Rescuing Democratic Representation From Equal Influence

ORCID: 0000-0001-9131-7983
Received: 18/03/2025
Accepted: 13/06/2025

Giulia Bistagnino
Università degli studi di Milano
giulia.bistagnino@unimi.it

ABSTRACT This article aims to contribute to the debate on democratic representation by critically engaging with Niko Kolodny's *The Pecking Order*, particularly his justification of democracy through the principle of Equal Influence. While Kolodny argues that representative democracy can avoid relations of inferiority if citizens retain sufficient control over decision-making, this analysis questions whether his model adequately captures the dynamic, interactive, and relational nature of representation. Moreover, it is argued that Kolodny's framework overlooks the democratic value of diverse forms of political representation that go beyond strictly promissory conception, such as anticipatory, gyroscopic, and surrogate representation. By drawing on deliberative democratic theory, this article highlights a tension between Kolodny's egalitarian justification of democracy and richer conceptions of representation, calling for a broader appreciation of the complexity and normative potential of representative practices.
KEYWORDS Democratic Representation; Equal Influence; Impersonal Justification; Political Legitimacy; Democratic Deliberation

RESUMO Este artigo procura contribuir para o debate sobre a representação democrática através de um diálogo crítico com The Pecking Order, de Niko Kolodny, em particular com a sua justificação da democracia mediante o princípio da Influência Igual. Embora Kolodny sustente que a democracia representativa pode evitar relações de inferioridade se os cidadãos mantiverem controlo suficiente sobre a tomada de decisões, esta análise questiona se o seu modelo capta adequadamente a natureza dinâmica, interactiva e relacional da representação. Além disso, argumenta-se que o enquadramento de Kolodny negligencia o valor democrático de formas diversificadas de representação política que vão além de uma concepção estritamente promissória, como a representação antecipatória, giroscópica e substitutiva. Recorrendo à teoria democrática deliberativa, o artigo destaca uma tensão entre a justificação igualitária da democracia proposta por Kolodny e concepções mais ricas de representação, defendendo uma apreciação mais ampla da complexidade e do potencial normativo das práticas representativas.
PALAVRAS-CHAVE Representação democrática; influência Igual; justificação impessoal; legitimidade política; deliberação democrática.

1 Political representation

The English people, Rousseau famously claimed, are free only in the moment of their vote, after which they return to slavery, to be governed by the will of another. "Sovereignty," Rousseau wrote (1978 [1762], p. 198), "cannot be represented for the same reason that it cannot be alienated. It consists essentially in the general will, and the will cannot be represented. The will is either itself or something else; no middle ground is possible". Following Rousseau, many scholars have argued that representative democracy is merely an instrumental substitute for direct forms of democracy, an imperfect solution necessitated by the practical difficulties of large-scale democratic societies. Given this long-standing perspective, an important question arises: is democratic representation merely a second-best option, or is it a fundamental element of democratic practice in its own right?

In what follows, I attempt to offer a contribution to the lively debate about democratic representation (Sabl, 2002; Urbinati & Warren, 2008; Saward, 2010), by discussing Niko Kolodny's view on the reconciliation of equality and political rule as presented in *The Pecking Order: Social Hierarchy as a Philosophical Problem*. I argue that, with Roussau's adage in the background, Kolodny's framework risks reducing representatives to mere executors of the electorate's will, thereby limiting opportunities for deliberative exchange. Contrary to this view, I defend the idea that democratic representation is a richer practice than Kolodny acknowledges: "representation is crucial in *constituting* democratic practices" (Plotke 1997, p. 19, italics mine). My aim, therefore, is to bridge the gap between the debate about conceptions of representation central to deliberative democratic theory and Kolodny's justification of democracy. Since other theorists who share Kolodny's egalitarian commitments offer comparable accounts of democracy and representation (Lovett, 2024), this article also seeks to shed light on the tension between the demand for equal influence and the role of representative institutions. Specifically, I contend that Kolodny's account fails to appreciate the democratic value of forms of political representation that do not rely on the idea of equal influence, as he conceives it.

The article unfolds as follows: section 1 briefly recollects Kolodny's methodolodgy and his argument for the justification of democracy. In section 2, I present my critical remarks, defending political representation as a fundamental feature of democratic practices. Section 3 concludes.

2 Equality and democracy

In *The Pecking Orde*r, Kolodny explores the underlying principles of our political convictions, arguing that a central concern is our aversion to social hierarchy. His methodology follows a structured approach that begins with existing philosophical frameworks and moves toward his own theory of noninferiority. Kolodny starts by identifying what he calls the "received materials" in political philosophy, namely two traditional categories of claims used to justify political principles. The first category consists of *claims for improvement*, which suggest that individuals are entitled to have their conditions improved as long as it does not place an undue burden on others. The second category, *rights against invasion*, establishes constraints on how people may be treated, emphasizing respect for personal boundaries and protection from harm done by others. These two categories form the foundation of much of political thought.

From here, Kolodny examines widely accepted moral and political beliefs, which he terms *commonplace claims*. These are intuitive, widely held ideas about justice and equality that are common in both public discourse and philosophical traditions. However, he argues that these claims are not entirely justified by the received materials alone. This leads him to what he calls the *negative observation*: the realization that traditional justifications — such as appeals to fairness or liberty — are insufficient to fully explain why we hold these commonplace claims so strongly. To address this gap, Kolodny proposes a *positive conjecture*: that the missing justification lies in a fundamental human concern with avoiding social subordination. He argues that individuals have a deep interest in not being placed in a position of inferiority within social hierarchies. This aversion to social hierarchy plays a crucial role in shaping our political thinking. Through this methodological framework, Kolodny reinterprets familiar political concerns, suggesting that our deepest moral commitments are rooted in a drive for noninferiority, which commands that we are not subject to unjustified asymmetries of power, authority, or social regard.

For those concerned with social hierarchies, political legitimacy presents a significant challenge. To examine whether and why political authority and rule can be justified within a framework of noninferiority, Kolodny introduces what he terms *tempering factors*. These factors function as mechanisms that prevent citizens, despite their subjection to the state, from being relegated to a position of subordination under the superior power

and authority of others (2023, pp. 122–144). In essence, Kolodny's argument can be distilled as follows: social hierarchies that are tempered by appropriate factors are justified, whereas those left untempered remain unjustified. This distinction underscores the pivotal role of tempering factors in ensuring that power structures align with principles of noninferiority, thereby preserving the legitimacy of political authority. In line with this argument, when it comes to the justification of democracy, Kolodny holds that the positive conjecture says that the justification of democracy rests on the tempering factor of "Equal Influence", which is satisfied when an individual subjected to political power and authority has as much opportunity as others to informed and autonomous influence over decisions about how that power and authority is exercised. To quote Kolodny (2023, p. 137), the problem of political rule is diminished when "any individual who is subject to superior untempered power and authority has as much opportunity as any other individual for informed, autonomous influence over decisions regarding how that power and authority is exercised". So, democracy is justified and legitimate because, in such a system, no one enjoys unequal influence, and opportunities for influence are equally distributed. Kolodny further argues that a representative democracy can be "sufficiently tempered" such that "our relations with officials do not constitute relations of inferiority" (2023, pp. 335-6). How? Kolodny solves this riddle by appealing to the principles of "Supersession" and "Downward Equalization" (2023, pp. 329-333). In a nutshell, Supersession suggests that if one entity (A)—such as a decision-making body—exercises control over another entity (B)—such as public officials—who, in turn, wield power over individuals (C), then C is ultimately subordinated to A and not B. Moreover, if C has equal influence in the decision-making body (for instance, in a democracy where "the People" hold power), then C gains control over those who might otherwise subordinate them. This leads to Downward Equalization (2023, p. 138), the idea that "equality at a higher level in the decision-making hierarchy tempers inequality at a lower level".

For this system to function effectively, it is crucial that the People exert control and positively influence those officials who hold or seek office. This means that the condition for success is that the People must occupy the highest position in the decision-making hierarchy, maintaining control over the top officials, who in turn manage other officials. But how is this achieved? Individuals subjected to political power do not merely choose who occupies an office; they must also influence what actions are taken by those in office. Kolodny holds that if there is a suf-

ficient variety of candidates and parties, if voters make decisions based on their expectations of candidates' actions, if ample information about candidates and parties is accessible, and if voters are able to form independent judgments, then it can be said that the People hold the highest position in the political hierarchy (2023, pp. 334-335).

It is important to point out that Equal Influence is not the only tempering factor at play in Kolodny's framework. "Impersonal Justification" (2023, pp. 131-133) is another key principle for assessing the justification of asymmetrical political authority. According to this tempering factor, an office or institutional arrangement is justified only if its existence and operation serve impersonal reasons—reasons that are not tied to the personal interests, projects, or relationships of any individual, including the officeholder. These reasons must be either globally impersonal (e.g., promoting the public good or protecting rights) or locally impersonal (shared equally among those on both ends of the power asymmetry, such as compatriots sharing duties of mutual aid). Kolodny (2023, pp. 133-134) complements this with a second principle, "Least Discretion", which requires that officeholders exercise only as much discretion as necessary to serve those impersonal reasons. Together, these principles distinguish the office from the natural person occupying it: the authority is not personal but institutional, grounded in reasons that are no more the officeholder's than anyone else's. Impersonal Justification and Least Discretion allow Kolodny to argue that the superior power held by state officials can be morally legitimate even in the absence of Equal Influence. That is, asymmetrical authority may be justified insofar as it serves impersonal reasons and is exercised with minimal discretionary power. However, it is important to note that such authority, while morally defensible, would not qualify as democratic unless it also satisfies the requirement of Equal Influence. In what follows, I argue that this framework overlooks the democratic value of various forms of political representation and raise critical questions about impersonal justification as a basis for legitimizing political authority.

3 The value and variance of democratic representation

It is clear that Kolodny's proposal is meant to address the problem he envisages as most pressing: making democratic politics safe from

unjustified social hierarchies. However, his reconstruction of the relationship between candidates and voters risks throwing the baby out with the bathwater. The concept of control, as Kolodny envisions it, appears overly idealized and ill-suited to capture what is normatively at stake in democratic representation.

Before presenting my argument, I would like to clarify that the issue I raise is distinct from Achen and Bartels's (2016) skepticism about certain democratic theories that rely on a "folk theory of democracy". This folk theory assumes that voters have distinct policy preferences, are aware of these preferences, are well-informed about policy alternatives, can identify the candidate who best aligns with their views, and ultimately vote accordingly.[1] My concern with Kolodny's model lies elsewhere. Specifically, Kolodny's framework overlooks a fundamental aspect of political representation highlighted by Jane Mansbridge (2019): democratic representation is inherently *recursive*. That is, it requires an ongoing, dynamic exchange, a movement back and forth between consultations with constituents and deliberations with other legislators. At the heart of recursive representation is a communicative ideal, which demands that both citizens and their representatives actively listen to one another, engage in meaningful dialogue, and refine their views through their interactions. In my view, Kolodny's model risks reducing democratic representation to a one-directional exercise, rather than a process of mutual engagement and deliberation, as the one defended by Mansbridge, in which citizens influence representatives and vice versa. In what follows, I argue that Kolodny's proposal falls short of this deliberative and recursive ideal.

As discussed in the previous section, within Kolodny's framework, representative democracy is justified when the tempering factor of Equal Influence is in place to mitigate social hierarchies. For this to hold, certain conditions must be met, ensuring that the People remain at the top of the decision-making hierarchy. To achieve this, Kolodny argues that the People must exert control over their political representatives. But what exactly does "control" mean in this context? Kolodny (2023, pp. 331-332) distinguishes between three ways in which citizens can exert control over political authority: *directive*, *occupancy*, and r*egulative control*. Directive control refers to the ability of citizens to directly dictate political decisions, ensuring that representatives act strictly in

1 I mention Achen and Bartel's critique because Kolodny takes it seriously and addresses it in the book (2023, pp. 394-401).

accordance with their will. Occupancy control, by contrast, emphasizes the power of citizens to choose and remove political leaders rather than dictate specific policies. Elections, recalls, and term limits exemplify this form of control. Finally, regulative control refers to the broader legal and institutional frameworks that shape political decision-making. Through constitutional constraints, legal oversight, and checks and balances, citizens can ensure that power is exercised within democratically acceptable limits. According to Kolodny, the challenge of representative democracy is that it risks reducing the People's role to mere occupancy control, while directive and regulative control are also necessary to prevent subordination. However, requiring representative democracy to be justified only when the People exercises this multifaceted form of control is problematic for two reasons. First, it overlooks the complexity of the relationship between representatives and the represented, failing to adequately address it. Second, it treats the traditional principal-agent model of promissory representation as the sole legitimate form of democratic representation. I address both points in turn.

If representative democracy is justified only insofar as voters maintain control over the directives that officials must follow while in office, it leaves little room for interactive processes that could reshape and enrich individuals' ideas and preferences. Indeed, any attempt by representatives to influence or persuade the People on specific issues may be seen as compromising Kolodny's highly demanding conception of control. In his view, the possibility of officials exerting power over voters remains an ever-present concern. Indeed, Kolodny's model of representative democracy appears largely static: on one side, the People exercise influence, while on the other, representatives are expected to enact citizens' directives with minimal discretion, except in cases of emergencies or unforeseen problems (2023, p. 341).

Kolodny might counter that his model allows for a vibrant public sphere that enriches voters' ideas and understanding.[2] However, despite not explicitly endorsing it, his framework seems to rely on a strong mandate conception, where representatives are bound to the People's directives. This, however, excludes a crucial and valuable aspect of democratic practice. If representative democracy is only acceptable when

2 It is important to clarify that my critique of Kolodny's model as static and one-directional pertains specifically to the relationship between representatives and the represented. His framework does allow for deliberative and transformative practices among citizens in their horizontal relations.

the People occupy the highest position in the decision-making hierarchy, in the sense that voters directly influence the actions taken by those in office, this eschews the need for representatives and voters to negotiate their relationship. Yet, it is precisely the absence of a binding mandate that enables citizens and representatives to engage with one another and negotiate their relationship. Democratic representation is not merely about voters transmitting fixed preferences; it requires them to acknowledge the perspectives of others and grapple with the complexities of collective decision-making in a deeply pluralistic society. If a voter wants to report a preference to a candidate and have influence on the directive that may inform her action, she needs to do more than just choose a candidate that can reasonably be expected to act in that way; she needs to make it possible for her preference to be intercepted by those in offices, those who wish to be in office, and by political parties more generally. In this sense, democratic politics is somehow constituted by representation because representation requires deliberation and articulation of one's perspective, problems, vision.[3] Kolodny is right to argue that democratic representation cannot be reduced to occupancy control alone. However, contrary to his view, it does not require directive control. What democratic representation truly demands is the cultivation of deliberative relationships with transformative potential.

It is clear that I am working within a deliberative conception of democracy, one grounded in the ideal of individuals coming together, on the basis of equal status and mutual respect, to discuss the political issues they face and, through those discussions, determine the policies that will shape their lives. Such a deliberative process is transformative rather than merely aggregative; politics, on this view, involves the transformation of ideas and preferences through rational dialogue. Moreover, I am here drawing on those approaches (Kateb, 1981; Dahl, 1989; Habermas, 1996) that consider representative democracy normatively valuable because of the relations it creates between representatives and represented. This understanding aligns with the normative aspiration for citizens to "have a better chance to be heard, understood, and have an impact on the thinking of all of their elected and appointed representatives, while conversely, those representatives have a better chance to be heard, understood, and have a productive impact on the thinking of the constituents" (Mansbridge, 2005, p. 13). Kolodny may

3 For similar observations, see also Plotke (2007) and Urbinati (2000,; 2006).

object to this point, viewing the transformative dimension of democratic representation as problematic. Indeed, it may be possible to fear that representatives might distort citizens' ideas and preferences and thus exert power over them. However, I see no compelling reason to deny the possibility of a more constructive and reciprocal relationship between representatives and the represented.

I now turn to the second issue I wish to examine, namely whether Kolodny's perspective adequately accounts for the different forms of political representation. In a highly influential article, Mansbridge (2003) argues that normative political theory must move beyond the traditional model of *promissory representation*, which assumes that candidates make explicit commitments during their campaigns and are later held accountable for fulfilling them while in office. This retrospective approach assumes a stable link between electoral promises and political action. Mansbridge shows that there are at least three other distinct forms of democratic representation, elucidating different relationship between representatives and their constituents. Indeed, given the fluid nature of public opinion and emerging political challenges, representatives may also engage in *anticipatory representation*, so that they act based on how they expect voters will judge them in future elections. This forward-looking approach allows for greater adaptability to new issues and shifting preferences. In contrast to these voter-centered models, *gyroscopic representation* emphasizes the representative's own judgment, expertise, and moral compass. Here, representatives are not primarily accountable to voters in a direct, transactional way but instead act based on their internal values, trusting that citizens elect them precisely because of their perceived integrity and ability to make independent decisions. Lastly, s*urrogate representation* challenges the traditional notion of electoral constituencies, recognizing that representation can extend beyond district-based relationships. In this form, representatives advocate for groups with whom they share common interests, identities, or concerns, even if those groups did not directly elect them. This form of representation is particularly significant for historically marginalized communities who may lack adequate representation in formal electoral structures.

From this brief reconstruction, it becomes evident that Kolodny's perspective fails to recognize as democratic those models of representation beyond the promissory one. Anticipatory representation, for instance, challenges Kolodny's notion of control, as representatives in

this model seek to appeal to future voters rather than adhering strictly to the preferences expressed by constituents during elections. In a context where preferences are not stable, a representative might disregard the reasons for her initial election in an effort to align with the evolving views of prospective voters. Similarly, gyroscopic representation stands in direct contrast to Kolodny's framework, as it relies on representatives acting according to their own judgment and values rather than being subject to continuous voter oversight, thus undermining Kolodny's argument that representation should not be reduced to mere occupancy control. Finally, surrogate representation presents perhaps the starkest opposition to Kolodny's view, as it fundamentally rejects the necessity of an electoral connection between representatives and constituents. By emphasizing advocacy for groups beyond an individual's formal electorate, surrogate representation removes the traditional mechanisms of accountability and control that Kolodny deems essential for democratic legitimacy.

Kolodny might argue that his position ultimately upholds promissory representation as the only democratically legitimate form, even if other forms of representation exist empirically. However, it is difficult to dismiss Mansbridge's argument (2003, pp. 525–526) that each form of representation contributes to the quality of deliberation and the relationship between representatives and the represented within a legislature. Moreover, these different forms can play complementary roles by drawing attention to various stages of deliberation within the broader representative system, thus contributing to the overall democraticness of the system. Kolodny might also contend that these other forms of representation, while non-democratic, remain morally legitimate because, even if they are not tempered by Equal Influence, they are still constrained by Impersonal Justification" (2023, pp. 131–133). As already mentioned, according to this principle, asymmetries of power and authority are justified when they are based on impersonal reasons, meaning that, for example, public officials should make decisions that "best serve [...] the public interest" (2023, p. 340). However, if Impersonal Justification is sufficient to legitimize political authority, one might ask whether a benevolent but non-democratic regime, perhaps a form of epistocracy, could be justified on similar grounds[4]. Kolodny (2023, p. 330) acknowledges that bureaucrats such as clerks

4 Zuehl (2024) raises a similar concern about the potentially undemocratic implications of relying on Impersonal Justification within Kolodny's framework.

and peace officers wield asymmetric power, but he maintains that their authority is tempered by impersonal justification. If epistocrats could demonstrably govern more justly and serve the public interest better, would that not also provide an impersonal justification for their rule? While I do not believe this is Kolodny's intended conclusion, I do think it highlights an unresolved tension in his framework. Kolodny seems to hold that Equal Influence is the relevant tempering factor for justifying democracy. Yet, the unclear relationship between these tempering factors makes his argument difficult to grasp and raises doubts about his theory's full commitment to democracy, particularly representative democracy. Indeed, if Equal Influence is the sole relevant principle in justifying democratic institutions and practices, then more nuanced forms of representation that depart from the promissory model lack democratic justification. However, if Impersonal Justification is sufficient to legitimize these alternative forms of representation, it could equally be used to legitimize institutions that are not democratic. This presents a dilemma: either we adopt a narrowly justified conception of democratic representation and reject other forms, or we accept those forms as legitimate but at the cost of weakening the justification of democracy itself.

4 Conclusion

This article has sought to challenge Kolodny's account of democracy, particularly his emphasis on the people's control over their representatives. Kolodny tends to view political representation as democratic only to the extent that it secures voters' position at the top of the decision-making hierarchy, reducing public officials to mere executors of the popular will. However, as I have argued, an alternative understanding is possible—one that sees democratic representation not simply as a means of transmitting preferences, but as a constitutive element of democracy itself. On this view, representative democracy is grounded in a deliberative ideal and shaped by reciprocal, dynamic relationships between representatives and the represented.

References

Dahl, R. A. (1989). *Democracy and Its Critics.* New Haven, CT: Yale University Press.

Habermas, J. (1996). *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Translated by William Rehg. Cambridge, MA: MIT Press.

Kateb, G. (1981). The Moral Distinctiveness of Representative Democracy. *Ethics* 91(3), 357–374.

Kolodny, N. (2023). T*he Pecking Order: Social Hierarchy as a Philosophical Problem*. Cambridge: Harvard University Press.

Lovett, A. (2024). *Democratic Failures and the Ethics of Democracy*. Philadelphia: University of Pennsylvania Press.

Mansbridge, J. (2003). Rethinking representation. *American political science review*, 97(4), 515-528.

Mansbridge, J. (2005). The Fallacy of Tightening the Reins. Ö*sterreichische Zeitschrift für Politikwissenschaft*, 34 (3), 233-47.

Mansbridge, J. (2019). Recursive representation. In D. Castiglione and J. Pollak (Eds.), *Creating Political Presence: The New Politics of Democratic Representation* (pp. 298–338). Chicago, IL: University of Chicago Press.

Plotke, D. (1997). Representation is democracy. *Constellations*, 4, 19–34

Rousseau, J.J. (1978) [1762]. *The Social Contract*. Transl. J Masters, R Masters. New York: St. Martins.

Sabl, A. (2002). *Ruling Passions: Political Offices and Democratic Ethics*. Princeton, NJ: Princeton University Press.

Saward, M. (2010). *The Representative Claim*. Oxford: Oxford University Press.

Urbinati, N. (2000). Representation as advocacy: a study of democratic deliberation. *Political Theory*, 28(6), 758–86.

Urbinati, N. (2006). *Representative Democracy: Principles and Genealogy*. Chicago: University of Chicago Press.

Urbinati, N. & Warren, M. E. (2008). The Concept of Representation in Contemporary Democratic Theory. *Annual Review of Political Science*, 11, 387–412.

Zuehl, J. (2024). Kolodny Against Hierarchy. *Philosophy and Public Affairs*, 52 (4), 565-595.