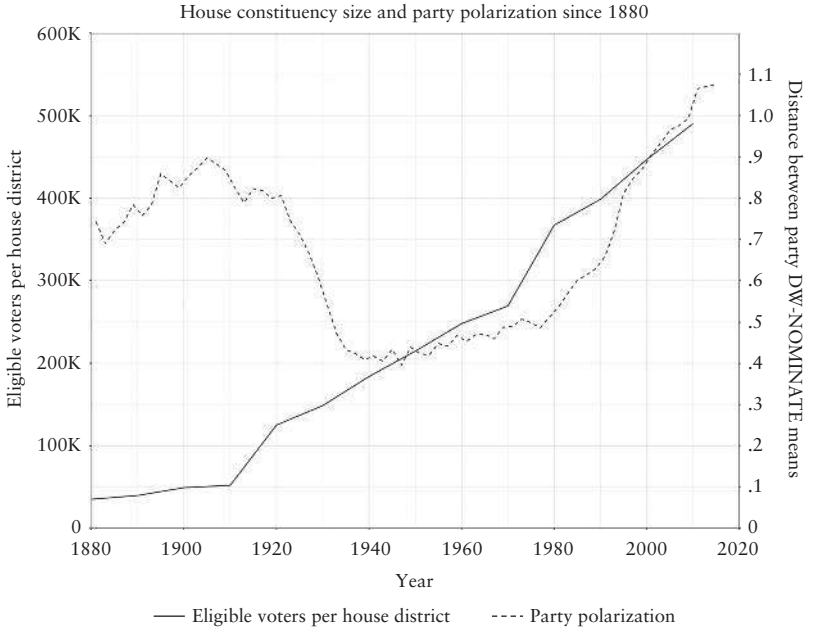

FIGURE I.1. *The voting eligible population of congressional districts continues to increase (solid line) at the same time that partisan polarization (dotted line) has sharply increased post-1980*

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.[14]

Figure I.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.

[14] 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 Democrat and Republican members.

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,[15] over the last forty years such organizations have moved dramatically from a "membership" to a "management" model of representing both general and special interests:

> 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, AND 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.

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

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 policymaking, ironically, may be even more subject to the influence of money, cooptation, and special interests than normal legislative politics.[16] 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 broad party agendas.[17] For example, initiatives limiting taxation have made it impossible to implement reforms of prisons, schools, and infrastructure that have also garnered clear popular support.[18]

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.[19] It is worth repeating the old saw

[16] 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.

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

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

[19] John R. Hibbing and Elizabeth Theiss-Morse, *Stealth Democracy: Americans' Beliefs about How Government Should Work* (Cambridge: Cambridge University Press, 2002);

that direct majorities are just as capable of tyranny – both gross and mundane – as less direct forms of government.[20] 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-called democratic deficits.[21] 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.[22] Protests against "unaccountable" central banks and the Brexit backlash against European Union bureaucracy are but two examples.

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).

[20] "The Federalist #55,"Accessed February 24, 2017. 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."

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

[22] Joy L. Pritts et al., "Veterans' Views on Balancing Privacy and Research in Medicine: A Deliberative Democratic Study," *Michigan State University Journal of Medicine and Law* 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.