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# Stanford SOCIAL INNOVATION REVIEW

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## Ode to Representative Democracy: The Power of Factions Still Matters

Thanks to the Tea Party movement, we are hearing references to the framers, founding fathers, and Sons of Liberty more than I can remember in my lifetime. Unfortunately, this uptick of early republic references does not represent a resurgence of historic literacy. Rather, it is often used to fuel political polarization. In some strange twist of irony, this narrative calls to mind the framers' concerns about factions and interest groups, their selection of representative democracy as a solution to this threat, and the dangerous degree to which we, as participants in our political system, have undermined their work.

Back in American Politics 101, we studied the papers of the framers and discussed the danger of direct democracy—"tyranny of the majority" and the unmitigated power of factions. And we believed there was a societal commitment to representative democracy—direct election of representatives who, through discourse and a deliberative process, would make decisions in the interests of the whole and vote their consciences. Of course this system was biased from the beginning by sexism, racism and classism, excluding who could vote and be represented—but in my lifetime, based upon the struggles and victories of generations past, we had come close to real representative democracy *and* we took it for granted.

But taking representative democracy for granted was a mistake. Slowly, it's been dismantled and replaced with an expectation of direct democracy. Our society increasingly replaced the nuance of deliberative process with the absolutism of initiative- and referendum-driven direct votes, poll-driven decision-making, and increased power of factions.

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## The Danger of Initiative Abuse

Initiative processes, which allowed citizens to put a measure on the ballot by filing petitions signed by an adequate number of fellow citizens, were introduced as progressive reform in the early 20th century. They were designed to have high hurdles that required widespread, diverse support to be feasible. Their design did not anticipate online or paid signature gathering we have today, which allows nearly any well-financed interest group to quickly place any policy issue on the ballot. We have seen initiatives used to radically reshape state tax policy across the US. Voter initiatives have passed “defense of marriage” laws and passed harsh anti-immigration laws—just two examples where the human rights of others are put to a vote codifying the tyranny of the majority. And often the use of the initiative or referendum process is used to overturn or reverse decisions of elected leaders, further solidifying the sense that representative democracy has no impact or power.

## Votes of Conscience vs. Decision by Poll

Politicians have always been susceptible to public pressure. Campaign promises, appeasing their base and tracking public opinion are nothing new. However, the rapid shifts in policy stands, the use of polls as decision-making tools, and news-cycle drivers combine to erode the principle of representative democracy and to increase the power of factions. It is standard practice for political action committees, industry associations, and other interest groups to commission polling and invest millions in advertising—all to effectively tie the hands of lawmakers before they enter the hearing room.

While this approach may serve as a smart political strategy to shift power, it is a *horrible* governing strategy. It moves the deliberative process into a proxy initiative where only the most extreme, well-financed, or active interest groups get to vote. The media cycle horse race and the narrative created by commissioned polls (often designed to create the dramatic statistics that advance a proponent’s argument) act as a referendum to set parameters for policymakers.

## Beware the Increasing Power of Faction

As demonstrated by the Supreme Court's decision in *Citizens United*, which allows corporate campaign expenditures in candidate elections, and the advent of Super PACs, which allows unlimited spending and little transparency, the rules of the game have changed, and factions are a force to be reckoned with. Unlimited spending by corporations and Super PACs places disproportional power with interest groups to influence who runs for office, what issues hit the public agenda, and how debate is framed. This is another challenge to representative democracy. By disproportionately amplifying the voices of a few and removing the limits of disproportionate economic power to influence elections, we make our elected officials beholden to a narrow array of interests and allow the same groups to determine media attention.

In the past 30 years, the disproportion of wealth has taken a quantum leap, with the top 1 percent in 2007 controlling approximately 35 percent of the wealth versus about 20 percent in 1979 (G. William Domhoff, UCSC). At the same time, the amount of money in politics has also created new thresholds for participation; according to the Center for Responsive Politics, the average spending of a congressional incumbent's race in 1980 was less than \$290,000, whereas in 2010 it was more than \$2.5 million.

These changes further move decision-making power on who represents us from the voting public to factions and interests at the top of the economic ladder.

## It's Time to "Out" Representative Democracy

We need to **reform initiative and referendum requirements** in the context of the social media age to restore thresholds that limit their use, and to ensure that the issues that get to the ballot have widespread interest and are priority concerns.

We need to **make *veracity* a household word**. In the age of spin, Internet and social media rumor mills, and push polling, factions and interest groups are increasingly framing of issues and solutions. We must increase our collective demand for information integrity, funding transparency, and unbiased analysis of policy impacts *before* we sign a petition, repeat a narrative, or re-tweet a story.

We need to **advocate campaign finance reforms** for candidates and initiatives that provide full transparency, limit spending, and close loopholes exploited by Super PACs.

And ultimately, we must **demand that our elected leaders engage in deliberative decision-making**—the core of representative democracy. We need to reward and publicly acknowledge those who do and we need to hold them to account when they do not.

We live in a time where polarization and adherence to interest group absolutes is the norm. We need the leveling and reasoned influence of true representative democracy to develop solutions that address the complex needs of our states, nation and world. Protecting against the power of factions is part of our nation's DNA, and it is time for a much broader set of voices to invoke the framers and to restore this critical feature of the great work in progress we call American democracy.

-Eric Friedenwald-Fishman  
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