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Reply to Ackerly, Boyte, Fishkin, Levine, and Warnke

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Abstract

Here I reply to critiques of my 2016 book Politics against Domination *set forth by Brooke Ackerly, Harry Boyte, James Fishkin, Peter Levine, and Georgia Warnke. Among the themes addressed are different ways of managing power relations in public and civil institutions; the relevance of lived experiences of those involved in power relations for evaluating them; the efficacy of social movements as vehicles for lasting social change; the advantages and limitations of competitive democracy, deliberation, and judicial review in combating domination; the economic and political sources of populism; and the virtues and limitations of identity politics, particularly for vulnerable minorities.*

Keywords: *justice, power, domination, nondomination, democracy, deliberation, identity politics*

In one way or another, Brooke Ackerly, Harry Boyte, and Peter Levine all take me to task for writing a book that is centrally focused on public institutions. This, they think, narrows my focus in ways that blinds me to many sites of domination. Ackerly takes issue with my focus on political institutions to the detriment of attending to "the rage and resistance of groups who continue to experience oppression through democratic politics,"

Boyte complains that my account involves a "radical shrinking" of the idea of democracy that incorporates widespread "forms of cultural and social domination," and Levine objects to my view as being preoccupied "almost exclusively" with "how the federal government of the United States should change" to the detriment of how power is experienced in civil as well as political institutions.

These objections miss the fact that *Politics against Domination* is a companion to my earlier book *Democratic Justice*.[1] In that book I defended a broad conception of politics as ranging over all realms of human interaction in which power is exercised, but I argued there—and reiterated in *Politics against Domination* (32–34)—that we should think differently about politics in civil and public institutions. In civil institutions such as families, workplaces, and schools, power is indeed always present, but wielding power is not the point of the exercise. There is always some other purposive activity—raising healthy children, enjoying fulfilling adult partnerships, producing goods and services, enlightening students—that gives activities around which civil institutions are organized their meaning and point. I tried to capture this by saying that civil institutions involve the pursuit of superordinate goods, the definition of which is best left to insiders, all else equal.

But all else is not equal. The central reason I gave, which should resonate with these critics, is that civil institutions are suffused by power relations and sometimes perverted by them. When an employer or teacher demands sexual favors for a promotion or a better grade, he is taking advantage of what would otherwise be a legitimate position in a hierarchy to engage in domination. The goal from the perspective of democratic justice, I argued, should be to come up with the best ways to structure civil institutions that limit those possibilities. That is why I defined domination as the illicit use of power, and why I devoted most of *Democratic Justice* to that venture in a variety of civil institutions that structure human interaction over the course of the life cycle—as children, parents, domestic partners, workers, and aging dependents in their final years of life.

How do we distinguish illicit from licit uses of power? Up to a point, I argued, in civil institutions this is best left to insiders with the relevant knowledge and commitment—I called it *insiders' wisdom*. This is true notwithstanding the reality that this will often, perhaps even typically, be contested within civil institutions. The reason is that public officials lack any presumptive advantage in knowing how best to raise children, what the best form of domestic association is, how firms and universities should be run, or what the best way is to end a life with dignity. Government's appropriate

remit is to focus on the power dimensions of civil interaction while interfering with the superordinate goods as little as possible.

However, the case for intervention becomes stronger when people's basic interests are at stake. People have a basic interest, I argued, in ready access to the wherewithal to survive and thrive in the economy as it is likely to exist for their lifetimes and in the political system governed as a democracy. Government is the appropriate ultimate guarantor of basic interests, whereas their best interests should generally be left to insiders. So, for instance, it should be left to parents to adjudicate children's best interests during what Locke described as their "ignorant nonage."[2] But if Christian Scientist parents decide to deny their child a lifesaving blood transfusion, then the state appropriately intervenes.

The roles will sometimes clash. There will times when the state's interpretation of its responsibility as guarantor of basic interests conflicts with parents' interpretation of best interests, as, for instance, in the case of compulsory sex education for children in schools after the advent of AIDS. At the end of the day the state should prevail in such circumstances, I argued, though I also defended institutional safeguards and the distribution of burdens of persuasion that would limit government's trumping of insiders' wisdom concerning how best to pursue superordinate goods as much as possible. So if parents object to books used to teach literacy—in which children have a basic interest—in the public schools on the grounds that they conflict with their religious sensibilities as they did in *Mozert v. Hawkins* in 1986, then the parents should prevail because there are other books that can be used to teach literacy equally well.[3] It was a view I described as power-based resourcism, differentiating it from the resourcist views of Rawls, Dworkin, Cohen, Sen, and others.[4]

The bulk of *Democratic Justice* consisted of chapters on institutional design in different civil settings. So I argued, for instance, that the case for regulating power relations in the workplace or in marriage is strongest when the social wage is low, making it harder for people to leave, and I explored different institutional possibilities. I also argued that in general a high social wage/low regulation world is presumptively better because it maximizes deference to insiders' wisdom while protecting people's basic interests—making it harder, in Locke's colorful formulation in §42 of the *First Treatise* for someone to "take advantage of another's necessity" which he equated to holding a dagger at his neck and offer him death or slavery.[5]

But public institutions are different, I maintain, because there is no superordinate good that is best identified and pursued by insiders. Politics

as about power all the way down. This is not to say that expertise is irrelevant to what goes on in public institutions. Staffers, judges, diplomats, and other civil servants develop skills due to their training and over the course of their careers that others lack, and their expertise can add value to the exercise of power in public institutions. The Trump Administration has given us a stark illustration of costs of devaluing or ignoring that expertise. But whereas the institutional design challenge in civil institutions is to come up with ways to democratize the power dimensions while interfering as little as possible with superordinate goods, public institutions present a contrasting challenge: to take account of expertise in the exercise of power while keeping that expertise in a subordinate role. The criminal law lets both sides call expert witnesses—psychiatrists, ballistics experts, DNA technicians—but it does not cede decisions about guilt or innocence to them. That is the jury's province. *Politics against Domination* is an attempt to rise to this different kind of institutional design challenge for managing power in public institutions.

So it is to misconstrue my enterprise to accuse me of a narrow view of politics by focusing, here, on public institutions. As Ackerly presumably knows, far from ignoring gender relations, *Democratic Justice* contains extensive treatments of the regulation of marriage, divorce, and childrearing. It is true that I had little to say about race in that book, but *Politics against Domination* has a good deal to say about identity politics, civil rights legislation, affirmative action, and majority–minority districts, and my subsequent book with Frances Rosenbluth has an entire chapter on the protection of minority rights.[6]

Some critics of my earlier work faulted me for not having enough to say about public institutions, mirroring this charge from these critics. But, as we say to students, while all things are connected to all things it is important nonetheless to write about one thing at a time.[7] In this regard it would be good to hear more about Ackerly's own institutional recommendations, beyond her genuflecting to James Fishkin's Deliberative Polls and Harry Boyte's citizen-centered problem solving groups discussed elsewhere in this symposium. In particular, I wonder why she believes they would "provide avenues for respectful hearing of the concerns of those experiencing oppression without being captured by elites or available only to conservatives." For reasons elaborated on below in connections with my disagreements with Fishkin, I am skeptical.

Ackerly also takes me to task for treating Phillip Pettit rather than Iris Marion Young as an interlocutor, the implication evidently being that this

somehow privileges the "epistemological terrain" against insights from feminist theory. That is absurd. Pettit's work on institutional design merits critical discussion in my view because it is widely influential while also being profoundly wrongheaded, whereas I largely agree with Young's work. In particular, Pettit's defense of republican institutions that would be marked by even an even greater number of veto points than we already have in the United States' balefully sclerotic political system would privilege the status quo and the well-resourced even more than we do already. That is the central argument of chapter four of *Politics against Domination* with which Ackerly declares her agreement.[8]

Ackerly and Levine both fault me for ignoring the ways in which people experience power relations rather than the institutions though which those are relations exercised. Ackerly refers repeatedly to the rage experienced and expressed by excluded groups, who turn to demonstrations and social movements for redress. People do not take to the streets to defend women's rights and demand racial justice "because there are newly emerging problems for our democracy but because there are deep seated ones that have yet to be addressed in a foundational way despite centuries of political struggle and reasoned argument." In my view it is actually both: long-standing and deep-seated forms of race- and gender-based oppression have been compounded by accelerating inequalities over the past four decades, as well as economic stagnation and downward mobility for millions of poor, working, and middle class people, and the virulent populist politics these developments have fostered.

Where we differ is that I wrote a book that sought to explain why the republican institutions we have inherited are so poorly structured to do much about it, and what changes would improve things, whereas Ackerly thinks we should invest (instead?) in social movements, "the normative ideas of those movements, and the institutional recommendations of those movements." She also says that "any politics against domination needs a theory of social criticism and complementary methods that require it to consider the empirics of politics as they are lived by those who experience domination in its many faces." I don't dissent from this latter recommendation, and in fact wrote a book a long time ago advocating a variant of political criticism that is geared to combatting domination by exposing it and developing arguments about what to do about it—an agenda on which I have since been trying to deliver.[9]

As for betting on social movements, for reasons set out in *Politics against Domination* and elsewhere, good luck with that. Social movements can

sometimes be effective at forcing issues onto the public agenda. In the U.S, the three most effective social movements since World War Two have been the Civil Rights Movement, the women's movement, and the Tea Party. But these examples underscore that social movements will likely be effective only if they operate with and through at least one major political party, so that their concerns are bundled into party agendas to achieve traction over the long run. Investing in social movements as an alternative to institutional politics will likely be an unproductive tradeoff, as it will be hard to sustain over the medium term. This is not to "denigrate social movements." Rather, it is to insist that unless they find ways to embed their agendas into party platforms, they are unlikely to have much impact. This is one reason, I have argued, why the Tea Party, which quickly became allied with the Republican Party, has been so much more effective than the Occupy movement, which eschewed institutional commitments and strategic agendas of all kinds.[10]

Ackerly criticizes my discussion to the successful campaign to abolish the Atlantic slave trade for ignoring the fact that this garnered support in the U.S. partly because it would protect the growing U.S. domestic slave trade. In fact, I say exactly that on page 120. My point was that building coalitions to achieve proximate goals that become way stations on paths to a better future is often the best way forward for social movements, even if it involves painful tradeoffs. In this instance, it led to the abolition of slavery in most of the British empire by 1833 and reinforced the campaign to end slavery elsewhere. And, pace Ackerly, I never claim that pushing to abolish slavery through electoral politics was the only—or even, ultimately, a viable—path forward. Instead I caution that this precedent should not be oversold as an argument for pursuing proximate goals through electoral politics. I am explicit that even if abolishing the Atlantic slave trade weakened slavery's defenders, "it still took a civil war to end American slavery" and that Southern whites in any case "fought Reconstruction to a standstill and defanged the Civil War Amendments as much as they could" (123).

For all her outrage at slavery's injustice, I am unclear what Ackerly believes should have been done differently, and by whom. An argument can be made that abolishing slavery in the South was more difficult by the 1860s than it would have been at the time of the Constitution because the rise of the lucrative cotton economy in the intervening decades.[11] But where would the agency have come from? It is hard to imagine the states that had abolished or were in the process of abolishing slavery prevailing in a civil war in the 1790s even if there had been the will to fight it—which, evidently,

there was not. And the viciously effective repression of efforts at rebellion such as Nat Turner's Southampton Insurrection in August of 1831 scarcely suggest that opportunities were missed on this front.[12]

Fishkin's critique is twofold: he voices great skepticism that competitive democracy is the best response to the recent advent of populist politics, and he argues instead that the deliberative polls he has been advocating for decades are a better solution.

Fishkin begins by noting that "we have recently had one of the most competitive national elections in memory, where a few thousand votes in three states . . . determined a winner who has been imposing a winner take all program, devastating the lives and attempting to devastate the health care and well-being of millions." Fishkin insists that this should trouble anyone for whom resisting domination is the animating principle of politics. "Neither the Trump election nor the Brexit situation in the U.K., nor the rise of soft-authoritarian (populist) regimes in Eastern Europe, he insists, "give much hope that mere competition will curb domination." Moreover, Fishkin continues, democracy "faces a legitimacy crisis" around the world, marked by record lows in approvals ratings. "Competitive democracy does not appear to deliver the goods. It appears rather to deliver deadlock and stasis." No wonder authoritarianism is on the rise. "Democracy shorn of a meaningful process for arriving at the will of the people has fewer defenses to the challenge of the emergent technocratic authoritarianism."

Fishkin agrees with me that judicial review and supermajority rules have a "mixed record," in protecting vulnerable minorities from domination. Instead he appeals to deliberation which, in contrast to competitive democracy, "allows for evidence based/reason based weighing of competing arguments." This makes it possible to "supplant manipulation," enabling communication across the silos or "filter bubbles" we inhabit in segmented media markets, so that people "actually listen to each others' arguments." His instrument is random samples of the electorate whose members debate issues, where Fishkin reports "significant movement toward upholding the interests of the less advantaged and policy effects that arguably served those interests." So Fishkin concludes that "Madison was right that the filter of deliberation, whether applied by representatives or, in our cases, by samples of the mass public will help remedy the passions and interests that motivate factions adverse to the rights of others."

Before addressing these contentions, it is necessary to disentangle Fishkin's interconnected claims about the declining legitimacy of competitive democratic politics where he seems to me to miss the donut for the

hole. The advanced democracies are indeed facing declining legitimacy by almost any measure, but why? It surely cannot be due to a want of the kind of deliberation that Fishkin proposes, because that was not a feature of these political systems in the past when they enjoyed much greater legitimacy. Rather, I maintain that the main reason has to do with the decreasing capacity of these political systems to meet the basic interests of large numbers of their populations, who have consequently become alienated. Stagnant or falling real wages, employment insecurity, and downward mobility have made them frightened and resentful—easy fodder for populist demagogues. Why has this happened?

One major reason is the decline of industrial jobs due to globalization and, increasingly, technological innovation. People who once had well-founded expectations of lifetime employment in jobs that brought meaning and status must now change jobs multiple times over their work lives, often from one low-paying and low status occupation to another. They also believe, plausibly, that their children are unlikely to face better prospects—forcing them to remain dependent for income and shelter well into adulthood.[13] These people might well also have to pay for aging parents who are living in or on the verge of poverty.

In all of the older democracies these dynamics are compounded by increasing fiscal stress on welfare states as aging populations are supported by shrinking working age populations, leading to diminished health coverage and anxiety over the reliability of Social Security and similar pension systems elsewhere.[14] In the U.S., this is happening in a context of the virtual disappearance of defined benefit pensions in the private sector and their replacement by 401K's and other defined contribution programs that are subject to the unpredictable gyrations of financial markets. The result: increasingly widespread fear of poverty in old age.[15]

These vulnerabilities are easily exploited by populists who stoke what Katherine Kramer documents in *The Politics of Resentment*. Ever since Ronald Reagan illustrated the political efficacy of attacking Cadillac driving "welfare queens," they have stoked this resentment, telling voters undeserving others are "cutting in line," so that the increasingly feel, as Arlie Hochschild's study of Louisiana has shown, that they are strangers in their own land.[16] Blaming foreigners for stealing their jobs is a more recent additive to this populist mix, fueling purported remedies that, as Michael Graetz and I have argued, will not address the underlying insecurity.[17]

Fishkin might retort that deliberative polls would be a good mechanism to prevent people from being manipulated by populist demagogues, but why

should we expect that. As Frances Rosenbluth and I argue in *Responsible Parties: Saving Democracy from Itself*, a large part of the problem is the decentralizing political reforms of the last several decades that have greatly weakened political parties' capacity to enact policies that address the needs of most voters, they are increasingly controlled by voters on the fringes of the parties who participate in primaries and other forms of direct participatory politics and turn out in much greater numbers than typical voters.[18] Add to this the influence of money in American politics, which has been instrumental in moving both parties to the right in recent decades, and it is scarcely surprising that parties are not responsive to the interests of most voters.[19]

In these circumstances, calling for deliberation is little more than shouting at the wind.[20] Pace Fishkin, the difficulty is not Schumpeterian democracy but rather it's undermining by money and decentralizing reforms. The problem most decidedly is not that politicians don't know what voters need and could learn this from Deliberative Polls. They know that people need affordable medical insurance, unemployment insurance (including a robust retraining allowances), and retirement income. What politicians lack is the power to implement policies that will provide them.

Indeed, if deliberation has any effect at all, it will likely make things worse. Apart from the difficulties inherent in institutionalizing deliberation that does not lend itself to manipulation discussed in *Politics against Domination* (73–78), Fishkin's Deliberative Polls weaken parties further by undermining one of their most important features: to bundle polices, discounting them against other policies that are also proposed, in ways that can appeal to as broad-a cross-section of voters as possible.

To see what is at stake here consider this: if Americans are asked whether they favor getting rid of the estate tax—paid only by the wealthiest two percent of tax payers and more than half of it paid by the wealthiest half of one percent with estates in excess of $20 million—substantial majorities say yes. However, asked if they favor getting rid of the tax if it also means getting rid of prescription drug benefits for seniors, then majorities say no.[21] In the latter case, they are discounting their preference for the tax cut by their preference for retaining prescription drug benefits for seniors.

That is what political parties do on a larger scale. They bundle issues into platforms in which they discount everything they propose by everything else they propose in ways that they hope and believe will appeal to as broad a cross-section of voters as possible. Deciding on issues one-at-a-time sounds like it involves greater in-depth exploration, but in reality it involves artificial framing of policy discussions in ways that obscure tradeoffs in the

same way that ballot initiatives and referenda do. Brexit is a dramatic illustration. When British voters chose to leave the European Union in June 2016 by a vote of 52 to 48 percent, two thirds of both the parliamentary Tory and Labour parties were pro-remain.

This outcome might suggest that both parliamentary parties were out of step with the U.K. electorate, as anti-European activists like Nigel Farage insisted. But that claim is belied by the fact that a year after the referendum that same electorate voted again for predominantly pro-remain Labour and Tory delegations to Parliament. The reason is not that British voters are schizophrenic or muddled about their preferences. Rather it reflects the fact that when the MPs bundle their constituents' preference for autonomy from Europe with other things they care about—employment security, access to European goods and services at reasonable prices, and economic growth—they calculate that on balance remaining in the European Union is better for their constituents; and the voters apparently know it.[22] Considering Brexit in isolation from these other issues is as artificial as offering California voters a tax cut—as was done with Proposition 13, which limited property taxes to one percent of assessed value and adopted by an almost two thirds majority in 1978—without reference to the downstream effects on the quality of schools, the viability of local government services, and related factors. Fishkin's issue-by-issue polls are subject the same defect. They create the appearance of in-depth exploration of issues, but they ignore the inevitable tradeoffs against other issues that parties and governments must balance.

Fishkin might respond that Deliberative Polls could be designed to weigh those very tradeoffs. But who would decide which issues should be considered? In a two-party system party platforms at the national level implicitly discount everything that is being proposed by everything else that is being proposed. It's hard to imagine deliberative polls doing that. Fishkin and Bruce Ackerman once proposed a national "Deliberation Day" holiday, to be held two weeks before national elections in which every voter would be paid $150 to deliberate about party platforms.[23] That would avoid this difficulty, but it punts on the alleged benefits of in-depth discussion by random samples of the electorate. It would also cost (by their 2002 estimate) $15 billion. One wonders whether there might not be better ways to spend $15 billion per election, such as improving election security or enhancing turnout.

The comments that *Politics against Domination* provoked from Georgia Warnke are spot on. She is right to emphasize the virulent forms that identity politics have long taken—and continue to take—in the U.S. political system. We also seem to be agreed that, far from mitigating this state of

affairs, affirming multiculturalism makes matters worse. Identity politics breeds identity politics. People who study this elsewhere have known this for decades, as Brian Barry, and more Recently Donald Horowitz, have emphasized in criticizing Arendt Lijphardt's argument for engineering electoral rules to accommodate strong ethnic and racial associations, which then give politicians the incentive to appeal to them in order to mobilize support so that the purported solution makes the problem worse (see *Politics against Domination*, 59–61).

Where we part company is that Warnke is skeptical of competitive democracy among large parties can deal with this problem. On my view, by contrast, it is the fact that U.S. parties are weak, and thus easily hijacked by intense identarian groups, that is the problem.

For one thing, notice, that Britain's strong parties have protected ethnic and racial minorities better than the weak parties in the U.S., notwithstanding America's Bill of Rights and independent judiciary to enforce it. Nor need minorities in Britain live in fear of the growing presence of far right, often flagrantly racist and xenophobic parties that have been gaining footholds in many European legislatures over the past decade.

Moreover, as Rosenbluth and I note in our discussion of Israeli Arabs, any suggestion that multiparty systems can be counted to protect vulnerable minorities is not plausible. Indeed, if the 1.6 million Israeli Arabs were the difference between winning and losing an election in a two party system, they would be better off than they are now: represented in the Knesset by ethnic parties that are ignored by the parties that form coalitions and govern.[24] To be sure, it would not be a panacea; there is no silver bullet for protecting vulnerable minorities in democratic politics. But if Israel had two strong parties competing for their votes, Israeli Arabs would have some leverage where now they have none.

Some say that increasing descriptive representation is the answer, pointing to the drive to do this in American politics since the 1960s. Notice, however that the major legislative gains for African Americans—the Civil Rights Act of 1964 and the Voting Rights Act of 1965—came before the parties were reformed in the wake of the McGovern Fraser Commission and before the advent of majority minority districts designed to improve the descriptive representation for African Americans in Congress. There is some debate as to how important these changes were in causing or consolidating the Republican takeover of the South, but they surely make it harder to reverse because for the most part the parties do not compete for African American votes. This reinforces a status quo in which Democrats can largely ignore African Americans'

interests while the main incentive for Republicans is to make it harder for them to vote. That is unlikely to change so long as U.S. parties are controlled by unrepresentative activists on their fringes who dominate primary politics. How to address that problem is a subject for another day.[25]

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NOTES

1. Ian Shapiro, *Democratic Justice* (New Haven: Yale University Press, 1999). This book is discussed in "Revisiting *Democratic Justice*: A reply to critics," a special issue symposium on my book in *The Good Society* 11, no. 2 (2002).

2. John Locke, *Second Treatise of Government*, chapter 6, §58 in Ian Shapiro ed., *Two Treatises of Government* and *A Letter Concerning Toleration* (New Haven: Yale University Press, 2003), 124.

3. *Mozert v. Hawkins County Public Schools*, 647 F. Supp. 1194 (E.D. Tenn. 1986).

4. See *Politics against Domination*, 22–23.

5. Locke, *Two Treatises*, 30.

6. Frances Rosenbluth and Ian Shapiro, *Responsible Parties: Saving Democracy from Itself* (New Haven: Yale University Press, 2018), chapter 3.

7. In a footnote Ackerly takes me to task for a "shocking" failure, in my chapter on resisting domination across borders for neglecting to address "the role of our majoritarian democratic compromises leading to actions that have led to global crises that have caused migration, refugees, environmental degradation, global warming, exploitation of local labor markets by globally mobile capital." I am skeptical that "majoritarian compromises" have played a significant causal role in producing deleterious migration, refugee movement, environmental degradation, and global warming, most obviously because the countries that are the worst culprits are not democracies. As for "exploitation of local labor markets by globally mobile capital," this is a subject that I did address in chapter six of *Democratic Justice*, and which is taken up more fully in my book with Michael Graetz *The Wolf at the Door: The Menace of Economic Insecurity and How to Fight It* (Cambridge, MA: Harvard University Press, 2020).

8. For elaboration, see my "On non-domination," *University of Toronto Law Journal* 62 (2012): 321–32.

9. Ian Shapiro, *Political Criticism* (Berkeley: University of California Press, 1990).

10. Graetz and Shapiro, *Wolf at the Door*, chapter 2.

11. See Sven Beckert, *Empire of Cotton: A Global History* (New York: Vintage, 2015), 103ff.

12. Patrick Breen. *The Land Shall Be Deluged in Blood: A New History of the Nat Turner Revolt* (New York: Oxford University Press, 2015), chapter 9; and David

Allmendinger Jr., *Nat Turner and the Rising in Southampton County* (Baltimore: Johns Hopkins University Press, 2014), chapter 9 and appendix.

13. Joan Kahn et. al, "Growing Parental Economic Power in Parent–Adult Child Households: Coresidence and Financial Dependency in the United States, 1960–2010," *Demography* 50, no. 4 (August 2013): 1449–75; Emily Wiemers and Susan Bianci, "Competing Demands from Aging Parents and Adult Children in Two Cohorts of American Women," *Population and Development Review* (March 17, 2015), https://onlinelibrary.wiley.com/doi/full/10.1111/j.1728-4457.2015.00029.x

14. Ann Maria Santacreu, "Long-run economic effects of changes in the age dependency ratio," Federal Reserve Bank of St. Louis Economic Synopses, no. 17 (2016), https://research.stlouisfed.org/publications/economic-synopses/2016/09/02/long-run-economic-effects-of-changes-in-the-age-dependency-ratio/.

15. Brian Bubb and Richard Pildes, "How behavioral economics trims its sails and why," *Harvard Law Review* 127 (2014): 1607–36.

16. Katherine Kramer, *The Politics of Resentment: Rural Consciousness in Wisconsin and the Rise of Scott Walker* (Chicago: University of Chicago Press, 2016); Arlie Hochschild, *Strangers in their Own Land: Anger and Mourning on the American Right* (New York: New Press, 2016).

17. Graetz and Shapiro, *Wolf at the Door*, chapters 5, 6 and 10.

18. Frances Rosenbluth and Ian Shapiro, *Responsible Parties: Saving Democracy from Itself* (New Haven: Yale University Press, 2018).

19. Larry Bartels, *Unequal Democracy: The Political Economy of the New Gilded Age* 2nd ed. (Princeton: Princeton University Press, 2010).

20. See my "Collusion in Restraint of Democracy: Against Political Deliberation," *Daedalus* 146, no. 3 (2017): 77–84.

21. Mayling Birney, Ian Shapiro, and Michare Graetz, "The Politician Uses of Public Opinion: Lessons from the Estate Tax Repeal," in Ian Shapiro, Peter Swenson, and Daniela Donno, eds., *Divide and Deal: The Politics of Distribution in Democracies* (New York: New York University Press, 2008), 298–340.

22. Tory MPs were nonetheless powerless to stop Brexit, because—like primary voters in the U.S.—the activists on the fringe of the party who are overwhelmingly pro-Brexit are disproportionately represented among the members who participate in candidate selection. They could and did threaten to "deselect" MPs who tried to stop Brexit. See Patrick McGuire, "Now it's Conservative, not Labour MPs who fear deselection," *New Statesman America* (June 12, 2018), https://www.newstatesman.com/politics/uk/2018/06/now-it-s-conservative-not-labour-mps-who-fear-deselection.

23. Bruce Ackerman and James Fishkin, "Deliberation Day," *Journal of Political Philosophy* 10, no. 2 (2002): 129–52.

24. Rosenbluth and Ian Shapiro, *Responsible Parties*, 33–34.

25. Rosenbluth and Ian Shapiro, *Responsible Parties*, 1–127, 229–50.