
RESTORING REAL REPRESENTATION

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PREFACE

American politics revolves around representation: *who* represents *whom* and with *what* consequences. Conflicts about individual opportunity and group equality, interest group and corporate power, the consent of the people in opposition to the dominance of the powerful, the proper relationship between the public interest and private interests—these and others involve claims on public authority, and representation is the vehicle par excellence for advancing the contending claims. The constitutional founders believed they had discovered in popular representation the fulcrum for republicanism; James Madison called it the “pivot” of the Constitution. In the late twentieth century, their optimism seems curiously distant. “We the people” collectively do not hold public institutions in very high esteem, as the abundance of polls eliciting widespread dissatisfaction with their performance seems to suggest. This state of affairs should not be surprising; citizens seem to have grasped the proposition that the founders’ commitment to popular representation has been attenuated, that the practice of representation is the practice of *interest group* representation.

The displacement of popular representation in favor of interest group representation is attributable to many factors in America’s political history. Most of these factors are beyond the scope of this book. Political scientists cannot claim credit for change or for the sources of change, but they can, or should, take credit for explaining it. This book is about the latter sort of credit: the efforts of political scientists to explain politics—and, ultimately, to rationalize it. It is a revisionist undertaking in three ways.

First, the book makes a case for Madison the democrat, not Madison the elitist, antimajoritarian proponent of factional accommodation. The displacement of popular representation in favor of interest representation is not attributable to the elitist commitments of the

founders, notably Madison's, which somehow preordained a politics of interest representation, notwithstanding scholarly acceptance of the elitist characterization as though it were a truism. The argument is that Madisonian constitutional principles are designed to enhance popular representation and several subsidiary principles encompassed by that concept, chiefly civic equality and civic responsibility, or civic virtue. Pluralism and its heirs discount these; proponents of real representation require them.

Second, it examines the liabilities of pluralism and its more recent incarnations as interest group liberalism and corporatism. Singly and together, they undercut the grounds for real representation in favor of representation for the organized and well-placed. They are also explanatory theories, however, and they cannot be disregarded in the third aspect of revisionism undertaken here: an argument to help revive popular representation and buttress the now largely symbolic electoral connection between citizen and government with meaningful, democratic functional jurisdictions for participation and representation.

This part of the argument draws heavily on participatory theory and the descriptive elements of corporatism to make a case for democratic functional constituencies. The foray into the Madisonian past provides a baseline. Many critics of contemporary politics have proposed reforms that inadequately account for constitutional principles. The sometimes not-so-implicit assumption of the reformers is that past principles are irrelevant, inadequate, or wrongheaded or that reform can be accomplished without regard for the historical or theoretical antecedents of contemporary pathologies. In reverting to Madison, this book attempts to effect a synthesis between past principles and contemporary practices. Like any such effort, it requires compromises between the sometimes airy views of past ideals and the alleged realism of contemporary practices. The argument for democratic functional constituencies is, in the end, an argument for a reordering of priorities, both political and intellectual. Some of the prescriptions appear tentative but the criticisms from which they derive are to the point.

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Several individuals have influenced the shape of the arguments here with their criticisms of earlier versions of the articles or chapters: Charles Anderson, Alfonso Damico, George Graham, Scarlett Graham, Edward Greenberg, Frank Hearn, Lawrence Joseph, Michael Lienesch, Theodore Lowi, and Eric Nordlinger. Jack Gunnell and Jeffrey Lustig provided extensive and penetrating analyses of the entire manuscript. Thanks to Richard Goff for stylistic nagging and to James Johnson, my former department head, for practicing a supportive version of interest group liberalism in parceling out certain scheduling benefits. Needless to say, the arguments here would have been better had I only paid more heed to their criticisms. Richard Martin, an executive editor at the University of Illinois Press, provided gentle but effective prodding, and Jane Mohraz, the manuscript editor, made the painstaking job of editorial revisions less painful than expected. They, Theresa Sears, and the rest of the press staff have my gratitude for seeing this through the production process—and for deadlines I usually could meet. Editorial revisions to the manuscript were undertaken after I had been appointed to the Ann Arbor city council to fill an unexpired term and subsequently elected to a full term; my experiences as a “representative” only reinforce the direction of the arguments.

Finally, but in many ways first, thanks to Debbie and the kids—Ben, Owen, Nathan, and Marshall—for putting up with it all and for the nonacademic sort of support that we all need. One’s work habits are largely a function of one’s rearing, and that responsibility goes to the people to whom the book is dedicated: to the memory of my mother, to Dad, and to “Unc.”

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The Eclipse of Real Representation

Ratification of the Constitution ushered in a new order. Henceforth, the measure of political legitimacy for the United States—indeed, for the world in the eyes of the Federalists—would be the consent of the people exercised through popular representation. In *The Federalist Papers*, James Madison proclaimed that the “principle of representation” served as the “pivot on which” the constitutional system would “move.” At the Pennsylvania ratification debates, James Wilson enthusiastically hailed the Constitution’s foundation: “the world has left to America the glory and happiness of forming a government where representation shall at once supply the basis and the cement of the superstructure. For representation . . . is the true chain between the people and those to whom they entrust the administration of government.”¹

History provided the founders with numerous examples of the fragility of republics in the face of factional conflicts. Their republican experiment with popular representation required limitations on power and its potential for abuse at the hands of faction. Their experiment also, and more fundamentally, presupposed some degree of civic virtue—the quality of a responsible, active, and effective citizenry. Civic virtue did not connote an abstract moral quality of subordinating individual interests to the common good, however. The founders were realists, and contemporary politics reinforced their unquestioning, but not uncritical, acceptance of the role of “possessive individualism” in social life (to borrow C. B. Macpherson’s illuminating term). They recognized, therefore, that civic virtue had to be predicated on self-interest and the stakes held by citizens in the political process.² They assumed, perhaps simplistically by twentieth-century standards, that the essential qualities of the citizenry were served best by the government that governed least, to paraphrase Jefferson. A more or

less minimal or “nightwatchman” role for government was taken for granted. Since constitutional ratification, however, political practices have changed, and the consequences for the founders’ “pivot” of the Constitution have been substantial.

A preference for minimal government intrusion into society and the economy did not mean that the founders were unconcerned about economic issues, particularly those that might prove divisive, such as export taxes and commercial and navigation laws that might benefit northern interests at the expense of the southern states. These sorts of issues were understood, however, in the context of factional conflicts that might undercut national unity and constitutional supremacy; that is, they were not generally viewed as normative issues affecting the proper objectives and “scope” of government.³ In the nineteenth century, however, the United States underwent unprecedented economic and industrial development, and toward the end of the nineteenth and into the twentieth century, government was faced with demands to regulate and sustain the economy. Initially in state and local jurisdictions and then at the national level, especially from the 1930s on, governments increasingly assumed responsibility for regulating business practices, providing social welfare, making economic policy, and the like to maintain the U.S. form of free enterprise capitalism. How could governmental intervention be justified? The ideals of the minimal state provided little guidance. As governments undertook their regulatory endeavors, frequently at the behest of organized interests to support their objectives or to control other interests, a symbiotic relationship between the state and organizations of private power developed.

Recent scholarship has stressed the gradual development of an “administrative” or “corporate” state, one that emerged through a series of negotiations, accommodations, and trade-offs to integrate the national capitalist economy and traditional liberal values within the framework of the positive state.⁴ Popular values of individual initiative and free enterprise, symbolized by the Horatio Alger stories and reinforced by a belief in the sanctity of private property, helped justify governmental acquiescence to economic interests in determining the nature of regulations and subsidies. Much popular and scholarly literature reflected the widely held assumption that business and interest group activities could achieve societal objectives that might have fallen within the province of the state in earlier mercantilist theories of political economy. Government intervention in support of these activities could be rationalized as an extension of the minimal state when the acknowledged alternatives were a bygone mercantilism or

contemporary European socialism. The historian Louis Hartz explained the public's acceptance of state "promotionalism" of business interests by stressing how the Alger myth was adapted to the requirements for state-aided economic development in the name of individual initiative and opportunity.⁵ These beliefs remain pervasive, as evidenced by their resurgence in the rhetoric, if not the realities, of domestic politics in the 1980s. To critics of the administrative state, however, governments have abandoned any pretext of promoting the individualism of the Alger myth.

Pluralism and the Madisonian Model

The upshot of the transition from the minimal state of the Constitution's republican government to the supportive administrative state of the twentieth century is that *interest group representation*, not popular representation "derived from the great body of society" (*Federalist* 39)—the citizens—became the predominant theme in contemporary theories of American politics. A theory of the "group basis of politics" emerged that rationalized the modern state and avoided a confrontation between requirements for government's regulatory activities and the constitutional principles of the founders. Accompanying the ascendancy of interest group politics was an emphasis on social consensus about the proper relationships between the public and the private spheres. This value consensus was frequently associated with the philosophy of John Locke. To many contemporary scholars, American politics embodied the principles of Lockean liberalism. Even so able a historian as Hartz could describe, apparently without recognizing the hyperbole, "the national acceptance of the Lockian creed, ultimately enshrined in the Constitution."⁶ By mid-twentieth century, *pluralism* was the generally accepted label for the new theory. Pluralism all but abandoned the requirements for popular representation in favor of group representation, and it rationalized the decline of civic equality and the ascent of corporate power by pleading for the virtues of consensus and a mythic "potential group" that would presumably allay concerns with excessive institutional power and inequality.

Most pluralists have characterized the constitutional theory of the founders as Madison's theory, and they have found it to be defective. They have focused primarily on Madison's apparent preoccupation with faction and his prescriptions for alleviating the problem of majority faction, and they have downplayed or ignored his justifications of popular representation and the role of popular majorities. This is

partly because of the availability of *The Federalist Papers* for pedagogical and scholarly work designed to explain Madison's relevance, or irrelevance, for contemporary politics but chiefly because of the influential work of Charles A. Beard, who set the tone for pluralist scholars. Beard popularized the notion that *Federalist 10* provides simply a mechanistic formula for limiting popular majorities.⁷ The mechanistic, antimajoritarian motif became an article of faith and the *Madisonian model* its disparaging caricature as pluralist theory developed into the prevailing explanatory framework for political scientists.⁸

Several historians attempted to downplay the pluralists' portrayal of Madison's theory. Douglass Adair argued that Beard's account was too narrow and misrepresented Madison, and Adrienne Koch concluded that the *Madisonian model* caricature is simply misleading.⁹ Subsequently, other scholars challenged, directly or indirectly, pluralist theory by criticizing the status of *Madisonian liberalism*. These later critics claim to have discovered the influence of "classical republican" or, somewhat more narrowly, "civic humanist" traditions on the founding. Their revisions have spawned an ongoing debate among political theorists over the respective influence and roles of Lockean liberalism, classical republicanism, *Madisonian theory*, and even prerepublican ancient virtue and neoliberal Calvinist moralism.¹⁰ These revisions are important, and they reinforce the attempt to look beyond the obvious in Madison, the institutional framework of *Federalist 10*, and examine (see chapter 2) not only his concern with faction but also his arguments for popular representation and its corollaries—civic equality and civic responsibility, the latter sometimes called civic virtue—that he develops in his other essays and writings and that are downplayed in versions of the *Madisonian model*. Notwithstanding these revisionist efforts, and no matter how misrepresentative or misleading the elitist and overly mechanistic portrayal of Madison may be, it is the *Madisonian model* caricature that continues to influence political scientists.¹¹

The Argument

"Voters are not fools," V. O. Key, Jr., wrote three decades ago, reflecting on the shared responsibilities of scholars for influencing candidates' and political leaders' images of the electorate: "Fed a steady diet of buncombe, the people may come to expect and to respond with highest predictability to buncombe."¹² Dietary maladies and their cures are now ritualized. Each election season begins with renewed ef-

forts to bring the voters back in; each election season ends with marginal reductions in participation, or status quo maintenance, but never higher levels of participation that signal a long-term trend; and each election season produces poll after poll that elicits widespread disaffection from elective institutions. For a discipline whose *raison d'être* is the public realm, political science remains curiously detached. Pluralist theory has devalued the citizens' civic roles, esteemed by the founders, and helped reduce elections to symbolic exercises in the minds of many eligible voters. Critics of pluralism have had an important impact on the discipline, and it is no longer dominated by pluralism. Outside the academy, however, pluralist accommodation continues, and citizens respond appropriately to ersatz venues for participation. A case for the restoration of real representation must address those features of contemporary scholarship and politics that citizens recognize, however dimly, as the cause of disaffection and the source of change.

The argument of this book is critical, prescriptive, and therefore polemical: how citizen representation can be restored to its "pivotal" role in politics; what is to be done. To revivify real representation, scholars and citizens must acknowledge the changes incurred since the founding era and attempt to buttress the now largely symbolic electoral connection between citizen and government with meaningful, *democratic functional jurisdictions* for participation and representation. This is a revisionist claim that appears superficially to be incompatible with the principles of the constitutional founders. The case for democratic functional constituencies is based on the proposition that meaningful citizen participation is contingent on citizens' having a stake or interest in politics and that citizens can realize and act on these interests in their associational capacities, not as isolated persons with only symbolically expressive outlets, which popular elections have become for many people. The argument must show how these functional jurisdictions can be reconciled with constitutional values to make participation, public consent, and popular representation once again central to governance. The case for restoring real representation necessarily begins with the source of its decline, pluralism and its critics.

Alternatives to Pluralism: An Overview

Dissenters from mainstream political science have challenged the inadequacies of pluralism. They argue that the major sorts of groups valued by pluralists are involuntary and undemocratic, not simply

voluntary associations. The beneficiaries of the group process are not ordinary citizens but those who happen to belong to well-organized institutions that hold disproportionate resources relative to other associations and, principally, those who constitute the leadership of such organizations. The growth of the positive or administrative state figures prominently in these criticisms. Whether it is cause or consequence of private interests' excessive power is disputed. For some of the critics, these organizations have privileged positions in or privileged access to the policy-making process. For others, they conduct policy for the state based on legislative or administrative delegations of authority to them.¹³

An implication of the criticisms is that pluralism is not simply an empirical theory but a not-so-veiled normative theory. It justifies not only the provision of benefits to well-organized, undemocratic interest organizations but also a policy-making process of legislative abdication to the desires of such groups and their administrative and committee clientele or allies in government. This has produced, in the words of Grant McConnell, a "reformulation and redistribution of authority" from elective institutions to "private governments" without, at the same time, any coherent rationale for it: "the persistence and growth of private power have posed an embarrassing problem for all who are involved in exercising it. The problem is authority. What justifies the existence of power; by what principle is it rightful? For, if it is not justifiable, power is properly open to attack and, if possible, destruction."¹⁴ That the reallocation of authority to private entities creates, in reality, a vacuum of public authority is a central theme of *interest group liberalism's* critique of pluralism, which is the focal point of chapter 3.

Critics of interest group liberalism return to the central premises of Madisonian theory in advocating constitutionalism, or the rule of law.¹⁵ Adherence to the rule of law is designed to revitalize the separation of powers, segregating legislative deliberation from executive decision making yet ultimately forcing cooperation between the two branches. Each branch must appeal to its constituents—the electorate—to buttress its claims rather than abdicate its constitutional role to the wishes of organized interests. These objectives, presented as a proposal for reform, have significant liabilities (see chapters 4 and 10). It is up to Congress to restore its deliberative role and public accountability, and on purely instrumental grounds, the likelihood of implementing long-term congressional reform is slim. The case for the rule of law, however, articulates basic constitutionalist principles that can serve as important criteria or ground rules for the effort to justify

and utilize democratic functional constituencies within the liberal framework.

Understanding pluralism as interest group liberalism provides a baseline for two other alternatives: *corporatism* and *participatory theory*. Corporatist theoreticians are concerned less with interest group liberalism's democratic shortcomings than with its inefficiencies as a framework for policy-making.¹⁶ Their remedies are explored in chapter 5 under the rubric of neoliberal industrial policy, which is designed to institutionalize tripartite bargaining arrangements among the positive, interventionist state and the leadership of key sectors of the economy (industry, labor, and banking). Corporatists are unabashedly elitist, aiming to attain increased "governability" and stability through the abilities of functional organizations to control member demands and thereby to reduce demands on government, as the assessment in chapter 6 makes clear. It is an antidemocratic solution to the democratic problem of restoring real representation. This does not trouble corporatist theoreticians. Although few of them pay attention to the factors shaping contemporary pluralism (unlike the other pluralist critics), they believe their European model is applicable to American politics and is preferable to traditional liberal practices. The corporatists' emphasis on functional representation, however, is not incompatible with the participationists' view of the appropriate organizational jurisdictions for politics. If its elitist, managerial bias can be mitigated, the important role it assigns to functional interests can be used constructively, with important modifications suggested by participatory theory.

Participatory democrats observe virtually the same "data" that the critics of interest group liberalism do, but they tend to stress their effects on citizens rather than the decline of authority. Both, for example, recognize that effective interest representation is the state-sponsored representation of organized or "vested" interests and that representation through popular elections and legislative deliberation is largely symbolic. Although the pluralists' justification for these arrangements appears to be straightforward (based on the views that citizens are deficient and that ideals of an earlier age are unrealistic), it confuses cause with effect. The incorporation of private interest representatives within the governmental process undermines the grounds citizens have for taking an interest in politics. As a result, pluralism, as interest group liberalism, does not describe the role of civic apathy so much as it provides a basis for it, and it encourages public cynicism toward the responsibilities of elected officials.

The participatory theorists' label for pluralism—the elitist theory

of democracy, or democratic elitism—follows their criticism.¹⁷ Diverging from the rule of law proponents, however, many of them attribute the group domination of American politics to elitist commitments of the founders that thereby, they believe, preordained the pluralist politics of elite representation and interest accommodation; for example, C. B. Macpherson attributes Madison's elitism to possessive individualist premises undergirding his preoccupation with protecting the "opulent against the majority."¹⁸ This detracts from their criticism of pluralism, inasmuch as they accept at face value rather than question the pluralist dismissal of civic virtue, but not from their reform alternatives. These are explored and evaluated in chapters 7 and 8: first, that the ideals of participatory democracy can be adapted to contemporary politics to enhance participation in the workplace and local community jurisdictions; second, that these can serve as the groundwork for an egalitarian system of democracy and stimulate change in the political system. Participatory objectives are constrained by the prevailing interest group liberal or corporatist modes of organizing participation and representation in the political system. They are not, however, merely unrealistic panaceas, and the last two chapters (9 and 10) develop a case for their realization.

Workplace Dem

Restoring Real Representation: A Preview

In advocating workplace, industrial, and local democracy, participationists propose to democratize functional constituencies on the grounds that functional units have largely displaced traditional democratic constituencies. On this point, participatory theory converges with corporatism in a way that suggests a viable alternative to interest group liberalism. However much these two schools of thought differ, it is possible, because of their common assumptions about the locus of political life, to envision a hybrid produced by combining corporatist functional jurisdictions, which interact with public officials and complement the roles of elected legislatures, and participatory practices within such jurisdictions. In other words, it is possible to retain the policy-making structural or institutional format of corporatism but replace its elitist and antidemocratic functions with democratic organizations. The proposal, in brief, is that the participatory requirements of workplace democracy can be used to democratize functional constituencies; that is, workplace democracy and functional jurisdictions together can contribute to a revived form of democracy and democratic representation.

How well would such a hybrid support the values of traditional

liberalism, particularly the Madisonian and constitutionalist perspectives? Indeed, how does one reconcile democratic functional constituencies with traditional democratic ideals of popular representation? Superficially, not very well. An attempt to reconcile functional jurisdictions, even democratic ones, with traditional liberal ideals about popular representation appears problematic. The problem is somewhat analogous to concerns of Madison and Jefferson, in their Virginia and Kentucky resolutions, to force the national government to conform to their principles of constitutional democracy based on their claims about the appropriate roles for state and local democracies. (Their arguments about interposition differed from John C. Calhoun's later arguments, which are more analogous to our usual views of elite corporatism.) Moreover, an obvious criticism is that the hybrid would create nothing more than "democratic corporatism." Because of the connotations associated with corporatism—not so much its earlier syndicalist, fascist, and authoritarian associations but its current elitist and managerial ones—*democratic corporatism* is an inappropriate label. The proposal encompasses far more than a corporatist framework, and the preferred term, *democratic functional constituencies*, conveys its distance from corporatism.

The need to consider democratic functional constituencies as the basis for representation was anticipated by Andrew Hacker, who articulated the issues well in advance of the interest group liberal criticism of pluralism and the efforts by neoliberals and corporatists to mitigate the consequences of interest group liberalism. He recognized the substantial dependence of the employee on the corporate organization. Madisonian-like notions of local, regional, and ethnic interests had become, he believed, "superficial characteristics" rather than meaningful grounds for civic participation. In place of these, "the transient employee of a national corporation must find a substitute attachment to give him communal roots." Hacker concluded that it is "necessary to stand Madison on his head" and seriously consider the alternatives to traditional venues for representation, since in them citizens lack any real "interest to defend in the political arena" and politics is therefore "meaningless." He recognized then, as participationists and corporatists more recently acknowledge, that "functional, or corporate, citizenship is arising to replace local or regional citizenship."¹⁹

Hacker's insights, as well as the positions taken by corporatists and participatory theorists, do not suggest that economic or functional jurisdictions can totally displace traditional geographic ones. The workplace is used here as an exemplar of functional jurisdic-