

SYMPOSIUM  
THE LIFE, THE IMAGE AND THE PROBLEMS  
OF DEMOCRACY



REPLY TO PAUL CARTLEDGE'S  
*DEMOCRACY: A LIFE*

BY  
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## Reply to Paul Cartledge's *Democracy: A Life*

James Kierstead

It's been a about a couple of years now since I read Paul Cartledge's excellent, and highly readable, 'life' of democracy, and almost a year since my review of it was published in *Polis* (Kierstead 2018a). What Professor Cartledge probably doesn't know is that my review was rejected from the journal that originally commissioned it for being too harsh! Professor Cartledge himself, of course, had no need of such 'protection,' and when the review did come out in *Polis* I was delighted to see an email from him thanking me for the close reading I'd given his work. A robust but friendly exchange ensued over email; and I'm now doubly delighted to have the opportunity of continuing that conversation with him here.

At the core of Cartledge's statement for this volume is a summary of the three main objectives he had for his book. The main effect this section had on me was to remind me once again of how much I found to agree with in his basic view of the history of democracy. I think he is right, for example, that democracy first came into being in ancient Greece. At least, to use my own preferred formulation (one that Cartledge would no doubt accept),

the earliest examples of states under popular control that we have good evidence for are in ancient Greece. Cartledge arrived at this point mainly by insisting on a definition of democracy that includes popular control over institutions, and by rejecting the more nebulous criteria (public discussion, say) for democracies that have been employed by scholars such as Amartya Sen.<sup>1</sup> I think he was right to do so, though (as I noted in my review) I do wish he'd engaged a bit more with the more concrete claims some have made about democratic societies in other parts of the world.

I also agree with Cartledge that Greek democracy had begun to head downhill by the later Hellenistic period, a period in which *demokratia* came to be used to signify something less than the radical popular government of the classical democracies. On this question we may be in the minority among contemporary scholars, many of whom would stress the rich civic life evidenced in inscriptions from *poleis* in the Hellenistic period. But if we look hard at the institutions, and who is dominating them (not infrequently, from now on, hereditary elites), I think it's hard to conclude that the *demokratiai* of the third or second centuries are essentially unchanged with respect to their classical antecedents. Stephen Lambert's recent book has only added to the list of ways in which third-century Athens, in particular, was less of a *demokratia* than it had been.<sup>2</sup>

The most important thing I agree with Cartledge about is his overall picture of democratic history. This overall picture is one in which democracy, after, as we've seen, being first fully realized by ancient Greeks, more or less vanishes from the face of the earth, before becoming first respectable, then popular, and finally the hegemonic and even virtually universal political ideal that it is today. I agree with Cartledge not only that this is how things

<sup>1</sup> See e.g. Sen 2003.

<sup>2</sup> Lambert 2017.

happened, but also that, at some point between democracy’s decline and its ultimately triumphant re-birth, its meaning changed in a way in a way that should command attention, and even, perhaps, cause us some concern. (As we have seen, Cartledge focuses overwhelmingly on the West, but it’s worth noting that Egon Flaig’s more global survey of majority-rule ultimately supports the same overall picture of democratic history.)<sup>3</sup>

Cartledge is at his learned best when he points to two particularly striking moments which bring home how far the meaning of the word *demokratia* sank in Roman times: the first is the second-century Greek intellectual Aelius Aristides’ praise of Rome as ‘a perfect democracy – under a single ruler’ (i.e. the Roman emperor); and the second is the sixth-century Byzantine author John Malalas’ use of the word to mean nothing more than ‘a riot.’ And Cartledge rightly follows up by reminding us how, in seventeenth and eighteenth-century Europe and America, the ‘old word’ democracy was ‘re-used and re-purposed in a new sense almost opposite to its original one: government *of* the people and ideally *for* the people, but emphatically **not** (despite Lincoln at Gettysburg) *by* the People’ (all the emphasis there is Cartledge’s).

This, though, brings me to what I disagree with in Cartledge’s position. Because after the sentence I just quoted above, he immediately continues, “‘People’ of course has always been a term of artfulness, never mere literal descriptiveness. What I consider to be the toxic, cancerous growth of “populism” today is a lineal ideological descendant of such grossly, abusively loose usage.’ It’s easy to sympathize with the complaint about the term ‘the people’ being misused, as it surely has been, by leaders of many different ideological stripes, in a range of different places and periods. But we need to be cautious about concluding from this that the use of

<sup>3</sup> Flaig 2013; see my review in Kierstead 2015.

the term has *always* been an artful or manipulative one. There are many different ways of trying to gauge the people's will, and all of them fall somewhat short of perfection,<sup>4</sup> but that doesn't mean that we can't speak coherently of the 'people' at all. After all, to claim that we can't would seem to make the whole idea of 'the rule of the people' impossible from the get-go.

As for the recent growth in 'populism,' it's again easy to sympathize – claims to be the true representative of the people have long been a staple of political rhetoric, and all of us can no doubt think of certain politicians whose claims in this regard strike us as particularly hollow and unscrupulous. But as Cartledge is surely aware, there's also a long history of terms like 'mob-rule' being bandied about by people who simply aren't happy with the way majority views are going, in an attempt to delegitimize them. And though 'populism' can admit of a more precise meaning, I'm not the only one who thinks that it's often used nowadays to refer to democratic politics that the speaker happens to disagree with.<sup>5</sup>

An excellent ancient example of this sort of thing was highlighted by Cartledge's own Cambridge predecessor Moses Finley – another Greek historian who did distinguished work on democracy, ancient and modern – in a now classic paper on Athenian demagogues.<sup>6</sup> As Finley showed, these 'demagogues,' far from being some kind of aberration, as aristocratic historiographers have tended to claim since antiquity, were really part and parcel of the democratic system. How can you have a truly democratic system without politicians that some people don't like, but others very much do? There's no evidence that Cleon was ever

<sup>4</sup> For a good survey of various voting systems (and their drawbacks) see Riker 1982.

<sup>5</sup> See e.g. Holbrook 2019.

<sup>6</sup> Reprinted in Finley 1973, 38-75.

‘milkshaked,’ but we might ask similar questions in the age of Nigel Farage.

This is the main reason I’m disappointed, and even a little bewildered, by Cartledge’s approach to contemporary democracy – that though he professes dismay at the way democracy has moved away from its ancient roots as a system in which the people actually rules, he nonetheless seems uncomfortable with the most well-known recent attempts to add some people power to our supposedly democratic systems. This discomfort seems to apply both to radical left-wing schemes to inject more popular involvement in government through e-democracy, popular assemblies, and the like,<sup>7</sup> and referenda, one recently example of which, at least, has been seen as a victory for the right.

What I’m referring to, of course, is the Brexit referendum (though it’s worth bearing in mind that a good number of left-wing voters voted Leave, just as a significant number of right-wing voters opted for Remain).<sup>8</sup> It’s this event, above all, that seems to have shaken Cartledge’s belief in referenda, something that he might (he hints) be in favour of in other circumstances. He asks, for example, ‘Do we need more referendums?’ and answers, ‘Perhaps – but only if and when they are more carefully moderated and thought through in advance’ than the Brexit referendum, which he calls ‘disastrously framed and managed.’

But it’s hard to see how the Brexit referendum itself (as opposed to, say, the negotiations with the EU which followed) was disastrously managed. At least, Cartledge’s complaints in the *Eidolon* piece he links to seem to me to be ill-founded. That there was no upper age-limit (say, 75) is unsurprising, since democratic systems tend to grant an equal vote to every adult citizen. That the

<sup>7</sup> Cf. e.g. Cartledge’s closing comments in Cartledge 2016, 312-314.

<sup>8</sup> See e.g. Moore 2016.

decision was taken by simple majority was exactly as it should be, since super-majorities effectively give those voting for the status quo more power, something that's inconsistent with the central democratic premise of political equality.<sup>9</sup> That the results varied by demographic group and by region is neither here nor there – the *demos* for the purpose of that vote was clearly defined beforehand, and it was abundantly clear that this was a decision for the UK as a whole. That makes majorities against Brexit in parts of the country that have considerable autonomy in other contexts (Scotland, for example) irrelevant. The fact that the turnout was 'only' 72%, and that it wasn't an absolute majority of the country that voted for Brexit is similarly irrelevant – referenda are often decided by a simple majority of votes cast (an approach that was used, as Cartledge knows, by the ancient Athenians in their Assembly and elsewhere).

I don't mean any of this to come across as a peevish statement of my own political preferences. As a matter of fact, I myself Brabstained from the referendum, not because I didn't think the issue was interesting or important (on the contrary, I thought it was both those things), but because after considering arguments on both sides I found that I didn't feel able to vote one way or the other. The problem I have with Cartledge's distaste for the referendum in the context of his recent work on democracy is that I find it very difficult to find *democratic* objections to it.

Cartledge calls the referendum an exercise in 'party-political strategizing,' and anybody who has been following British politics over the last few decades will acknowledge that part of the reason it was held was because David Cameron thought the easy victory for Remain that would surely result would silence the Eurosceptics that had frequently threatened to tear the Conservative Party apart

<sup>9</sup> See now esp. Schwartzberg 2013.



in the past. Cameron’s desire to outflank the United Kingdom Independence Party (UKIP) also clearly played a role. Be that as it may, it’s hard to see why any of this should matter to a consistent democrat, for whom the most important consideration should surely be that a major European nation made a decision on a major national issue by a majority vote that was open to all.

Cartledge does have a few other arguments against the referendum, though again they are more clearly expressed elsewhere (in the *Eidolon* and *History and Policy* pieces he links to) than in the statement itself. These do have to do with democracy, but they’re arguments that I was surprised to hear from someone who’s done so much to remind us of the real citizen power that was at the heart of ancient Greek democracy. The first argument is, as he puts in the *History and Policy* piece, that referenda ‘go flat counter to the very essence’ of modern representative democracy. But it’s implicit in the kind of terms Cartledge uses of this modern system (‘indirect, representative’ he calls it in *Eidolon*) – that its claim to legitimacy is ultimately a derivative one; and it derives, of course, from the legitimacy of *popular* rule – this, after all, is the only reason that it’s called a ‘democracy’ at all. That’s quite clear in the very concept of ‘representation,’ which involves a delegate ‘representing’ the views of a certain segment of the populace.<sup>10</sup>

Now, it’s true that a few of the most influential framers of our current systems – James Madison, for example, and Edmund Burke – played up what they saw as the advantages of having elite delegates depart from the express views of their constituents when they saw fit (or, in Cartledge’s words, when they thought it was in the people’s “best interests”).<sup>11</sup> But it’s hard to see these as *democratic* arguments, rather than as a result of the scepticism men like Madison still retained for the idea of thorough-going popular

<sup>10</sup> Pitkin 1967 is a classic discussion of the concept.

<sup>11</sup> See esp. Madison, *Federalist* 10 and Burke, *Speech to the Electors of Bristol*.

rule. As it happens, the less democratic features of Madison's constitution have been replaced or modified over time, as Americans have increasingly grown to embrace the democratic ideal. Members of the Electoral College, for example, are now mostly bound (either legally or by custom) to respect the preferences of voters, rather than 'filtering' popular views in the way that Madison had intended. From a democratic perspective, that makes excellent sense. There may not be a huge problem with representatives taking care of purely technical matters that voters don't care much about. But on subjects that they do care about, it's surely more democratic for representatives to work to effect the people's will, rather than their own.

Hence the power of the referendum, which allowed the people to make clear what their view was on a major issue, in a way that plainly had to take precedence over the personal preferences of MPs (a majority of whom were in favour of staying in the EU). Here Cartledge falls back on educated scepticism about what 'the people' really means, asking, "Who exactly is this 'we'?" But who exactly this 'we' is for the purpose of the referendum was carefully defined in the run-up to the vote. Cartledge later calls 'the people' a "complicated and controversial theoretical concept," and while it's true that the notion has received no shortage of theoretical attention, that doesn't mean that it's necessarily incoherent. (A recent philosophical investigation has suggested that the idea of group agency is, after all, a perfectly respectable and practicable one).<sup>12</sup> In any case, as we've seen, it would be impossible to imagine any kind of democracy without some conception of 'the people.' Besides, if 'the people' is a coherent enough concept for it to supply representatives to our parliaments, why is it unworkably complicated when it comes to a direct vote on a major public issue?

<sup>12</sup> List and Pettit 2011.

But Cartledge’s reservations about ‘the people’ aren’t just about its coherence as a concept. At the end of his *Eidolon* piece, he also complains that the issue of whether or not the UK should be in the EU was “simply too big and complex a matter” to put to a popular vote. I hope he will understand if I say I found this line of attack especially surprising from a historian of democracy, since it constitutes, as he must know, one of the oldest anti-democratic arguments on record, one which goes back at least to Plato.<sup>13</sup> Of course, the fact that an argument is ancient doesn’t mean that it’s necessarily wrong; nor, for that matter, does the fact that it’s anti-democratic (though that does make it an odd choice for a proponent of democracy). And Plato’s way of thinking about this does seem reasonable enough: after all, if we need brain surgery, we turn to a qualified neurosurgeon – we don’t crowdsource the job. But if that’s the case with decisions that are important for us as individuals, shouldn’t it be even more the case when it comes to decisions facing the nation?

But if Plato’s question is an ancient one, I think we can answer it with a response that is equally ancient, and preserved in Plato’s own writings. I am referring to the so-called ‘Great Speech’ spoken by the intellectual (or ‘sophist’) Protagoras in the Platonic dialogue that’s named after him. In this speech, as I have explored in more detail elsewhere, Protagoras suggests that when it comes to ethical considerations, all human beings are more or less equal.<sup>14</sup> We all have the roughly the same capacities and obligations for moral decision-making; and this makes moral decision-making different from the various types of technical expertise, in which it’s common for certain individuals to attain a much higher level of ability than others. As Protagoras saw, political decisions are largely ethical or

<sup>13</sup> For the resurgence of this Platonic argument in the wake of the referendum result, see Kierstead 2016.

<sup>14</sup> Kierstead 2018b.

normative in content, not empirical; they tend to be concerned with what we *ought* to do as a community, not with how the world is.

At least, they aren't concerned *primarily* with how the world is; matters of fact may come into political decisions, but political decisions aren't limited to matters of fact. The Brexit referendum is a good example: the question was whether the UK should leave the EU, and to me (and other democrats of various political persuasions) it made perfect sense to refer that question to all members of the British *demos*. Matters of fact were certainly relevant in that context, and many matters of fact were debated during the campaign that led up to the referendum, as experts from a range of relevant fields (law, economics, history) weighed in. Ultimately though, the question of whether Britain *ought* to leave the EU wasn't a factual one; and, as David Hume suggested, you can't derive an *ought* from an *is* (*Treatise of Human Nature*, 3.1.1).

Cartledge also complains about the 'shoddy mendacity' of the Leave campaign. He has every right to his opinion, of course, but I again find it surprising that this leads him to question the democratic nature of the vote. (At least, he frames this as one of the main reasons he supported a petition to hold a re-run of the referendum.) But judgments about the tenor of a public debate are to a considerable extent subjective; as is notorious, what to one person may seem like an audacious speaking of truth to power may seem to another the lowest sort of sophistry. It's hard to think of a major political campaign that didn't involve some accusations of lying, exaggeration, bad faith and so on. I am myself an advocate of civility, but I think it may be in the nature of political debate, where different groups of people view things in very different terms, that *some* accusations of dishonesty – and some clear examples of it – will always be involved. We are back, it seems, with Finley, forced to admit that what some point to as ugly

aberrations may actually be an inevitable and necessary part of governing ourselves through debate and disagreement.<sup>15</sup>

I do have some sympathy with Cartledge’s view that referenda, ideally, should take place against a background of civic education. With the Athenian example in mind (as it is often for Cartledge), I would be particularly in favour of a system in which citizens learned by doing – where they were so routinely participating in discussion and debate, in ‘ruling and being ruled’ (to use Aristotle’s phrase), that such things became second nature. At the same time, there’s surely a risk that complaints that our culture still isn’t democratic enough will simply become a new way of casting doubt on democratic decisions.

Cartledge’s reservations about the people’s ability to make decisions in the current circumstances culminate in the suggestion that major votes should have some sort of review-mechanism built into them. This is something he explicitly says the ancient Athenians did, and while I agree they often passed decisions through several different voting bodies, I don’t have quite the same picture of this phenomenon as Cartledge does.

Cartledge refers to ‘fail-safe mechanisms or at least legally enshrined safeguards against potentially lethal once-and-for-all decisions.’ His first example is the Assembly’s reversal of the previous day’s decision to massacre the rebellious Mytilenaeans, an extraordinary procedure, if certainly a fortunate one (especially for the Mytilenaeans). His second example is from an even more extraordinary period – the oligarchic revolt of 411, which began with an Assembly voting the democracy out of existence, and ended with democracy being restored. Neither of these are really

<sup>15</sup> For disagreement (often of a fairly major sort) as an inevitable part of democracy, see my closing remarks in Kierstead 2019.

examples of fail-safe mechanisms, or even legally enshrined safeguards against lethal once-for-all decisions.

Cartledge's third example is the Athenians' condemning of six generals to death all at once after the Battle of Arginusae in 406. He calls this "a disastrous decision" that the Athenians "later legislated to prevent ever happening again by depriving the Assembly as such of its lawmaking and jurisdictional functions." Cartledge is evidently referring to the reforms surrounding the introduction of the *nomothesia* (law-making) procedure around the end of the fifth century. From this point on, a distinction was to be made between more permanent laws (*nomoi*) and one-off decrees (*pséphismata*), with the former established by a panel of *nomothetai* (law-makers). I think this did introduce some limits to what the Assembly could do, but I'm not sure if even this should be described as a "fail-safe mechanism for... potentially lethal once-and-for-all decisions"; after all, the *nomothetai* were relatively powerless to police decrees (as long as they didn't contravene a law), and a major foreign policy decision like Brexit would probably have been a decree rather than a law.

Cartledge's final example of a safeguard, ostracism, is also a slightly strange one in this context. Ostracism certainly could, and, for a while, certainly did help to ease potentially destabilizing tension between rival politicians. It could also act as a check on the most ambitious statesmen, who would be aware that doing something that really outraged the *demos* could lead them to being kicked out of Athens for a decade. But again, it's hard to see this procedure as a fail-safe mechanism for one-off decisions. And (though I'm not sure Cartledge was suggesting this) a similar procedure might not have prevented Brexit. Britain has long been among the most Euro-sceptic of European nations,<sup>16</sup> something

<sup>16</sup> See Carl, Dennison and Evans 2018.

which casts doubt on the idea that any individual politician’s behaviour during the 2016 campaign was responsible for the result.

There is a more philosophical objection to the idea that there should be fail-safe mechanisms against potentially lethal once-for-all decisions. This is that virtually all political decisions are in some sense once-for-all,<sup>17</sup> and many are in some sense lethal. Of course, this was often quite literally the case with ancient states, but, in modern states too, many decisions (to do with the health care system, say) can result in more or fewer deaths down the line. All the same, it’s clear that there are decisions which put an unusual number of lives in the balance – a decision to get involved in a nuclear war, for example. So it may well be reasonable to add another layer of decision-making to certain decisions. (Though I would also be in favour of putting the decision about which decisions get extra consideration into popular control).

I think we should take care that we do this in a way that enhances democracy rather than diminishes it. Cartledge says that ‘democracy isn’t a single, self-evident good,’ and I agree with him in the sense that there’s no perfect procedure for finding out the people’s will. There is, instead, a range of more or less satisfactory procedures, each with their own advantages and disadvantages, but each with a roughly equal claim to be called democratic. Since every democratic procedure has its deficits, it’s arguable that the best democracy is one in which several procedures are combined, so that they can counteract the deficiencies of the others. For example, first-past-the-post is easy to understand, but can lead to unrepresentative parliaments. Voters find proportional representation more opaque, but it’s also more accurate. The best solution is to combine them, with FPTP being used for some public bodies, and PR for others.

<sup>17</sup> A point stressed by Flaig 2013.

There's been a movement to have a second referendum on Brexit, and it looks to me that Cartledge would be in favour of that. While I agree that such a move wouldn't be positively undemocratic, though (and even has ancient precedent, in the cancelling of the plan to obliterate the Mytilenaeans), it is open to democratic objections; on the face of it, the idea of immediately second-guessing a decision of the people looks democratically problematic (especially if we only second-guess some referenda and not others).

That's why I myself would be more in favour of another option which has been mooted<sup>18</sup>: a citizens' assembly, randomly selected from the population, that could steer a path towards a successful Brexit. MPs' views are out of step with the balance of views on Brexit in the populace as a whole, and this is something that can (and probably has) caused problems since the referendum was held. An allotted citizens' assembly would have much more representative views on the issue. As democratic as it would be, though, it would also represent a different kind of democratic procedure from the referendum, and might thus help counter-act some of its inevitable deficits. (A citizens' assembly, for example, would be able to engage in a kind of complex democratic deliberation that is more difficult in the context of a yes/no referendum.)

But by now we're already having the sort of conversation Cartledge invites us to have at the end of his statement – a conversation about 'the way forward,' which makes use of democratic history to see how we might successfully deepen and enhance citizen participation in politics. As a contribution to this goal (which I share), I wanted to raise one final issue, on that's been

<sup>18</sup> For example, by the Green MP Caroline Lucas. See Lucas 2019.



much in the news of late. This is the issue of polarization. US Democrats and Republicans are strikingly farther apart on most issues than they were only fifteen years ago,<sup>19</sup> and something similar seems to be happening in other democratic countries. Citizens seem increasingly hostile towards those with different politics and worldviews.

Since polarization is currently a big problem, it won’t be too surprising that I don’t have a simple solution to it. I think one promising way forward, though, is to create contexts in which people of different views get to know each other and gain more experience at discussing public issues with each other in a reasonable and civil way. Organizations dedicated to creating such contexts already exist, of course;<sup>20</sup> if the problem gets worse, though, we might want to take a cue from the Athenian reformer Cleisthenes, and involve the state in creating groups of randomly-designated citizens and having them work together. These could, for example, take the form of regular citizens’ assemblies, something which might make our systems more democratic *and* help reduce polarization.

Professor Cartledge ends his statement by saying that, were he to write a life of democracy now, he would add “to our grandchildren, citizens of the future” to the dedication. It’s clear that he has a sincere concern that the history of democracy continues in a positive direction. What I’ve tried to do here is to ask whether the kind of referendum democracy we’ve seen recently is really all that out-of-step with the value of ‘participatoriness’ that he clearly holds dear. Since I do agree with Cartledge that we need to think carefully about our democratic institutions and culture and make sure we get them right, I’ve also made some suggestions of my own on that front. After all, I, in the end, have the same desire

<sup>19</sup> See e.g. Pew Research Center 2014.

<sup>20</sup> E.g. Bridge USA.

to see our democracies flourish as Cartledge does. What I've written here is meant as a contribution to that same goal.

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