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## How to Assess American Democracy?

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### **ABSTRACT**

This article proposes a framework to evaluate the functioning of American democracy and to suggest, accordingly, suitable reforms. Reform, literally, means to form again, to reshape and restructure, sometimes to return to basic values that had been lost and sometimes to pursue newly emerging ones. It implies an improvement over the status quo in pursuit of some objective, and it is the question of goals and objectives that raise problems. This article's main findings suggest that there are seven general values or criteria by which government and the political process – and therefore reform proposals – are to be evaluated. Governmental institutions and processes above all must be (1) effective, implying that its actions must be determined by a process of (2) reasoned and fair deliberation and judgment and that its operations should be (3) efficient. At the same time, government must be controlled and limited, leading to the criteria that apply to the citizenry: (4) responsiveness, (5) representativeness, (6) accountability and (7) participation. Any government that meets these criteria is very likely to be perceived as fair and legitimate by the governed, and is likely to be safe and protect liberties.

**Keywords:** American democracy, American constitution, evaluation framework, political reform.

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### **1.0 Introduction**

Public opinion polls and casual conversations alike shout a popular dissatisfaction with and even disgust at government and politics almost across the board, citing a boatload of complaints: the political

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parties are too divided and polarized; Congress doesn't work; the President has become too strong; Congress and the President are in gridlock; the courts and bureaucrats are out of control; money dominates elections; lobbyists run Washington; citizens have no say; laws and policies are out of whack; the Constitution is obsolete. One commentator titled his *New York Times* Op-Ed piece, "Let's Give Up on the Constitution."<sup>2</sup> On and on it goes. Undoubtedly much of the complaining derives from the tenor of the times – hard economic problems, high unemployment, health and medical problems, terrorism, the greatest income inequality in memory, record high government debt, and the like.

Much of the grouching seems built upon a sense that the American political system just does not work as it should. The governmental structure was designed for a different era and for a country characterized by many varied interests but with no mechanism – no real political parties – to aggregate them into the sort of polarized forces of today. Indeed, there is a massive mismatch between a polarized citizenry, media, and political party system, on the one hand, and a set of institutions described in the constitution, on the other. It is not surprising that the citizenry has become jaundiced about and alienated from politics, either because their side has lost and cannot control government, or because their side controls government but is blocked and frustrated at every turn by the other side that takes advantage of institutional veto power. A third group simply throws up its hands and says, "Something is wrong." Traditionally, in the U.S., when something is wrong, Americans want to fix it. The first instinct is to blame the office holders; politicians are anything but popular. Hence the calls for "throwing out the rascals" and putting "good people" into government positions – despite the fact that voters re-elect incumbent senators and representatives at a 90 per cent-plus clip. A second response is to focus on how politics is done; hence the call for change and reform of the government institutions and processes across the board. Curiously, these demands and pleas come from both the left and the right – and the center too -- of the political spectrum.

Reformers come in all varieties, from those seeking radical restructuring of the way Americans "do" politics and government to the "tinkerers" who – taking to heart the dictum that if it's not necessary to change, then it is necessary not to change – think that a tweak here or there would get Americans past current tribulations. Reform proposals rest upon many, often contradictory, presumptions and assessments. As political scientist Richard A. Clucas summarized the situation, "The desire for reform reflects unmet social and political expectation" – expectations about economic gain, the desire for greater participation, and effective and honest government.<sup>3</sup> At one extreme there is a firm conviction that popular democracy has been frustrated; at the other, some wonder if the country has become too democratic and participatory to function. Liberals find that government does not do what it should; conservatives see government overstepping its legitimate bounds. Reform proposals fill volumes.

Reform, literally, means to form again, to reshape and restructure, sometimes to return to basic values that had been lost and sometimes to pursue newly emerging ones. It implies an improvement over the status quo in pursuit of some objective, and it is the question of goals and objectives that raise problems. Political reform is directed toward purposeful ends, either substantive (e.g., an improved economy) or procedural (e.g., a fairer and more participatory government). The problem is that advocates of reform have different and not always consistent or compatible objectives and motives. Thinking about reform requires that these purposes and goals be made explicit. For example, one does not argue for more democracy in the U.S. House of Representatives if one's goal is efficiency, and one probably does not seek limits on campaign spending if liberty, or even greater competition, is the objective. Most efforts at structural or procedural change benefit some people at the expense of others, rearranging power or other rewards; reforms rarely are neutral. A second problem is that what may be a great idea in the abstract has to be applied, and as the saying goes, "the devil's in the details." Third is the challenge of enacting the reforms and getting them to work. The best of ideas have to go through a political process that has a strange way of distorting, limiting, or enhancing elements of the proposal. No one should ever bet the farm that a proposed reform, no matter how obviously good, will

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<sup>2</sup> Louis Michael Seidman, *New York Times*, December 31, 2012, p. A-17.

<sup>3</sup> Richard A. Clucas, *Encyclopedia of American Political Reform* (Santa Barbara, CA: ABC-CLIO, 1996), p.2.

survive intact. A fourth is the problem of interconnectivity: reforms of one institution or process may affect others, sometimes in a fashion that makes the latter worse. If maintaining a strong two party system is one's objective, eliminating the Electoral College would not be a smart move. Fifth, as Mark Rush put it, "Political reform always comes at a price, usually in the form of unanticipated or unintended consequences."<sup>4</sup> Some may prove surprisingly beneficial while many others turn out to be harmful to or actually undermine the intent of the reform. One thinks, for example, of campaign finance reforms designed to limit spending and curtail corruption, only to result in the explosion of spending, the rise of political action committees, and the emergence of the phenomenon of independent expenditures for and against candidates. The many efforts to reform, open up, modernize, and make more democratic the operations of Congress, especially the House of Representatives in 1910, 1946, and the early to mid-1970s period changed power relationships, altered the quality and efficiency of the legislative process, and led to all sorts of new relationships and power shifts that, in retrospect, do not seem all that positive.<sup>5</sup> Efforts to clean up politics during the Populist and Progressive Era had negative consequences for political parties and voting turnout. Finally, regardless of how well motivated or how well crafted any given alteration of structure or process is, as one scholar observed, "a whole army of people who are very clever, quite ingenious, and more than a little devious will work to undermine any reform."<sup>6</sup> The success and viability of virtually all political reforms are contingent on a host of factors.

This article's main findings suggest that there are seven general values or criteria by which government and the political process – and therefore reform proposals – are to be evaluated. Governmental institutions and processes above all must be (1) effective, implying that its actions must be determined by a process of (2) reasoned and fair deliberation and judgment and that its operations should be (3) efficient. At the same time, government must be controlled and limited, leading to the criteria that apply to the citizenry: (4) responsiveness, (5) representativeness, (6) accountability and (7) participation. Any government that meets these criteria is very likely to be perceived as fair and legitimate by the governed, and is likely to be safe and protect liberties.

## 2.0 Guiding principles

A lesson to be learned from the "Founding Fathers" who gathered in Philadelphia in 1787 is that building or reforming political institutions and processes requires serious thought, a methodical but bold approach, a good dose of skepticism, lots of humility, and no little courage. Ideally, one begins with the goals of government, the outcomes that people want – the things that give people faith in government and lead them to support it even in difficult times. In the American context, there is no more eloquent statement of the ends of civil government than the preamble to the Constitution, which proclaims that government is established to "form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general Welfare, and secure the blessings of liberty. . . ." Specifying the particular content of and then attaining these objectives results from the enactment and implementation of good public policy. What constitutes "good policy," of course, has been grist for the political mill since the founding, and that definition includes both the substance and results of policy but also the processes by which policy is enacted and implemented.<sup>7</sup>

<sup>4</sup> Mark E. Rush, "The Hidden Costs of Electoral Reform," in Mark E. Rush and Richard L. Engstrom, *Fair and Effective Representation? Debating Electoral Reform and Minority Rights* (Lanham, New York, Boulder, and Oxford: Rowman & Littlefield, 2001), pp.69–120, p. 71.  
<sup>5</sup> See, for example, Roger H. Davidson and Walter Oleszek, *Congress Against Itself* (Bloomington: Indiana University Press, 1977); Marian Currinder, *Money in the House: Campaign Funds and Congressional Party Politics* (Boulder: Westview Press, 2009).

<sup>6</sup> John C. McAdams, "Six Theses on Campaign Finance Reform," *Vox Pop: Newsletter of Political Organizations and Parties* 8, issue 1, p. 6

<sup>7</sup> There is no shortage of definitions and proposals. Michael L. Mezey has suggested that public policy should be well-informed, timely, coherent, effective, responsive, and responsible. Governments thus can be judged on the degree to which they are capable of, and in fact regularly do, produce policies with these characteristics. Mezey finds legislatures in general, and Congress in particular, wanting. "The Legislature, the Executive and Public Policy: The Futile Quest for Congressional Power," *Congress & the Presidency* 13 (Spring 1986): 1-20. Joseph Cooper warned against viewing effective (or efficacious) policy solely in terms of the correspondence between the goals of public policy and the specific means used to achieve them. Rather, he insists that the ends themselves are to be determined democratically by means of representative, accommodating, discussion-based processes. Ends and means are inseparable; and both

Among both scholars and politicians, the near universal belief is that good policy, however defined, is most likely to be achieved if the political structures and procedures that must produce such policy are themselves properly designed, function well, and assiduously maintained and refined. Hence derives the concern with construction and reform of those institutions.

What criteria or standards should characterize the structure and operations of American political institutions and processes? How should those institutions be structured, empowered, and aligned? How do they cope with either a highly fragmented nation or, as is the situation today, a sharply divided one? Again, scholars of all stripes have debated these matters<sup>8</sup>, but there does seem to be some general consensus. Perhaps the easiest way to begin is to go back to the issues confronting the framers of the Constitution in that summer of 1787.

Their experience with state constitutions and the Articles of Confederation led them to several conclusions. First, they needed a government that was strong enough to do what needed to be done and what the people of the nation needed and, arguably, wanted. To be sure, that was a much more limited agenda than faces the country today, with much of it focused on security, safety, and commerce; but it meant that government had to be able to act on important matters, and act when action was needed, effectively, efficiently, and with reasoned deliberation to get to the desired goals.

A second goal was to make sure that the government would not be inclined to do “bad things.” They understood from experience that governments can get out of hand, impose unjust hardships, pursue unwise plans, and ignore or, worse, oppress their citizens. Having just fought a war against a government led by a strong monarch, they feared a strong executive; but having experienced popular government in the states that sometimes amounted to a version of mob rule, they didn’t want anything that smacked of unrestrained democracy either. The founders’ solution had several elements. First, they would rely on republican government with indirect, representative, popular rule. The role of the citizens, at least those eligible to participate in governance, was crucial to empowering, guiding, and curtailing government, even if difficult because of the problems of communication and travel in those days. Second, they saw the virtues in an extended republic, by which Madison meant a large country with multiple interests spread widely, and in federalism, whereby power was divided vertically between a centralized national government and sovereign state governments. Lastly, they divided the federal government into three independent branches, creating the familiar concept of separation of powers or, as Richard E. Neustadt put it, a system of “separated institutions sharing powers.”<sup>9</sup> That sharing amounted to a complex set of checks and balances to ensure that government would be limited in what it can do so as to protect people’s safety and security from government.

They gave to the president rather vague and general “executive” powers, made him independently elected, and re-eligible for office. To protect him against Congress, they gave him a veto. According to Alexander Hamilton, the President was to provide the energy to the system; certainly he was to run the executive branch, such as it was. Presidents might become active amidst a philosophy of federal government restraint, but their roles were limited. Congress was expected to be first among equals, the primary policy-maker and provider of funds for the government. It was the representative body, linking people to government, but that presented a problem, namely, the tension between the

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are set by democratic procedures. “Politics,” he notes, “is not engineering.” Thus an evaluation of policy must turn heavily on process and, therefore, on the governmental institutions in which those democratic processes play out. “Assessing Legislative Performance: A Reply to the Critics of Congress,” *Congress and the Presidency* 13 (Spring 1986): 21-40.

<sup>8</sup> For example, a committee of the American Political Science Association concluded that equality ought to be a goal of the political system. “American Democracy in an Age of Rising Inequality,” *Perspectives on Politics* 2 (Dec., 2004): 651-66. Countless commentators going back to Alexis de Tocqueville in his *Democracy in America* have instead stressed the importance of people’s liberty. One scholar recently has proposed a list of values for democratic institutions: inclusiveness (participation), popular control, considered judgment, transparency, efficiency, and transferability. Graham Smith, *Democratic Innovations: Designing Institutions for Citizen Participation* (NY: Cambridge University Press, 2009). Others have emphasized the need for deliberation. See Michael E. Merrell, *Empathy and Democracy: Feeling, Thinking, and Deliberation* (University Park: Pennsylvania State University Press, 2010).

<sup>9</sup> Richard E. Neustadt, *Presidential Power and the Modern Presidents: The Politics of Leadership from Roosevelt to Reagan* (New York: Free Press, 1990), p.29.



founders' fear of the sort of run-wild legislature found in some of the states, on the one hand, and the need, on the other, to make legislature supreme. According to Madison, writing in Federalist 51: "In republican government, the legislative authority necessarily predominates." Above all, presidency and Congress were created and endowed with an invitation to struggle over direction and control of government. At different times, one or the other has had the upper hand, and that is one reason so many observers have proposed reforms. The judiciary, in addition to its function of interpreting the law, in some respects has become the referee in the struggle between the presidency and Congress, while the bureaucracy often has become the object of the struggle: who controls and directs it?

Thus, assuming and affirming the wisdom of the framers, with due consideration to the historical development of the American polity, it is relatively easy to specify a series of criteria that should characterize good government today. Taken together, they both rest upon and contribute to the overall notion of government *legitimacy*, defined by one legendary scholar as "the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society."<sup>10</sup> Governments and their component institutions are legitimate to the extent that their right to exercise authority is accepted by those who are governed; and on that foundation of legitimacy rests stability and the viability of government structures and actions. Although legitimacy arguably can derive from, and over the centuries has been based on, a variety of sources (divine right of kings, a leader's charisma, etc.), legitimacy in democracies and republics rests on the consent and satisfaction of the governed, the government's ability to meet citizen needs, and, ultimately, on the performance of government. Of late, threats to legitimacy in the U.S. are seen in the significant distrust in government, suspicion that government is acting on behalf of the privileged few rather than the multitude of citizens, the frustration over gridlock in Washington, and a disgust at how politics has been played out in the nation's capital. A quick perusal of public opinion polls provides more than ample documentation. A more specific example of a possible threat to the legitimacy of, in this case, the Supreme Court and the Electoral College, might be the controversial 2000 presidential election. The vote in Florida was ambiguous; there were recounts; and finally the Supreme Court had to step in to settle the matter. George W. Bush's victory in Florida was, according to many sources, erroneous; thus his presidency was illegitimate. Other analyses, of course, conclude that in fact he won "fair and square" amidst a very messy and confusing electoral process. In terms of the big picture, it must be remembered that Americans do support their political system and institutions, even as they seem, at least in general terms, to dislike and distrust the politicians who run the government. Ensuring a continuation of that support may depend on fixing the problems that exist. Hence the call for reform.

### 3.0 Goals, values, and criteria for evaluating institutions

In general, there are two sets of values or criteria for evaluating, and then reforming, government and politics in the U.S. The first set pertains to the institutional structure of government: the Congress, presidency, bureaucracy, and judiciary, along with federalism. These are the institutions that simply must work, and work well, if government is to succeed in any of the goals the framers set out to achieve: justice, domestic tranquility, defense, and the general welfare. The second set relates to the flip side of the coin: guiding and controlling government so that it remains faithful to the governed and their needs and desires. Thus, in evaluating reforms, the following serve as a guide.

1. First and foremost, government must be *effective*. **Effectiveness** means nothing more than the ability of a government to do what governments must do, namely, make and carry out policies to solve the country's problems with reasonable success. It is the ability to function. Effectiveness is possible and likely when a government's structures, internal procedures, and political processes do not constitute systemic roadblocks to the making of policy that benefits the entire polity. Many governments today appear to be absolutely or relatively ineffective for a host of reasons. They suffer from a plethora of political parties, from institutional rules that fail to foster stability, and even from a political culture that does not support strength in government. In the U.S., one immediately thinks of problems caused by

<sup>10</sup> Seymour Martin Lipset, *Political Man*, expanded edition (Baltimore: The Johns Hopkins Press, 1981), p. 64.

the filibuster in the Senate, bureaucratic “red tape,” and harsh partisan warfare in Washington as threats to effectiveness. On a more fundamental basis, in terms of factors undermining effectiveness, one might go so far as to question the bedrock principles of separation of powers and federalism themselves.

2. Second, to some measure, effectiveness is linked to and perhaps even depends on **efficiency**, meaning getting the most output for a unit of input, or minimizing input for a unit of output, and the ability to get business done with speed and timeliness. No one has ever accused American government of being very efficient; indeed, it was not designed to be so. Polls typically reveal that the public sees government, especially Congress, wasting time and resources, talking too much, and accomplishing too little -- and doing it too slowly. For example, a 2012 **Pew Research Center** poll found that 59 per cent of the public agreed that “When something is run by the government, it is usually inefficient and wasteful.”<sup>11</sup> And a 2011 Gallup poll showed that Americans thought that 51 per cent of every dollar the government spent was wasted.<sup>12</sup> Current needs and demands are too great to ignore calls for efficiency.

3. A third criterion of good governmental institutions is **reasoned deliberative judgment**. Government decisions should result from a process informed by rational argument, informed deliberation, and careful judgment.<sup>13</sup> These are characterized by claims that are falsifiable rather than merely asserted as true; a willingness to listen politely, engage in genuine debate, and make every effort to understand other views; a careful weighing of evidence in support of or opposition to proposals; due consideration given to both long- and short-term consequences; deliberation based on sound information and plausible if not persuasive assumptions; and an openness to negotiate with adversaries. What frustrates and prevents reasoned judgment is a penchant for making decisions based on the whim of its leaders, anecdotal and partial evidence, excessive haste, or ideological claims that cannot be tested for their merit. This process of decision making must be fair in that procedures and thus decisions should not be stacked *a priori* for or against any faction, as, for example, when the majority party in Congress denies the minority a reasonable opportunity to offer amendments, or when there are hurdles to the voting process that systematically affect certain groups more than others. Nor should the rules and procedures vary from case to case. Specifying the precise content of fairness in given situation is not easy, and attempts have filled volumes, but most would agree that “politics ought to be fair” if government is to be effective.

Decisions, in short, should result from a search for the truth, be based on evidence, well thought out, and made with appropriate but not necessarily absolute deference accorded to experts. Careful compromise, when necessary, rather than mere logrolling or horse trading would be the ideal. Needless to say, government structures and procedures should foster that deliberative thoughtfulness and not encourage or support those forces that would undermine reasoned deliberation.

#### 4.0 The need for limits and controls: Safety

Government that is effective, efficient, and characterized by reasoned and fair decision making ought to produce the sort of policies, policy adjudication, and policy implementation that the country needs and that a thoughtful citizenry wants. There is a catch, however: effectiveness and efficiency in government beg for concentration and centralization of power; and as Lord Acton claimed, power tends to corrupt – concentrated power can be dangerous and frightening, as all too many human beings have learned over the centuries. They jeopardize the notions of limited government and

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<sup>11</sup> **Pew Research Center** for the People & the Press, “American Values Survey”:

<http://www.people-press.org/values-questions/q30k/government-is-usually-inefficient-and-wasteful/#total>.

<sup>12</sup> **Jeffrey M. Jones**, “Americans Say Federal Gov’t Wastes over Half of Every Dollar,” *Gallup Politics*: <http://www.gallup.com/poll/149543/Americans-Say-Federal-Gov-Wastes-Half-Every-dollar.aspx>.

<sup>13</sup> **Jon Elster**, ed., *Deliberative Democracy* (Cambridge and New York: Cambridge University Press), 1998. For a quick overview of applying the concept to legislatures, see **Edward L. Lascher, Jr.**, “Assessing Legislative Deliberation: A Preface to Empirical Analysis,” *Legislative Studies Quarterly* 21 (Nov., 1996): 501-19.

personal liberty that constitute the foundation of the American Republic. Conversely, the more power is disbursed both institutionally and to groups in society, and the more checks and balances in operation, the greater will be the hurdles for reasoned judgment and effective decision making, the greater will be the likelihood of inefficiency, and the greater will be the chances for delay and deadlock.

Limitations on government therefore must be factored into the reformist equation. In the western political tradition, some areas of government action simply are put off limits as a way to protect individual human rights whose free exercise underpins democratic politics. Moreover, democratic governments are susceptible to short term political pressures, leading to popular policies that have negative consequences over the long term. The framers of the American constitution wrestled with this issue as much as with any other. As Madison argued in Federalist 10, the dangers of a self-interested and potentially tyrannical political faction, whether that faction is a majority or minority, can be dealt with either by removing the causes of faction or by controlling them. Removing the causes would involve taking away basic rights such as freedom of speech, a free press, and freedom of assembly; and that cure would be worse than the disease. Thus a constitutional bill of rights, a system of separate political institutions sharing power, and operational checks and balances serve to control dangerous factions. Indeed, some matters are simply taken off the table as a way to “protect us from ourselves.”

Moreover, some actions, because of their heavy consequences, ought to be possible only under extraordinary circumstances. For example, in emergencies, some rights may have to be curtailed temporarily, but to make sure such action is not taken frivolously or cavalierly, super majorities might be required in the legislature to permit them; and to assure that such intrusions on rights do not become permanent, sunset provisions, judicial remedies, and avenues to repeal and modify such policies must be available. States, indeed, often ask citizens to vote directly in referenda on controversial or very serious policy issues precisely to ensure that the resolution of important conflicts is not compromised by normal political procedures. At times the basic institutional arrangements themselves may need alteration, but one would want to make such change relatively difficult, as in fact the constitutional amending process does. The point is simply that governments must be limited, and certain kinds of change must be made difficult. The system of checks and balances and the institutional sharing of powers and functions were deemed by the framers to be absolutely essential. As Madison noted, however, these are auxiliary precautions designed to supplement the primary check on government excess: the power of the people to hold government accountable and force it to be responsive to popular needs and, often, wants.

## 5.0 Goals, values, and criteria for evaluating popular sovereignty

4. **Responsiveness** means that government ought to meet the needs and wants of those who are governed. Government officials can be responsive out of their benevolence, perspicacity, and wisdom; out of their representativeness of and concurrence with their constituents (i.e., they bring to government the wishes and needs of the people among whom they have lived and worked); or out of fear of being removed from office for poor performance. Responsive governments generally listen to the views of the citizens and give due consideration to those views in reaching decisions.

Responsiveness cuts across several dimensions: policy, service, and symbolic.<sup>14</sup> That is, government authorities can provide the citizens, and individual congressmen and senators can provide their constituents, with public policies the people like (e.g., Medicare). They steer government projects and contracts to their constituencies. For example, one might note how the construction of a new Air Force plane relies on a vast system of subcontracting that locates the production of parts in many regions of the country, that is, in many congressional districts. Legislators serve constituents by providing individual assistance to citizens having difficulties with the government. And of course there are symbols that make people feel good such as a senator’s munching on corn dogs at an Iowa county fair.

<sup>14</sup> Heinz Eaulau and Paul D. Karpis, "The Puzzle of Representation: Specifying the Components of Responsiveness," *Legislative Studies Quarterly* 2 (August, 1977): 233-54

Responsiveness can be individual or collective. That is, an individual senator or representative can advance the views and welfare of his or her constituents through clever maneuvering and bargaining to ensure that federal dollars flow back home, or by direct intervention with the bureaucracy to address an individual's problems. Or responsiveness might work collectively through the voters' selection of one political party and its platform over another at election time, with the resulting governing majority then implementing the issues that were salient during the election campaign. The bottom line is simple: responsiveness is an important criterion and value that reforms should encourage.

5. Perhaps the most natural way to foster responsiveness is through **representation**, which can be a confusing and complicated concept. The classic analysis was done by Hanna Fenichel Pitkin,<sup>15</sup> who distinguished four types of representation, two of which are of particular concern here. One is "descriptive representation," in which the socio-demographic characteristics of officials who govern resemble the characteristics of the citizenry. Since representatives must inform -- give accurate information to -- the government of what the represented would do and want if they were directly involved. There must be not only a correspondence between the views and preferences of the representatives and the represented, but also a correspondence of demographic characteristics such as race, gender, age, religion, occupation, region, wealth, and so on that presumably underlie or cause those views and preferences. In some areas -- particularly issues relevant to women and certain ethnic and racial groups -- a growing body of social science evidence suggests that descriptive representation can make a difference in the sorts of policies and issues brought to the attention of policymakers and, ultimately, enacted in response to those groups' needs and wishes.<sup>16</sup>

Substantive or policy representation -- acting for or in the interest of those represented and enacting policies the people want -- is usually considered more important than descriptive representation. Such representation can come in two ways. One is literally standing in place of those who are not present, that is, *acting as their delegate* and doing what their preferences dictate and what they actually say they want done. Of course, matters are never so simple. Since not all of one's constituents agree, which constituents' views should the representative follow -- those who voted for him or her, loyal close supporters and financial backers, a "majority" of one's constituents, or one's fellow partisans? The other version of substantive representation considers that elected officials, however demographically unrepresentative they might be, represent and deliberate on behalf of the best interests of their electors, sometimes regardless of, and sometimes in opposition to, their temporary or short-term wishes.

One also might look at representation in terms of geography, as is found in most democratic systems. A legislator almost always represents an electoral district and its population, whether it is a state for the Senate or a congressional district for the House, rather than specific groups of people, businesses, trades, or whatever. In some systems, more than one elected official might represent a given territory, perhaps allowing them better to be demographically or substantively representative.

Representation can be dyadic (one to one) or collective. In the former, a representative seeks to represent his or her constituents, or at least a particular segment of them. Collective representation refers to the notion that in a sense all legislators taken together represent the public at large, or at least a substantial segment of the public. Any given member of the House or Senate might represent the views of many citizens outside of his or her constituency whose own members of Congress do not

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<sup>15</sup> *The Concept of Representation* (Berkeley: University of California Press, 1967). Much of what follows is taken from Pitkin's book. An especially good discussion of representation and responsiveness is provided by Thomas L. Brunell, *Redistricting and Representation: Why Competitive Elections are Bad for America* (New York and London: Routledge, 2008), chap. 2

<sup>16</sup> Michele L. Swers, *The Difference Women Make: The Policy Impact of Women in Congress* (Chicago: University of Chicago Press, 2002); Katherine Tate, *Black Faces in the Mirror: African Americans and Their Representatives in the U.S. Congress* (Princeton, NJ: Princeton University Press, 2003); Jane J. Mansbridge, "Should Blacks Represent Blacks and Women Represent Women? A Contingent 'Yes,'" *Journal of Politics* 61 (Aug., 1999): 628-57; Debra L. Dodson, *The Impact of Women in Congress* (New York: Oxford University Press, 2006); and Arturo Vega and Juanita Firestone, "The Effects of Gender on Congressional Behavior and the Substantive Representation of Women," *Legislative Studies Quarterly* 20 (May, 1995): 213-22; and Andrew Reynolds, "Representation and Rights: The Impact of LGBT Legislators in Comparative perspective," *American Political Science Review* 107 (May, 2013): 259-274..



represent their views. Collective representation can in fact be more comprehensive and accurate than the dyadic form.<sup>17</sup> Congress as a whole consists, therefore, as an aggregation of dyadic representative relationships that has the benefit of ensuring that people not well represented (in terms of policy views) by their own representatives do gain a measure of representation through other senators and congressmen.

6. Representation of whatever form does not necessarily guarantee responsiveness to people's needs and wants. Another mechanism, **accountability**, can pick up the slack. Accountability is defined as the ability of the governed to require the governors to answer (be accountable) for their actions and, when the governed so judge, to revoke the authority they had bestowed on the governors.<sup>18</sup> Those who act for the citizenry must never be totally free to do whatever they want; there must be a way to make sure that, ultimately, they are acting in the best interests of those they represent, at least as judged by those people. The usual vehicle for such accountability is periodic elections through which citizens can throw out of office officials whose performance has failed the expectations of the citizenry. This, indeed, is the very definition of modern democracy.<sup>19</sup> In other political systems, revolution, assassination, or coups may sometimes provide a different sort of accountability. In the U.S., with its half million elected public officials, accountability is taken for granted. Still, many critics see elections as a sham because they believe that campaign spending and the media dictate the results, because candidates do not differ or cannot get their message across, because candidates are either so similar or so radically different as to afford no "real" choice to voters, because they are bought off by organized interests, because voters are incompetent to choose, because too few citizens actually exercise their right to vote, or because some unseen "power" - Wall Street, a right wing conspiracy, or whatever -- controls them. Democratic accountability can be held in several ways. The U.S. system focuses on a sort of dyadic geographical approach, in which a single senator or representative is chosen (or not chosen) by the voters in a given state or district. The elected official is thus accountable directly to his or her voters, as an individual. Other countries rely more on party accountability, wherein elected officials are perceived more as an element or instrument of a party that stands for a clear set of policies, and voters at election time choose one or another party. The individual legislator is much less important. Which of these systems one prefers will determine one's assessment of the role of political parties, which in turn affects one's preferred reforms of various processes and institutions.

7. Both effective representation and electoral accountability depend, ultimately, on **the role of the citizen**. If, as Aristotle suggested, politics makes one more "human," **participation** in political processes should be highly valued both for what it does for accountability, representation, and responsiveness, and also what it does to enrich the lives of the citizenry. Political systems that invite and encourage citizens to take part in the political process ought, in principle, to be preferable to those that do not; and they would seem to produce those "good" policies that citizens want and need. Furthermore, democratic values would seem to require that there be a good measure of political equality in participation such that, at least in terms of voting, expressing one's views, and having access to government and judicial processes and services, no citizen should be discriminated against and prevented from participating. That of course does not imply that everyone will or should have equal influence over policy or must enjoy equally the economic or social benefits that may derive from a democratic political system; but the opportunity for essentially equal participation in the political sphere through the ballot and in terms of the rights of free speech and assembly – whether or not actualized by any given person – has to be available. Logically, many would argue, the more opportunities for participation and the more democracy enjoyed by the citizenry, the better is the system.

<sup>17</sup> Robert Weissberg, "Collective vs. Dyadic Representation in Congress," *American Political Science Review* 72 (June, 1978): 535-47.

<sup>18</sup> See Anthony H. Birch, *The Concepts and Theories of Modern Democracy* (London: Routledge, 1993), chap. 5; and the discussion by James S. Fishkin, *When the People Speak: Deliberative Democracy and Public Consultation* (Oxford: Oxford University Press, 2009), chapter 2

<sup>19</sup> See Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy*, 2nd ed. (New York: Harper & Brothers, 1947), chap 22.

To summarize, then, there are seven general values or criteria by which government and the political process – and therefore reform proposals – are to be evaluated. Governmental institutions and processes above all must be (1) *effective*, implying that its actions must be determined by a process of (2) *reasoned and fair deliberation and judgment* and that its operations should be (3) *efficient*. At the same time, government must be controlled and limited, leading to the criteria that apply to the citizenry: (4) *responsiveness*, (5) *representativeness*, (6) *accountability* and (7) *participation*. Any government that meets these criteria is very likely to be perceived as fair and legitimate by the governed, and is likely to be safe and protect liberties.

## 6.0 Conclusion: How to think about reform?

All reform suggestions are plausible from one perspective or another, and for some of them the consequences can be predicted with some degree of confidence. How does one evaluate various and sometimes competing reform proposals? One approach is to investigate past performance and events. Have we seen these approaches tried before at the federal level? Did they succeed or fail? Were they rejected for sound reasons?

To judge government performance is, in large measure, to judge the structures and processes through which governing officials act. Those institutions affect policy in many ways: what is done, how much it costs, how long it takes to enact and implement a policy, how effective it is likely to be, what trades had to be made, what its side effects will be, and so on. Rendering judgments on political structures and processes requires criteria that must be logical and consistent in their definitions and in their application. The discussion above has offered one list of criteria and one set of definitions, along with several caveats. The reader needs to give careful thought to these criteria, thinking about their interdependencies and potential inconsistencies, prioritizing them, adding others (and one can think of several), and perhaps dropping some. Indeed, approaching reform proposals without a clear and comprehensive array of priorities and value preferences makes no sense, could mislead one into making poor choices, would undermine the legitimacy and persuasiveness of one's proposals, and might render them unintelligible.

Applying the criteria must be done systematically. There has to be a conceptual scheme to guide one's thinking about these values, especially when thinking about the policy making institutions: Presidency, Congress, Judiciary, and Bureaucracy. How do and how should they interact? Which, if any, should be preeminent? How should they operate and be governed internally so as to maximize one or more of the criteria discussed above? This question is to be borne in the back of the mind.

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