Legal Theory Workshop
UCLA School of Law

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“DEMOCRACY WITHIN, JUSTICE WITHOUT: THE INFORMAL POLITICAL REPRESENTATION OF OPPRESSED AND MARGINALIZED GROUPS”

Thursday, April 16, 2020, 5:00-6:00 pm

Democracy Within, Justice Without:
The Informal Political Representation of Oppressed and Marginalized Groups

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Abstract: Informal political representation can be a political lifeline, particularly for marginalized and oppressed groups. Such representation can give these groups some say, however mediate, partial, and imperfect, in how things go for them. Coeval with the political goods that informal political representation offers these groups are its particular dangers for them. Mindful of these dangers, skeptics of the practice quite reasonably criticize it for being, inter alia, inaccurate, elitist, homogenizing, overpowering, concessive, committing, unaccountable, unauthorized, inegalitarian, and oppressive. These criticisms provide strong pro tanto reasons to think informal political representation is morally impermissible tout court. However, if the practice is needed by marginalized and oppressed groups, these criticisms instead become moral constraints on how informal political representation may be practiced. This paper considers the question: What must informal political representation of oppressed and marginalized groups be like for informal political representatives to be not subject to these criticisms? The answer that emerges is that they must aim to fulfill two sets of duties to the represented—democracy within and justice without.

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“It is easy to be outraged at the plight of others, especially easy (perhaps) for a man who shares or has shared that plight, but it is not easy to act for them when they are unable to act for themselves. Many men claim to do so; other men question their good faith.”

1 For feedback on this paper, I thank Eric Beerbohm, Michael Bratman, Robert Bonner, Laura Brown, Lee-Ann Chae, Lisa Disch, Rebecca M. Eissler, David Estlund, Jonathan Gingerich, Sally Haslanger, Yarran Hominh, Dana Howard, Robin Jeshion, Jane Mansbridge, Emily McGill, Richard Moran, David Plunkett, T.M. Scanlon, Tommie Shelby, Rachel Sterken, Shruta Swarup, Olúfẹ́mi O. Táíwò, Pars Tarighy, Whitney K. Taylor, and Leif Wenar, as well as participants at colloquia and workshops at the San Francisco State University Department of Philosophy, the Stanford University Department of Philosophy, the Workshop on Gender and Philosophy at MIT, the Harvard Race and Ethnicity Working Group, the Mentoring Workshop for Pre-Tenure Women in Philosophy, the Caribbean Philosophical Association, the APSA Representative Legitimacy Under Strain Panel, the MANCEPT Moral Equality and Equal Respect Workshop, the Feminist Ethics and Social Theory Justice Panel, the Philosophers’ Cocoon Philosophy Conference, the Canadian Society for Women in Philosophy, the Princeton Workshop in Social Philosophy, the NYC Minorities and Philosophy Workshop, and the California Philosophy Workshop.

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I. A needed but dangerous practice

On September 18, 1895, during a period that has been called “the nadir of American race relations,” Georgia Governor Rufus Bullock took the stage at the Cotton States and International Exposition in Atlanta to introduce Booker T. Washington: “We have with us to-day a representative of Negro enterprise and Negro civilization.” Washington, addressing his audience, concurred: “I but convey to you ... the sentiment of the masses of my race.” In a speech that has come to be called “The Atlanta Compromise,” Washington made a number of public concessions on behalf of black Americans. “The wisest among my race,” he said, “understand that the agitation of questions of social equality is the extremest folly.” He even made a promise to white Southerners: “I pledge that in your effort to work out the great and intricate problem which God has laid at the doors of the South, you shall have at all times the patient, sympathetic help of my race.” All of this, said in Washington’s voice but expressed and, given Bullock’s introduction, likely also received, as though spoken on behalf of many—“the masses of my race,” “the wisest among my race.” In so doing, Washington acted as an informal political representative, who speaks or acts on behalf of others though neither elected nor selected by means of a formal, corporately organized election or selection mechanism. For much of his career,

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8 Ibid. 
9 Ibid., 167. 
10 Ibid., 170. 
Washington was widely regarded as the informal political representative for black Americans—by white Southerners, white Northern philanthropists, and even many black Americans. He later came to have the President’s ear.

The need for informal political representation: Informal political representation can be a political lifeline, particularly for members of marginalized or oppressed groups, who tend to lack the political power needed to redress their marginalization or oppression. In representative democracies, this lack of political power very often includes and is reinforced by exclusion, intentional or not, from formal political representative lawmaking bodies. As a result, the interests of such groups tend not to be expressed non-accidentally in let alone satisfied by the formal political representative institutions that shape their lives. This formal exclusion has many faces. In some cases, there are simply no formal political representatives who give voice to these groups’ shared interests. In others, although a group may have either actual or virtual representation, their representatives’ efforts to make law relevant to these groups are stymied because they lack other legislators’ support.

When done well, informal political representation can give those with limited political power some say, however mediate, partial, and imperfect, in how things go for them. Such representatives can, for instance, give voice to interests not expressed in formal political fora, bring visibility to marginalized and oppressed groups and their interests, serve as communicative conduits between

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14 This argument concerns unjustly oppressed or marginalized groups, whose oppression or marginalization we have both reason and shared responsibility to remediate.
15 It may well be that values, interests, or preferences expressed in or satisfied by these institutions every now and again by happenstance align with the interests of members of these groups. But that it is by happenstance means that such institutions are not responsive to the values, interests, or preferences of these group members. It matters not just that our representative institutions happen every now and again to include expression or render satisfaction of our interests, but also that those institutions do so because they are our interests—that is, it matters that our representative institutions are responsive.
16 They may act as supplemental to inadequate or ineffective formal political representation. Or they may be lone voices for groups altogether lacking formal political representation.
the represented and policymakers,\textsuperscript{18} negotiate on the group’s behalf,\textsuperscript{19} and in some cases represent the group to itself.\textsuperscript{20} Though unelected, informal political representatives come to speak for these groups in many fora, at protests and on picket lines, from the kitchen table to Congress.

\textit{The dangers of informal political representation}: Coeval with the political goods that informal political representation offers oppressed and marginalized groups are its peculiar dangers for these same groups. Informal political representatives are sometimes the only political actors working on behalf of marginalized and oppressed groups in a given polity. But they are not institutionally or procedurally constrained in the same ways as formal analogs, although they too can have quite substantial power to influence what becomes of those they represent. As a result, marginalized and oppressed groups are often at the mercy of their informal political representatives. Mindful of these dangers, skeptics of the practice criticize it for being, \textit{inter alia}, inaccurate, elitist, homogenizing, overpowering, concessive, committing, unaccountable, unauthorized, inegalitarian, and oppressive.

Informal political representation is, therefore, at the same time both a crucial form of political communication and a practice that by its very form can imperil those most reliant on it—who are often already the most vulnerable, the most imperiled. Yet, if one is persuaded that at least some marginalized or oppressed groups need informal political representation, then we must have something to say about what would have to be the case for informal political representatives to be not open to criticism for doing the things that are central features of their role—for instance, making claims, concessions, or commitments on behalf of others.

So as to be not criticizable for doing these things, informal political representatives for marginalized and oppressed groups must satisfy particular duties to those they represent. These duties

\textsuperscript{18} Kuyper, “Systemic Representation.”
\textsuperscript{19} See my \textit{Not Just Speaking for Ourselves}.
\textsuperscript{20} For discussions of the construction of the represented by the representative, see, e.g., Lisa Disch, “The ‘Constructivist Turn’ in Democratic Representation: A Normative Dead-End?,” \textit{Constellations} 22, no. 4 (2015): 487-99; Montanaro, \textit{Who Elected Oxfam}, 39-41; Saward, \textit{The Representative Claim}, 11-19, 49, 54; and my \textit{Not Just Speaking for Ourselves}.
emerge from the distinctive context of such representation, where the considerable vulnerability of those represented meets the relatively unconstrained and sometimes completely unchecked power of those who represent. These duties cannot simply be read off the duties that formal political representatives have, as there is a layer of institutional procedural protection available in formal contexts that is, by definition, absent here.

Section II explains the general phenomenon of informal political representation. With this general analytical framework in hand, the paper turns to an especially difficult and important case—the informal political representation of oppressed or marginalized groups, where the need for the practice is most pronounced but the objections to it are most damning. Section III motivates when and why the oppressed or marginalized might need informal political representation. Section IV details criticisms specific to the informal political representation of oppressed or marginalized groups. Section V responds to these criticisms by articulating what would have to be the case for informal political representatives of marginalized or oppressed groups to be not subject to these criticisms and, in so doing, sets out to moral considerations to which such a representative must be responsive—namely, these representatives must aim to satisfy two sets of duties, democracy within and justice without, respectively. Section VI considers what difference authorization or ratification might make to the strength of these duties. Section VII considers conflicts between these duty sets and offers guidance for ameliorating them. Section VIII concludes.

II. Informal political representation generally

This section briefly sets out the analytical framework for understanding the general structure of informal political representation. The phenomenon has two general aspects—structural and moral, each discussed in turn.

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21 This general framework is described and defended in greater detail elsewhere. See my Not Just Speaking For Ourselves
A. Structural

Informal political representation, generally, is a triadic relationship between a representative, a represented party, and an audience.\textsuperscript{22} An informal political representative is a person or group who speaks or acts on behalf of some individual or group besides themself in a given context though not elected or selected by means of a corporately organized election or selection procedure. Call this \textit{informality}. When informality obtains, there must be another way such representatives are selected. Informal political representatives are selected by audiences. Call the fact that makes it the case that someone is a representative under conditions of informality \textit{audience uptake}.\textsuperscript{23} An audience can be a group or an individual, and in some cases comprises the represented themselves.\textsuperscript{24} A person or group becomes an informal political representative of an individual or group besides themself in a given context just in case informality and audience uptake obtain.\textsuperscript{25}

Several procedural mechanisms available in formal political representation are, by definition, absent from informal political representation. As such, groups represented informally are often at the mercy of their representatives in ways that groups represented formally are not. Three differences between the two phenomena—authorization, accountability, and enforceability of norms—explain why informal political representatives are not constrained in ways that formal analogs are.

\textit{Authorization}: The formal political representative is authorized by means of a corporately organized election or selection procedure.\textsuperscript{26} Informal authorization, although possible, is (i) fundamentally different than formal authorization and (ii) not a precondition for emerging as an

\textsuperscript{22} Informal political representation is a subtype of the more general phenomenon of informal representation, which is not essentially political. Informal representation is more or less political by virtue of the forum in which it occurs and the subject-matter of the representation. See my “Conscription.”

\textsuperscript{23} On audience uptake, see my “Conscription.”

\textsuperscript{24} See also Saward, \textit{Representative Claim}, 48.

\textsuperscript{25} Elsewhere, I argue that this makes it possible for conscripted informal political representatives to emerge. See my “Conscription.”

\textsuperscript{26} For other treatments of authorization in non-electoral contexts, see especially, Montanaro, \textit{Who Elected Oxfam}, 83-85 and Saward, \textit{Representative Claim}, 102-110.
informal political representative.\(^{27}\)

**Accountability:** While formal representatives are subject to organized and, in theory, reliable accountability mechanisms like elections, informal accountability mechanisms like protest are not enforceable in the same way, and so tend to be less reliable methods of sanctioning representatives.\(^{28}\)

**Enforceability of norms:** The normative foundations of the relationship between the formal political representative and their constituents are institutionalized, codified, and backed by sanctions for noncompliance. In informal cases, these institutional structures are precisely what’s missing. Sometimes, the informal political representative and the represented are embedded in social movements that have established and accepted norms.\(^{29}\) However, even when such norms exist, they cannot be reliably enforced for noncompliance, so the movements’ norms are not fully analogous to corporately organized bodies’ norms. Whatever normative requirements the informal political representative must satisfy cannot, therefore, be enforced through institutional mechanisms, but must instead be promoted through social practices, as discussed in §V.

**B. Moral**

When morally evaluating informal political representatives of any sort, two considerations are paramount—first, whether the representative is treating the represented as they ought (call these considerations *relational*); second, whether the representative is carrying out their representative activities in ways that advance the ultimate aims of the representation in that case (call these considerations *purposive*). Accordingly, informal political representatives of any sort have duties to the

\(^{27}\) That an informal political representative has received authorization from those they represent makes a difference to the nature and scope of their duties to the represented—a topic discussed in §V.


represented that correspond to each consideration—relational duties and purposive duties, respectively. Both relational duties and purposive duties concern what the representative owes to the represented, but each in a different way. Purposive duties guide the informal political representative to use their position to advance the specific aims of the representation in that case. Relational duties guide the informal political representative in their immediate treatment of the represented. The grounds of these duties and, consequently, their substantive content will differ in different cases, varying depending on the specific type of informal political representation at issue. With respect to the specific type at issue in this paper—the informal political representation of marginalized and oppressed groups—these duty sets instantiate as democracy within duties (relational) and justice without duties (purposive), respectively. Much more will be said about each set in §V.

C. A crosscutting consideration

A defining feature of informal political representation is informality—which means that the representative emerges absent formal authorization (that is, absent authorization by means of a corporately organized election or selection procedure). But this does not mean that authorization is impossible in informal contexts. In some few cases, informal authorization or informal ratification occurs. When this is so, it affects the content of the representative’s duties, particularly the representative’s relational duties—a consideration examined in §VI.

D. Making it specific

With this general analytical framework in hand, we turn to an especially difficult and important case—the informal political representation of oppressed or marginalized groups.

Going forward, the argument’s focus is on the specific case of informal political representation of oppressed or marginalized groups. Accordingly, the use of terms like “representative” and “represented” should be read in accordance with this scope limitation except where explicitly stated otherwise or exceedingly obvious from context.
III. Need

If the informal political representation of the oppressed or marginalized is to be pursued as a valuable form of political communication rather than simply abided begrudgingly as an inevitable feature of political life, we must have something to say about the sources of its value. Informal political representation often plays a *sui generis* corrective role for marginalized and oppressed groups. Consider some of the promising features of the practice:

*Voicing interests:* Informal political representatives can give voice to interests not expressed in formal political fora. Groups’ interests go unexpressed for a variety of reasons. Some interests are misunderstood or belong to groups too small to receive formal political representatives’ attention. Other interests belong to groups excluded from the electorate, like undocumented persons and disenfranchised prisoners. Such groups must rely on virtual or informal political representation to have their interests given expression. Then, there are stigmatized groups, like registered sex offenders, whose unpopularity makes it risky for formal political representatives, seeking reelection, to take up their mantles. As one registrant put the point: “Who wants to risk being called a pedophile-lover?” So, informal political representatives may tread where formal analogs dare not. Though not immune to criticism for representing unpopular groups, informal political representatives need not choose between being representatives and winning reelection.

*Making visible:* Some groups elude notice. An informal political representative can make a

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33 Registered sex offenders are informally politically represented by groups like Reform Sex Offender Laws and Texas Voices for Reason and Justice. Chammah, “Making the Case.”
broader public aware that there is a group whose interests ought to be weighed among others in political decisionmaking, as Rigoberta Menchú did in speaking to the Guatemalan government on behalf of indigenous communities.\textsuperscript{34}

\textit{Group consciousness and group formation:} So, too, may an informal political representative make a group visible to itself by, for instance, representing the group to itself as a group—impressing on a plurality of individuals that they have shared politically salient interests, as has long been the vocation of labor organizers.\textsuperscript{35}

\textit{Communicative conduits:} Informal political representatives often communicate between the represented and lawmakers.\textsuperscript{36} The Rev. Dr. Martin Luther King, Jr., communicated between black Montgomerians and the City of Montgomery. Menchú could speak Spanish, the language of the Guatemalan government, while many of the indigenous Guatemalans for whom she spoke could not.\textsuperscript{37} At other times, informal political representatives bypass legislative avenues to instead communicate with judicial decisionmakers, as shack dwellers in South Africa have done.\textsuperscript{38}

\textit{Negotiation:} An informal political representative may even end up negotiating on a group’s behalf, as the examples of Washington and King attest.

That the practice of informal political representation can be valuable for marginalized or oppressed groups does not, however, shield any particular party from criticism for acting as an informal political representative for these groups. Section IV details criticisms of such representatives.


\textsuperscript{35} See, e.g., Karl Marx and Friedrich Engels, “Manifesto of the Communist Party,” in \textit{The Marx-Engels Reader}, ed. Robert C. Tucker (New York: Norton, 1972), 480-481 (especially, the description of “the organization of the proletarians into a class, and consequently into a political party,” a group, out of “an incoherent mass” of laborers, a plurality); see also supra n. 18.

\textsuperscript{36} Kuyper describes “nonelectoral representatives” as “transmission belts” between “empowered space[s]” and “public space[s].” Kuyper, “Systemic Representation,” 1, 5.

\textsuperscript{37} Menchú, I, Rigoberta Menchú, xi-xii.

IV. Criticisms

There are many reasonable criticisms one might raise against informal political representatives of oppressed or marginalized groups.39 In this section, several such criticisms are presented with the aid of illustrative examples.

A. Epistemic Criticisms: Inaccurate, Elitist, and Homogenizing

First, consider three epistemic criticisms.

1. Inaccurate: On March 16, 1827, the editors of Freedom’s Journal, the first black newspaper published in the United States, stated that one of the publication’s purposes was corrective, as black Americans “had suffered much by being incorrectly represented. Men whom we equally love and admire have not hesitated to represent us disadvantageously, without becoming personally acquainted with the true state of things.”40 The criticism raised by these editors is, partly, that those who had heretofore spoken for black Americans did so inaccurately.

Often, informal political representatives claim to state what a represented group’s members want or what things are like for the members of that group. Objecting that an informal political representative has made inaccurate claims is not, without more, a criticism of informal political representation in particular. For the objection to be a fitting criticism of informal political representation, the fact that the inaccurate speaker is an informal political representative must form part of the explanation as to how the inaccurate claim came to be imputed to the represented group or its members.

2. Elitist: Informal political representatives for marginalized or oppressed groups are often in

39 While variants of many of these criticisms may be applicable against informal political representatives generally, the scope limitation is appropriate because these criticisms get their normative force in this case partly from the especially vulnerable position of those represented. For the general account, see my Not Just Speaking for Ourselves.

more privileged socioeconomic positions than those they represent. So positioned, they sometimes
fail to attend to the varied experiences of those for whom they speak or act. Ella Baker raised such a
criticism of the SCLC’s spokespersons for black Southerners:

The founders of SCLC were concerned primarily, but not exclusively,
about access to the ballot box and dignified treatment in public
accommodations. But theirs was a world apart from the lives of
destitute sharecroppers and their families who constituted a
considerable portion of the South’s black population—people who
could barely afford the fare to ride on public transportation even after
desegregation.⁴¹

Adolph Reed raises a similar concern that, in many elite-led political movements, “the interests of the
constituents are presumed identical” to those of informal political representatives.⁴² This concern gets
further traction when one learns that some representatives believe that, because they are group
members, they have first-person access to the relevant considerations of their constituents: “When I
vote my conscience as a black man, I necessarily represent the black community. I don’t have any
trouble knowing what the black community thinks or wants.”⁴³

*Elitist* is closely connected to *Homogenizing*, a criticism concerning the epistemic shortcomings
of both informal political representatives and their audiences.

3. *Homogenizing* George Cook objected that “Rev. Sharpton does not speak for all African
Americans and he doesn’t speak for anyone I know on many issues.”⁴⁴ Even when an informal political
representative may be right about what some among a given group’s members want or what it is like
for some group members, the concern remains that such representation leads audiences to believe
that represented groups are homogenous with respect to their circumstances, values, interests, and

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⁴² Reed, *Jesse Jackson*, 35.
preferences. Of course, represented groups are rarely, if ever, homogenous. Whereas formal political representation often includes mechanisms designed to account for diversity within groups, informal political representation may have the side effect of creating a greater perception of homogeneity in the represented group due to the absence of formal mechanisms for disarticulating different subgroups within that group.\footnote{See also Davis, “Typecasts,” 492; Jane Mansbridge, “Should Blacks Represent Blacks and Women Represent Women? A Contingent ‘Yes’,” The Journal of Politics 61, no. 3 (1999): 628-657; and my “Why Should Those Who Speak for Us Be Anything Like Us?”}{1}

B. Power Criticisms: Overpowering, Concessive, and Committing

Power criticisms target not the epistemic errancy of the representative’s statements or actions, but instead the effects of the representative’s position on the reception of their statements or actions.

1. Overpowering: The informal political representative often has considerable power to influence how the represented are regarded by those audiences before which they speak or act. The representative’s statements or actions are given the weight of many, sometimes thousands or even millions of, voices. So positioned, the representative may make controversial claims, concessions, or attempted commitments on behalf of the represented, as Washington did in Atlanta as “the one recognized spokesman of his ten million fellows, and one of the most notable figures in a nation of seventy millions.”\footnote{Du Bois, “Of Mr. Booker T. Washington and Others,” in The Souls of Black Folk, 63.} This outsized power to make controversial claims, concessions, and attempted commitments form the bases of the two specific criticisms that immediately follow.

2. Concessive: Here, the critic objects that when a given informal political representative speaks or acts on a represented group’s behalf, the representative’s statements or actions will have an anchoring effect\footnote{“During decision making, anchoring occurs when individuals use an initial piece of information to make subsequent judgments. Once an anchor is set, other judgments are made by adjusting away from that anchor, and there is a bias toward interpreting other information around the anchor.” Harvard Law School Program on Negotiation, s.v. “anchoring effect,” accessed February 26, 2020, https://www.pon.harvard.edu/tag/anchoring-effect/.} on the audience—making it difficult for the represented group’s members to subsequently take positions that are either more demanding or significantly different from the position
previously expressed by the representative. Du Bois raised just such a critique of Washington’s 1895 Atlanta address: “the prevailing public opinion of the land has been but too willing to deliver the solution of a wearisome problem into his hands, and say, ‘If that is all you and your race ask, take it.’” Du Bois claims that white Southerners’ ready willingness to meet Washington’s demands indicates that Washington ought to have asked for more and, because he did not, he both foreseeably and perhaps irreversibly limited his informal constituents’ options going forward.

3. Committing: Sometimes, informal political representatives end up in situations in which they are taken to be negotiating on behalf of a group they represent. For instance, during a closed-door meeting with Montgomery city officials and the Montgomery Bus Lines, King presented a list of requests on behalf of boycotters that included the request for “passengers to be seated on a first-come, first-served basis, the Negroes seating from the back.” Of course, King could not in fact bind boycott participants to such an agreement without their consent, but what he does here is offer a set of terms on behalf of boycotters that gave officials and bus company representatives reason to believe that, if they accepted these terms, the boycotters would go along with the arrangement. A concern about informal political representatives is that they may, by virtue of their position, hold forth as though they are able to make such commitments.

C. Procedural Criticisms: Unaccountable and Unauthorized

Further criticisms concern the absence of procedural protections in informal political representation.

1. Unaccountable: The informal political representative is not subject to institutional procedural mechanisms available in formal contexts. They may at their whim and with impunity make substantial

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49 Ibid.
decisions about how to represent. Although, as discussed in §VI, there are sometimes plausible informal accountability mechanisms, one cannot expect these mechanisms to provide all or even most of the protections formal analogs offer. One may, then, object that informal political representation is impermissibly unaccountable. Adolph Reed objects that such representatives are inferior to elected officials insofar as they do not “stand for recertification before an electorate” and so cannot “be chastened or replaced” as easily as elected officials.\footnote{Reed, \textit{Jesse Jackson}, 125.}

\textit{Unauthorized:} Sometimes, informal political representatives for marginalized or oppressed groups are selected by nonmembers. In some of these cases, the nonmembers who do this selecting are the group’s very marginalizers or oppressors. Skeptics quite reasonably object to this state of affairs, as Malcolm X did:

\begin{quote}
Most of the so-called Negroes that you listen to on the race problem usually don’t represent any following of Black people. Usually they are Negroes who have been put in that position by the white man himself. And when they speak they’re not speaking for Black people, they’re saying exactly what they know the white man who put them in that position wants to hear them say.\footnote{Malcolm X, “Malcolm highlights the problem with ‘Negro’ leaders. Michigan State University, East Lansing, Michigan. 23 January 1963,” The Autobiography of Malcolm X: Speeches & Interviews, accessed March 13, 2020, http://ccnmtl.columbia.edu/projects/mmt/mxp/speeches/mxt19.html. Thanks to Lidal Dror for recommending this speech.}
\end{quote}

When Malcolm X says that “so-called Negroes” are “not speaking for Black people,” he does not mean that they are not taken by an audience to speak for black people (\textit{audience uptake}). Rather he means that they are not taken by black people themselves to speak for black people—that is, they do not have a “following” (\textit{group uptake}, a special subtype of \textit{audience uptake}). The \textit{Unauthorized} objection is, it seems, grounded in the following underlying principle: Informal political representation ought not emerge absent \textit{group uptake}.\footnote{Reed, \textit{Jesse Jackson}, 125.}
D. Relational Imbalance Criticisms: Inegalitarian and Oppressive

Other criticisms object to fundamental relational imbalances between informal political representatives and the oppressed or marginalized groups they represent.

(1) Inegalitarian. Three features of the informal political representative’s relationship to the represented, taken together, render that relationship impermissibly inegalitarian:

a. The informal political representative often has considerable power to influence how things go for the represented—see Overpowering, Concessive, and Committing.

b. Since the informal political representative cannot reliably be held to account for their representative actions, they can often use that power to influence unfettered from fear of reprisal (Unaccountable) or the possibility of removal (Unauthorized).

c. Marginalized and oppressed groups often come to rely on informal political representatives and therefore fail to organize or act in other ways to protect their interests. When this reliance is considerable—for instance, when the representative is one of few political actors on whom the group depends for political influence—the represented group is at the mercy of the representative, leaving the represented subject to the whims and idiosyncrasies of the unelected.53

53 One may be tempted to object that there is no special problem here: Of course there is cause for concern whenever one is at the mercy of another. Greater still is the cause for concern when one may not voluntarily leave the relationship that puts one at another’s mercy—a characteristic feature of many such relationships. However, an informal political representative is just one of many actors at whose mercy oppressed and marginalized people find themselves. They also find themselves at the mercy of their formal political representatives (should they have any), their landlords, their bosses, the state. So, why think their relationships to informal political representatives, in particular, deserve special moral analysis? I thank David Estlund for raising this question.

While it is true that we should be concerned whenever one party is at the mercy of another, there are two reasons our cause for concern ought to be greater and the manner of easing these concerns sui generis in this type of case:

First, the very purpose of the informal political representative for marginalized or oppressed groups is to correct for the marginalization or oppression that leaves them at the mercy of so many others. It is one thing for your oppressors to be your oppressors. It is quite another for your purported defenders and advocates to end up being your oppressors, too.

Second, although it is true that the oppressed and marginalized are at the mercy of many, they are at the mercy of informal political representatives in some distinctive ways. The representative’s position consists partly in saying what it is that the represented want, value, or prefer. The representative is thereby imbued with the power to attribute certain values, interests, and attitudinal states to the represented group’s members whether or not they are true. And when the represented are significantly marginalized or oppressed, it is difficult for them to reject, protest against, or correct mistaken impressions, particularly if the party best positioned to speak for them is not inclined to communicate those complaints on their behalfs. For instance, Booker T. Washington “strove publicly and secretly to take over control of
So, the representative’s power to influence, unfettered by procedural protections and combined with the represented’s considerable reliance jointly make the relationship between the informal political representative and the marginalized or oppressed groups for which they speak or act impermissibly inegalitarian.

2. Oppressive: Powerful and unconstrained, informal political representatives are often especially well-situated to themselves become oppressors of those they represent. Critics warn that informal political representatives for marginalized or oppressed groups may reinforce the existing oppression faced by those groups, due to either (i) the representative’s merely careless or actively dismissive treatment of the group’s members\(^\text{54}\) or (ii) the fact that the representative’s privileged social position creates conditions under which they are given attention instead of the represented group’s members.\(^\text{55}\)

So, there’s the rub: The informal political representation of oppressed or marginalized groups is or can be inaccurate, elitist, homogenizing, overpowering, concessive, committing, unaccountable, unauthorized, inegalitarian, and oppressive.\(^\text{56}\) These are serious and weighty criticisms. What can be said for such a practice?

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\(^\text{56}\) Two notes: First, in addition to the above, there are numerous criticisms aimed specifically at the practice of informal political representation by parties who are not themselves members of the groups they represent. The core question that animates this further class of criticisms is whether it could ever be permissible for a person who is not a member of a given group to be a representative for that group. This question deserves far more attention than it can be given in this paper. Accordingly, I treat it elsewhere. See my “Why Should Those Who Speak For Us Be Anything Like Us?” For other excellent discussions of this question, see especially Alcoff, “Problem;” Cristina Beltrán, The Trouble with Unity: Latino Politics and the Creation of Identity (New York: Oxford University Press, 2010); Davis, “Typecasts;” Suzanne Dovi, “In Praise of Exclusion,” The Journal of Politics 71, no. 3: 1172-1186; Claudine Gay, “Spirals of Trust? The Effect of Descriptive Representation on the Relationship Between Citizens and Their Government,” American Journal of Political Science (2002): 717-732; Htun Mala, “Is Gender Like Ethnicity? The Political Representation of Identity Groups,” Perspectives on Politics 2, no. 3 (2004): 439-458; Mansbridge, “Should Blacks Represent,” 628; Pitkin, Representation, 61; Phillips, Presence, Williams, Voice.

Second, many of the above criticisms may be leveled against not only informal political representation but also formal political representation. However, as our target is aiming at an account of informal political representation that is not wedded to formal political representation, the account developed below will not stand or fall depending on this fact.
V. Democracy within, justice without

A. Introduction

The task at hand is to provide a systematic account of the moral considerations to which an informal political representative for marginalized or oppressed groups must be responsive if they are to be noncriticizable on those grounds raised in §IV. I argue that informal political representatives are bound to satisfy two sets of (sometimes competing) duties to the represented—democracy within and justice without.

Recall from §II that informal political representatives generally have two distinct types of duties to the represented—relational and purposive. Both relational duties and purposive duties concern what the representative owes to the represented, but each in a different way. Purposive duties guide the representative to use their position to advance the specific aims of the representation in that case. Relational duties guide the representative in their immediate treatment of the represented. The grounds of these duties and their substantive content differ in different cases, varying in accordance with the specific type of informal political representation at issue and the moral considerations most salient in that specific case. In the specific case of informal political representation of marginalized or oppressed groups, there are two paramount moral considerations: such representation must be aimed at undermining the marginalization or oppression of the represented (purposive); such representatives must avoid themselves becoming marginalizers or oppressors of those they represent (relational). These considerations are grounded in two general moral principles by which each of us is bound: ERADICATION: We are obligated to work to eradicate others’ oppression and marginalization. NONCONTRIBUTION: We are obligated to not contribute to the marginalization or oppression of others.

Applying these general moral principles to the specific case of informal political representation

57 See §VII.
of marginalized or oppressed groups, we arrive at two specific duty sets: *democracy within* (relational) and *justice without* (purposive), respectively. Both *democracy within* duties and *justice without* duties concern what the representative owes the represented, but each in a different way. *Justice without* duties guide representatives to use their platforms to combat the represented’s marginalization or oppression. *Democracy within* duties aim at correction: establishing relations of equality with the represented, ensuring that representatives do all that is within their power to not themselves become additional marginalizing or oppressive forces in the lives of the represented. In short: When the informal political representative lives up to their *democracy within* duties, they are responsive to relational considerations. When the informal political representative lives up to their *justice without* duties, they are responsive to purposive considerations.

This section responds to the question *What would have to be the case for an informal political representative for marginalized or oppressed groups to be not open to §IV criticisms?* §V.B considers this question with respect to each criticism raised in §IV. From these responses, the positive account of *democracy within* (§V.C) and *justice without* (§V.D) emerges, detailing the specific moral considerations to which informal political representatives of marginalized or oppressed groups must be responsive so as to be not criticizable on §IV grounds.

B. Responses to §IV Criticisms

1. **Oppressive**

   Per *Noncontribution*, each of us is obligated to not contribute to the marginalization or oppression of others. Informal political representatives are not different from the rest of us in this respect. However, they are often especially well-situated to themselves marginalize or oppress those they represent.\(^{58}\) So as to not become an additional oppressive or marginalizing force, the

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representative must take corrective steps to ensure that the represented are protected from, \textit{inter alia},
the representative themself. These steps are detailed in what follows and, taken together, respond to
(most of) the remaining §IV criticisms.

2. \textit{Inegalitarian}

When a given relationship-type admits of inequality, that relationship-type should be either
proscribed altogether or constrained so as to eliminate the inequality. If the relationship is not to be
proscribed, then corrective measures must be taken to counter the inequality inherent to the
relationship. Despite imperfections, the informal political representative relationship is valuable to
marginalized and oppressed groups, so the aim here is to constrain it so as to eliminate the inequality.\footnote{Elsewhere I contend that informal political representation is an ineradicable feature of societies like ours. I shall neither defend nor rely on that claim here.}

That these measures are corrective means that bringing the party positioned as inferior in the
relationship (the represented) to the level of equals requires that the party positioned as superior (the
representative) not just refrain from certain forms of treatment that would otherwise introduce
inequalities into the relationship but also take active steps aimed at undermining existing inequality
already found between the parties.

One manifestation of the inequality between the informal political representative and the
represented groups at issue here is that the former influences the broader society’s political

Yet, each of us is “entitled to participate.”\footnote{Anderson, “Equality,” 313.} Since the
marginalized and the oppressed face barriers when attempting to enter political conversation in the
broader society, it falls to the representative to make positive efforts to create conditions under which
they can participate. This responsibility has two aspects:

The outward-facing aspect of the informal political representative’s role is that they speak and act on the represented’s behalves in the exclusionary society’s broader political conversation. *Justice without* duties correspond to this aspect of their role.

The inward-facing aspect of the informal political representative’s role is creating and maintaining political conversation with the represented themselves. This internal political conversation forms the basis of the *democracy within* duties. It is often easier for members of a represented group to have an “open discussion among equals” within the represented group and with the representative, but that is so only if the representative promotes conditions of equality between themself and the represented.

As discussed in §IV, the source of the inequality between the representative and the represented is the convergence of three features of their relationship: (1) power imbalances that allow the representative to make controversial claims, concessions, or attempted commitments on the represented’s behalf (*Overpowering, Concessive, Committing*); (2) the scantiness of procedural protections (*Unaccountable, Unauthorized*); and (3) the represented’s reliance on the representative. So, correcting unequal relationships requires of representatives at least that they take active steps to respond to the criticisms that jointly give rise to the *Inegalitarian* criticism—*Unaccountable, Unauthorized, Overpowering, Concessive, Committing*.

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62 Despite the name, the view presented here does not depend on commitment to the claim that all institutions within a democracy must themselves be structured democratically. Rather, the relationship is conceived to be a *democracy within* because what is required for an informal political representative to be noncriticizable for performing fundamental features of their role (*consultation, welcoming criticism, transparency*) are fundamental democratic values. I thank David Estlund for raising this question.

Nor is the aim of the argument to defend a particular conception of what democracy requires, but rather to consider what a particular relationship-type that arises in nonideally just societies must be like to be noncriticizable.


64 Whether a represented group relies on the representative is not always within the representative’s power to change.
3. **Procedural Criticisms** *Unaccountable* and *Unauthorized*

*Unaccountable* and *Unauthorized* are criticisms aimed at the scantiness of procedural protections available in the informal political representative relationship. The response to this criticism is twofold.

First, it would be unreasonable to expect informal political representation to offer all or even most of the institutional procedural protections available in formal contexts. While informal authorization or ratification can occasionally take place and have roles to play in granting an informal political representative a particular normative status (as discussed in §VII), neither is guaranteed nor is either required for an informal political representative to be noncritizable.

Even in the absence of these procedural protections, however, the representative can protect the represented by establishing, promoting, and maintaining deliberative social practices with the represented, detailed below. Such deliberative social practices may temper the effects of the procedural lacuna.

4. **Power Criticisms** *Overpowering, Concessive, and Committing*

*Overpowering, Concessive, and Committing* take as their target the fact that the informal political representative for marginalized or oppressed groups tends to have outsized power to influence how things go for the represented. Of course, one would not want to entirely curtail the representative’s power to influence, as to do so would be to undermine the representative’s very purpose in the lives of the represented—to speak or act for them in fora in which they cannot easily do so for themselves. But this power, unconstrained as it is, imperils the represented. So, it falls to the representative themself to distribute this power by voluntarily subjecting their representative actions to the represented’s advisement through *consultation* and to the represented’s scrutiny by *welcoming criticism* and *being transparent*.65 *Consultation, welcoming criticism, and transparency* are specified below.

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65 Perhaps these duties will strike some as too obvious to state, not distinctive of the representative relationship at issue, or both. Our aim need not be to identify duties that arise exclusively for informal political representatives of the marginalized or oppressed, but can simply be to explain why familiar duties arise here and how they might be satisfied in
Committing raises the further concern that a representative may wittingly or unwittingly hold forth as having the active support (authorization) of the represented even in cases where they do not. This exhibition of apparent authority may misleadingly give audiences reason to believe that the represented will go along with the representative’s statements or actions. While the representative ought not be held responsible for an audience’s mistaken assumption, they should be held responsible for unjustifiably holding forth in ways that give audiences reason to take them to be authorized by the represented. So, Committing usually requires that the representative forebear from exhibiting apparent authority.\textsuperscript{66}

Concessive also raises a further epistemic concern discussed presently.

5. Epistemic Criticisms Inaccurate, Elitist, Homogenizing, and Concessive

Epistemic criticisms like Inaccurate and Elitist, at bottom, concern what a representative needs to know to represent accurately and with awareness of and responsiveness to the existing concerns of the represented.

What would have to be the case for a representative to be not open to these criticisms? At minimum, the representative would need to make a good-faith effort to learn about the represented group’s members’ values, interests, preferences, and circumstances. These substantive purposes can be served through the aforementioned social practices—consultation, welcoming criticism, and transparency.

Addressing these epistemic concerns also redounds to the effort to undermine inequality in the relationship. Treating another as an equal requires, \textit{inter alia}, caring about what matters to them because it matters to them, if for no other reason. To care about what matters to the represented—their values, interests, preferences, and circumstances—the representative must know what these are, which in turn requires seeking inputs from the represented themselves.

\textsuperscript{66} But see §VI.
Homogenizing. It is both true of and, to some extent, unavoidable that informal political representation may have the side effect of creating a greater perception of homogeneity in the represented group due to the absence of formal mechanisms for disarticulating different subgroups within that group.

Homogenizing is not always a criticism of a representative but sometimes a criticism of audiences, who err by inferring from a given representative’s statements or actions that their statements or actions admit of no exceptions. The representative is not criticizable for the audience’s epistemic shortcomings.67

That said, sometimes representatives do actively intend to create a greater perception of homogeneity in the represented group than is accurate. Further, there can be prudential considerations in view of which this strategy can be justified: for instance, since audiences have limited attention, fomenting political change sometimes requires prioritizing some interests over others. When the informal political representative intentionally creates a greater perception of homogeneity, they must be able to give sufficient reasons for so doing.68

Concessive also raises an epistemic concern: The representative may concede too much because they lack knowledge about what the represented’s true negotiating position is; what the represented group’s members would accept as minimally responsive to their values, interests, preferences, and circumstances; or both. As above, epistemic criticisms require, minimally, that a representative makes a good-faith effort to learn about the represented. Concessive requires, further, that the representative

67 See my “Conscription.”
68 It bears noting that informal political representation generally fares better with respect to the Homogenizing criticism than formal political representation generally. Consider: while there are limits on how many formal political representatives there can be, there is no such limitation on informal political representation. Consider historical examples to which we have already attended: King was an informal political representative for black Americans, but so were Ella Baker and Malcolm X. Each representative gave voice to distinctive values, interests, preferences, and circumstances within the represented groups for whom they spoke. While a single informal political representative is limited as to the variety of values, interests, preferences, and circumstances to which they can give voice, when several informal political representatives articulate distinct representative messages, Homogenizing concerns may be quelled.
have information about the represented group’s negotiation position as well as about the audience before which they speak. These aims may best be served through consultation, welcoming criticism, and transparency, as detailed below.

6. Taking stock

To carry out their representative activities noncriticizably, then, informal political representatives for marginalized or oppressed groups must at least consult the represented, welcome their criticism, be transparent with the represented, know the audiences before which they speak or act, and (in the normal course of things) not hold forth as apparent authorities. What these duties amount to and how they may be undertaken successfully when the represented are marginalized or oppressed is explained presently.

C. Democracy within

1. Consultation

The informal political representative should, when and to the extent possible, consult the represented themselves to find out what matters to them—that is, their subjective interests. This does not mean that the representative must act in accordance with each interest, but that the representative must consider what the represented want, value, and prefer when deciding how to represent them.

It would be easiest for the representative to consult a small group whose members are known, communicatively accessible, and in agreement about their interests. However, many groups lack some of these features, which may seem to confound the consultative requirement. After all, one cannot consult those one does not know, cannot find, or cannot access. So, the consultative requirement, stated too strongly, is unrealistic. The consultative requirement, then (i) is subject to feasibility constraints and (ii) should be evaluated as follows: Has the informal political representative made a good-faith effort to consult the group’s members, immediately or mediately, to develop an understanding of what matters to them?
Specific feasibility constraints emerge in response to specific complications faced in these sorts of representative relationships—group vagueness, group size, geographical dispersion, limited access, communicative inability:

a. *Group vagueness*: While formal political representatives tend to speak or act for well-defined groups—the citizens of their districts or dues-payors in their associations—informal political representatives often represent groups whose memberships are not well-defined and for which there are not established procedures for determining membership. Since qualifications for group membership can be based on objective measures, subjective measures, or both, and because reasonable people disagree as to which qualifications matter, the constitution of such groups is difficult to determine with precision.\(^69\) So, informal political representatives are not always guaranteed to know who they represent. They will, therefore, face difficulty knowing who to consult and how to consult them. It follows that satisfying consultation does not, for instance, always require consulting a majority of the group, since the representative may not know and perhaps could not find out the group’s size.\(^70\)

b. *Group size*: Even when a group’s membership is known and members are geographically proximate, the representative cannot be expected to individually consult every member. Consider the Montgomery bus boycott. Approximately 40,000 black Montgomerians rode city buses.\(^71\) It would have been unreasonable to expect the boycott’s organizers to consult each rider. Instead, when planning, King and fellow organizers consulted representatives from various subcommunities within

\(^69\) The suggestion here is not that it will always be difficult to know who is or is not a member of a particular represented group, but rather that there are neither established nor generally agreed-upon procedures for determining membership, meaning there may be no definitive way to resolve disputes over membership.

\(^70\) Consider: Since rape is systematically underreported, the informal political representative for rape victims cannot know if, in consulting n rape victims, they have consulted a majority. See Candace Kruttschnitt, et al., *Estimating the Incidence of Rape and Sexual Assault* (Washington, DC: National Academies Press, 2014), chap. 8, available at https://www.ncbi.nlm.nih.gov/books/NBK202252/.

the black community as proxy for consulting all riders. Call this *proxy consultation*. In some cases, however, there will be opportunities to consult the group directly *en masse*. King drove the streets of Montgomery to find out how many riders participated in the boycott. Call this *en masse consultation*.

In still other cases, *tacit consultation* may be possible—for instance, the absence of dissent from a represented group after the representative calls for a boycott may be some evidence that the group’s members support the call. Of course, when the group is marginalized or oppressed, it will sometimes be difficult to disambiguate the absence of dissent from the silencing effects of being marginalized or oppressed.

c. **Geographical dispersion**: Geographically dispersed groups cannot be consulted in the same way. The advent of digital communication, however, has eased some difficulties faced when consulting geographically dispersed groups. A representative may, for instance, triangulate the interests of a large and dispersed group by consulting Tweets all of which share an identifying hashtag, like #metoo or #blacklivesmatter.

d. **Limited access**: Other groups are difficult to consult even independently of the aforementioned complications. Even known group members may be difficult to access when normal communication channels (mail, email, phone, face-to-face contact) are blocked—common restrictions faced by the incarcerated and those in immigration detention centers. When one simply cannot consult

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72 King, *Stride*, 33.
73 Proxy consultation can produce intermediate informal representatives who speak between individual group members and informal political representatives of the larger group. One of course runs into problems of cumulative error and other epistemic hazards when getting information mediately in these ways, as anyone who has ever played a game of Telephone can attest.
74 King, *Stride*, 42.
the represented directly, it is unreasonable to suggest that one ought to. So, proxy consultation. The representative should seek out proxies who are themselves reliable sources of information about the represented group’s members’ interests. These proxies may be parties occurrently in closest contact with the communication-restricted represented parties—friends, family, lawyers, journalists, or ethnographers. If no one is in active contact with the represented—imagine the group is those subject to forced disappearance in Bolivia in 2019—then proxies will by necessity include parties who in the past have been in similar circumstances to those currently inaccessible.

c. Communicative inability: In still other cases, being unable to communicate effectively with group members is not simply a matter of contingent inaccessibility. Some groups’ members all have in common a noncontingent inability to speak for themselves. They may lack knowledge about their political interests (e.g., very young children), live with conditions that make both verbal and nonverbal communication challenging or impossible (e.g., people living with very severe nonverbal autism), or both. Here, the representative should also consult proxies, but for different reasons than those given above. When a party is noncontingently unable to speak for themselves, proxy consultation should not be thought of as a next-best effort, but as the representative standard of care for those who could not under any circumstance speak for themselves.

2. Welcoming Criticism

Even if one can consult those one represents, it will sometimes be impossible or imprudent to do so before acting in one’s representative capacity. Accordingly, informal political representatives must also create communicative channels that allow the represented to come to them to raise legitimate complaints. This enables the representative to passively receive information from the

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78 See also my “Judicial Representation: Speaking for Others From the Bench.”
represented and allows the represented to voluntarily come forth as parties with relevant interests.

One can welcome criticism in many ways. The informal political representative may, for instance, hold court in one forum or another—at a town hall meeting or in a digital forum, like a Reddit “Ask Me Anything” message forum. More passively, the representative may welcome criticism by simply remaining accessible rather than vanishing—staying on Twitter or having an open door policy in digital life or real. When constituencies are especially vulnerable, as the marginalized and the oppressed are, it can be prudent for representatives to hold open fora in which the represented may raise complaints privately or, if the stakes are especially high, even anonymously.

A caveat: The representative is only required to welcome reasonable criticism—that is, criticism the content of which is reasonable and which is raised for the right reasons—and only to the extent that standing open to that reasonable criticism is compatible with maintaining their own self-respect and self-preservation. Consider: Ta-Nehisi Coates has very publicly left Twitter twice in response to criticism and online attacks. In the second case, he did so not long after being called the “neoliberal face of the black freedom struggle” by Cornel West. Suppose Coates accepted the role of informal political representative. Suppose, too, that Twitter was his chief mechanism for receiving criticism from the represented. Coates then had pro tanto reasons to remain. These reasons were defeated by Coates’s legitimate concerns that remaining open to Twitter criticism required him to

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81 I thank Dana Howard for this clarification.
violates his self-preservation, which seems to have been the reason motivating his departure in 2017.  

3. Transparency

Power to influence manifests in many ways: The representative can call a press conference, take a private meeting, state a list of demands—sometimes without the represented knowing. To correct for this informational imbalance, the representative must, as necessary and feasible, let the represented know what they are doing and why. One instrumental justification for being transparent is that, by so doing, the representative puts the represented in a stronger position to raise legitimate complaint, supporting the welcoming criticism duty.

Being transparent with the represented is also instrumentally valuable because it can communicate recognition respect to the represented. There is value in knowing what is happening to oneself and why. This value gives others reasons to tell us what is happening to us and why, particularly when they know and we do not. Others have still further reasons to tell us what is happening to us and why when they are foreseeably and preventably causally responsible for what is happening to us—representatives are often so positioned with respect to those they represent.

Ideally, transparent disclosures about representative activities are undertaken prospectively to allow for an informal period of open comment and criticism before the representative acts—as when King and fellow organizers held a meeting to consult proxy representatives before going live with their boycott announcement. When it is impossible or counterproductive to tell the represented in advance, the representative should be retrospectively transparent.

Being transparent takes many forms in societies like ours: holding open meetings, writing

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87 King, Stride, 33.
88 King, Stride, 47-53.
op-eds or blog posts, here, too, there is a feasibility constraint. One can be transparent only with those one can access. What’s more, while being transparent is sometimes a passive responsibility (one should provide information as another requests it), at other times, transparency requires more—not just providing information, but telling others that there is information to be had. Consider a closed-door negotiation between King, Mayor Gayle, and the bus company representatives. Had King not informed black Montgomerian bus riders of these private negotiations, that information may not have come to light.

4. Interactions

There are interactions between consultation, welcoming criticism, and transparency. For instance, as discussed, transparency is in part justified by the instrumental role it plays in welcoming criticism. Moreover, the infeasibility of satisfying one duty can strengthen the requirement that the representative satisfy another. For instance, when prospective consultation is harder to achieve, the responsibility to enable retrospective criticism becomes stronger: Imagine a represented party’s members are unknown or inaccessible, making consultation difficult. That representative may need to act without preemptive consultation. Being transparent and creating avenues for legitimate complaint become correspondingly more important, as doing so can aid hidden represented parties in seeking out the representative who does not know how to find them.

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89 Coates, “I Left Twitter.”
91 King, Stride, 100. We examine this case in some detail in §VII.
5. Taking stock

These duties—consultation, welcoming criticism, and transparency—are the democracy within duties. They are inward-facing, procedural constraints on the representative-represented relationship. They provide guidance as to how the representative ought to treat and regard the represented in their immediate relationship with the represented. Democracy within duties are not special duties that emerge uniquely within the context of the representative-represented relationship. Rather, they are specifications of Noncontribution, which has been given substantive content here by considering the peculiar circumstances that emerge between informal political representatives and the oppressed or marginalized groups they represent.92

D. Justice without

So far, the aim has been to answer to the question: What would informal political representation need to be like for the representative to be not criticizable on §IV grounds? A partial answer has emerged through the identification of social practices like consultation, welcoming criticism, and transparency that can, if practiced, render an informal political representative not subject to §IV criticisms. These social practices jointly constitute the inward-facing aspect of the informal political representative’s duties—democracy within.

Still, some parts of some §IV criticisms remain unresolved. Consider, for instance, Concessive. So as not to be criticizable as concessive, the informal political representative must at least both (i) subject their actions to the represented’s advisement and scrutiny and (ii) make a good-faith effort to learn about both the represented group’s members values, interests, preferences, and circumstances and the audiences before which they represent. While these steps are necessary for the representative to be noncriticizable as concessive, they are not sufficient.

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92 It may well be that this triad would form the duty set required of informal political representatives in other contexts as well. They would still be distinguished by their grounds.
Concessive criticisms take as their targets both the representative’s behavior toward the represented and the content of the representative’s statements or actions before an audience. Democracy within measures are responsive to the behavioral aspect of Concessive—by consultation, welcoming criticism, and transparency, the representative subjects their actions to the represented’s advisement and scrutiny and makes a good-faith effort to learn what the represented group’s members value, want, and prefer along with the circumstances that affect them.

The representative is still left open to the content-based aspect of Concessive. Part of the motivating concern when Du Bois objected that Washington conceded too much in Atlanta was that Washington said something before the audience that compromised the negotiating position of black Americans going forward—for which reason, per Du Bois, Washington ought not have said it. What would have to be the case for Washington to be not subject to this criticism by Du Bois?

To be not open to the content-based aspect of Concessive, the representative must not merely know about the audience before which they are speaking to make a reasonable estimation of the predictable effects of their claims (if any) but must furthermore, on the basis of that knowledge, avoid unwarranted concessions. This duty concerns how representatives should comport themselves before audiences so as to improve and not worsen the represented’s unjust circumstances. The duty outlined in response to the content-based Conressive criticism is an instance of a broader category of duties—justice without duties. Justice without duties are substantive constraints on how, when, where, and before whom the representative ought to speak or act for the represented.

There is a bifurcation between what grounds democracy within duties and what grounds justice without duties. Democracy within duties prescribe actions that, when carried out, make an informal political representative’s otherwise-criticizable representative behaviors noncriticizable. The same is

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93 It is outside the scope of this paper to discuss whether Washington’s concessions in Atlanta were warranted under the circumstances.
not true of *justice without* duties. Rather, they respond to this question: If informal political representation of oppressed or marginalized groups is risky and in many cases objectionable, as skeptics contend, what could possibly justify undertaking this practice?

To justify such representation in the face of its perils, the practice must offer something that could not come to the imperiled in its absence. Given the dangers involved, undertaking such representation must be justified in part by (i) the represented’s need and (ii) the benefits that may foreseeably accrue to the represented in virtue of it. The need for representation of some sort is obvious in the cases at issue here, where the groups to be represented are unjustly oppressed or marginalized in their society in ways that are made manifest partly by exclusion from formal representative bodies. However, these oppressed or marginalized groups require informal political representation in particular only if it benefits them. Some benefits were offered in §III. These benefits justify the practice just to the extent that they serve the overall organizing aim of *Eradication*. *Eradication* is given specific substantive content here by the particular circumstances that exist between the parties at issue: Given their particular platform and position, the representative is especially well-situated to work toward the eradication of represented groups’ marginalization or oppression by being the conduit through which the represented are included in the political conversation in their exclusionary society. The representative themself must be guided by the aim of *Eradication*, meaning that they must aim to engage in representative actions that confer such benefits.94

*Justice without* duties guide the informal political representative when they are in the process of performing the outward-facing aspect of their role: speaking or acting on behalf of the represented to the audience. *Justice without* duties answer questions like: (1) What ought the representative say or do when before an audience? (2) How may or must the representative do this representing? (3) Before

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94 This complements the representative’s *democracy within* duties: Just as the informal political representative must forebear from becoming an (additional) oppressive force in the lives of the represented, so too ought they aim to make it the case that existing sources of the represented’s oppression are mitigated or eradicated where possible.
whom ought the representative speak or act, when they have some discretion in the matter? (4) Who
is well situated to be a representative for the group?

It is more difficult to provide a general characterization of the content of justice without
duties than it was to provide a general characterization of democracy within duties. Here's why: Democracy within
duties are meant, fundamentally, to correct for an inherent inequality at issue in all relationships
between informal political representatives and marginalized or oppressed represented groups.
Although different sorts of representative-represented relationships will give rise to correspondingly
greater or lesser inherent inequality between these parties, all represented parties’ marginalization or
oppression puts them, to some extent, at the mercy of their representative.

Some justice without duties will emerge as complements to the democracy within duties, as we saw
in the response to Concessive. In other cases, however, justice without duties will emerge to guide the
representative to work toward the eradication of a particular group’s oppression or marginalization,
and different groups are oppressed or marginalized in different ways by different actors in different
contexts. In these cases, identifying substantive constraints on the outward-facing aspects of the
representative relationship requires context-specific information about who the represented are and
the particular nature of their group-based oppression or marginalization.

The aim here, then, will simply be to try to understand what kinds of normative considerations
fall within the ambit of justice without duties by providing a few illustrative examples:

Consider first: What ought the representative say or do before the audience? Eradication is a
guiding principle and not, without more, action-guiding. For action-guidance, the representative must
consider further questions: What is the nature of the marginalization or oppression? Who is the
audience? Consider a few cases that examine how these questions might be answered:

1. Complete marginalization: Begin by considering a group whose marginalization is so complete
that few know there is such a group. The first order of business will be to direct public consideration
to the fact of the group’s existence—as when the group *children sexually abused by Catholic priests in Boston* was brought to American national consciousness.95

2. *Group formation.* Next, imagine a plurality of individuals do not know themselves to have shared, politically salient interests, which keeps them from understanding themselves to form a group. In such cases, the plurality stands to the representative as both audience and represented. The representative must represent the plurality to itself as a group as a precondition of the group’s members coming to understand themselves as a group—as have been the aims of labor organizers and feminist consciousness-raising groups. Here, the representative’s work is prefatory: Creating conditions under which group members may identify as group members and thereby recognize, *inter alia,* their shared marginalization, oppression, or both.

Consider next, by way of illustration: Before whom ought the representative speak or act? In some cases, the representative will have some discretion as to their audience.96 When this is so, different considerations will give the *justice without duties* more specific content:

3. Some considerations are prudential. For example: (i) A general constraint all representatives face is scarcity.97 The representative has only so much time and must make reasoned assessments of which opportunities would best serve the represented. Generally, an informal political representative should choose to seek out or accept invitation from sympathetic or influential audiences, hoping to use their platform effectively. (ii) So, too, might it be prudent for a representative to avoid certain audiences. For instance, a representative may rightly think that a government official should not be alerted to the presence or existence of a vulnerable group they represent—homeless mothers squatting


96 As I argue in “Conscription,” choosing one’s audience is not always possible.

97 Williams, *Voice,* 198.
in Oakland, California, say\textsuperscript{98}—if the foreseeable outcome of that alert is eviction.

4. Other considerations emerge from the representative’s general moral responsibilities. Imagine, for instance, that an informal political representative for women is invited to speak before a male supremacist association.\textsuperscript{99} Stipulate that, were the representative to accept, they would convince the association to disavow its ideology and disband. So, accepting the invitation would satisfy the duty to work towards eradicating the represented group’s oppression (\textit{Eradication}) by dissolving an association committed to maintaining the represented’s oppression. However, accepting the invitation expresses an objectionable form of recognition towards the objectionable group. We return to the evaluation of hard cases in §VII.

\textbf{E. Taking Stock}

\textit{Democracy within} duties (\textit{consultation, welcoming criticism, transparency}) are the relational duties and \textit{justice without} duties are the purposive duties owed by the informal political representative when the represented are marginalized or oppressed. \textit{Democracy within} duties satisfy \textit{Noncontribution} by undermining the inherent inequality in the immediate relationship between the representative and the represented and keeping the representatives from themselves becoming oppressors or marginalizers. \textit{Justice without} duties satisfy \textit{Eradication} by furthering the represented’s appeals to a broader public. If abided by an informal political representative of a marginalized or oppressed group, they render the representative noncriticizable on any ground raised in §IV except \textit{Homogenizing}, which is an inevitable feature of all political representation.


VI. Informal authorization and ratification

We return now to the crosscutting consideration mentioned in §II: namely, that informal authorization or ratification can affect the stringency of a representative’s relational duties.

Should a representative receive the endorsement of the represented themselves (call this *group uptake*\(^\text{100}\)), they enjoy the status of either an *authorized* or *ratified* informal political representative. Such cases are rare but happen, as the example of the Montgomery bus boycott illustrates. *Group uptake* can be prospective (*informal authorization*) or retrospective (*informal ratification*). It can take as its object either particular representative statements or actions or the representative themself.

Recall that, while *consultation*, *welcoming criticism*, and *transparency* are necessary for an informal political representative to be not criticizable as *Committing*, they are insufficient. The *Committing* criticism is motivated by a concern that a representative will unjustifiably hold themselves forth as an apparent authority. So as not to be open to this criticism, the informal political representative ought not in the normal course of things hold forth as having authority to make commitments on the represented’s behalf.

However, *group uptake* can loosen these constraints. *Group uptake* can justify a representative’s deviation from *democracy within* duties because the correction that *democracy within* duties provide is not needed when there has been *group uptake*. *Democracy within* duties are meant to protect the represented from being at the mercy of the representative—a relational inequality. But if there has been *group uptake*, this relational inequality is either not at issue or has been diminished and so the corrective protection of *democracy within* is not needed to the same extent.

So, generally: A representative activity that would have been criticizable absent *group uptake* may not be criticizable when *group uptake* obtains *even if* the informal political representative does not

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\(^{100}\) The represented group is itself a type of audience, so *group uptake* is a subtype of the more general phenomenon of *audience uptake*.
consult, welcome criticism, or represent transparently. Group uptake can give an informal political representative more discretion as to the manner and scope of their representative activities than they would otherwise have had. What this discretion allows for depends on the particulars of the group uptake—for instance, how it was carried out, what if any were its express terms.

A further feature of informal authorization is that it can permit an informal political representative to make commitments on behalf of the represented group.

What might informal authorization and informal ratification, respectively, look like?

Informal authorization takes place prospectively, in advance of representative activities. On Friday, December 2, 1955, E. D. Nixon, Rev. Ralph Abernathy, and King decided amongst themselves that a bus boycott was an appropriate protest for black bus riders in Montgomery to undertake. Yet, they acknowledged that this decision could not be made unilaterally—they needed support from community leaders and the broader community. They called a “meeting of all the ministers and civic leaders” to discuss the proposed boycott. Somewhere between 40 and 70 community leaders “from every segment of Negro life…physicians, schoolteachers, lawyers, businessmen, postal workers, union leaders, and clergymen” showed up. The meeting was conflictual and attendance dwindled to 20, at which point, “despite the lack of coherence in the meeting,…[i]t seemed to be the unanimous sense of the group that the boycott should take place.” Agreeing to the boycott was an authorizing act, not by the whole black bus rider community, but by those present at the end of the meeting.

101 King, *Stride*, 32.
102 Ibid.
103 Ibid., 33.
104 David J. Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference* (New York: Open Road Media, 2015), 18, Kindle.
105 King, *Stride*, 33.
106 Ibid., 34.
That night, Abernathy and King “mimeographed leaflets concerning the arrest and the proposed boycott” and at least 200 volunteers handed them out door-to-door on Saturday morning—now, include these volunteers among informal authorizers.109 Also on Saturday, further informal authorization: “one of the [taxi] committee members informed [King] that every Negro taxi company in Montgomery had agreed to support the protest on Monday morning.”111

Still, the boycott’s organizers did not know until Monday morning whether they had received widespread informal authorization from the black Montgomerian community.112 It was only by surveying the buses that organizers found out that they had received widespread authorization for their boycott decision. Recall King’s drive through the streets of Montgomery (en masse consultation): “Instead of the 60 percent cooperation we had hoped for, it was becoming apparent that we had reached almost 100 percent.”113 Informal authorization occurred again at the meeting at Holt Street Baptist Church that evening: “three to four thousand people who could not get into the church” stood outside “throughout the evening, listening…on the loudspeakers,” and there was a traffic jam for five blocks leading to the church.114 The Montgomery black community’s cooperation in the boycott was their authorizing act—group uptake obtained.

The Montgomery bus boycott is a case of informal authorization if anything is. Not all cases will look like this, of course. But nor need they for informal authorization to be granted. The Montgomery case far outstrips what could ever reasonably be required in either formal or informal political representation—near-unanimity is a far higher bar than is ever required in formal political representation. An informal political representative might have a smaller following, uptake from only

109 Garrow, Bearing, 19.
110 Ibid.
111 King, Stride, 40.
112 Garrow, Bearing, 21.
113 King, Stride, 42.
114 Ibid., 49.
some parts of the represented group (the taxi companies, say). Broad consensus may sometimes only be discerned from the *en masse* responses of group members: the buses empty, the church pews full.

Informal ratification takes place retrospectively. The widespread support for the boycott by black Montgomerians on December 5 did not just authorize King’s representative activities going forward but, we may think, also ratified decisions King, Nixon, and Abernathy on made December 2—the community leaders’ meeting, the leafletting.\(^{116}\)

In fact, prior to these decisions, there was not support for a boycott: “One mid-1954 meeting of community leaders had found a majority opposed to any boycott at that time.”\(^{117}\) As such, King’s and Abernathy’s December 2 decision to propose a boycott knowing that such action had been widely opposed is an expression of apparent authority (for which they may have been contemporaneously criticizable) retrospectively ratified by the widespread support received on December 5.

Tacit ratification—a representative speaking or acting on behalf of a group in a number of fora without subsequent group dissent—though possible, is unlikely. In many cases, the absence of dissent will indicate not tacit ratification but instead the group’s marginalization or oppression. Consider: If the group’s members are not aware of the representations or not capable of expressing dissent, we should have little confidence that the representative has tacit support. However, if in a given case the represented could and would almost certainly have raised “blistering protest” or “a temporary uproar” had they disapproved of the representative’s actions, but did not do so, then tacit ratification is possible in that case.\(^{118}\)

\(^{115}\) Ibid., 60.

\(^{116}\) That these actions were subsequently ratified, if they were, does not mean that these actions were not subject to criticism or evaluable as wrong at the time they were undertaken.

\(^{117}\) Garrow, *Bearing*, 15.

\(^{118}\) King, *Stride*, 34.
VII. When *democracy within* and *justice without* conflict

Sometimes there will be conflicts between *democracy within* and *justice without* duties. Consider:

As mentioned, on December 8, 1955, King along with other members of the Montgomery Improvement Association (MIA), met behind closed doors with Montgomery Mayor Gayle, city commissioners, and bus company representatives. Imagine this group had reached a provisional bus seating arrangement deemed desirable by the MIA, but the City needed to know in the moment whether black Montgomerian bus riders would be on board with the arrangement. The private negotiating session would almost surely have broken down if King were to have taken the deal back to the group in the interest of satisfying *democracy within* duties of transparency and consultation. So, King would have had to act expediently and without group input to secure the deal, otherwise it would have been off the table. If *democracy within* duties like transparency and consultation always trump, then King would have had to take the deal back to the black Montgomerian community even if doing so would make it impossible to reach the underlying valuable agreement. Sometimes, there are pro tanto reasons to secure urgently needed political goods, satisfying *justice without*, even when doing so conflicts with satisfying one’s *democracy within* duties.

What should the representative do when these two sets of duties prescribe incompatible courses of action? Answering this question requires considering what it is permissible to do in the name of eradicating others’ marginalization or oppression, more generally. Consider two competing views: *side constraints* and *by any means necessary*.

*Side constraints*: Not even eradicating marginalization or oppression could justify violating fundamental moral requirements, which are independent, invariant, and inviolable *side constraints* on

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119 Ibid., 100-101.

120 As history reminds us and King writes in his memoir, these negotiations in fact broke down because of a combination of standing segregation laws and racist commitments on the part of the bus company. King, *Stride*, 101.

one’s actions. For the informal political representative, this means that the fact of the represented’s marginalization or oppression could not justify violating these side constraints. These constraints apply even when (i) the representative’s actions would be guaranteed to eradicate marginalization or oppression, and (ii) the representative’s actions are undertaken with this intention. If one is moved by side constraints, one will also be led to think that, in cases of conflict, democracy within duties are paramount. The representative cannot justify risking being an oppressive or marginalizing force even in the name of undermining other sources of oppression or marginalization.122

A variant of side constraints is even stronger: The marginalized and the oppressed have a special, further claim against the representative in particular that the representative not violate these side constraints precisely because of the inequality inherent in their relationship. That is, the fact that the represented are at the mercy of the representative gives the representative further reasons to abide the side constraints that have been outlined here as democracy within duties.

By any means necessary: The side constraints view will strike some as naïve. Marginalization and oppression are deep and pervasive violations of others’ personhood. When present, they are the most fundamental moral considerations of all and the duty to tend to their eradication is not constrained by other duties. As such, conditions of marginalization or oppression justify bringing about their alleviation by any means necessary. On such a view, working towards eradicating others’ marginalization or oppression is paramount, and accordingly should be prioritized over competing considerations. For the informal political representative, this means that their ultimate aim is to use their platform to alleviate such conditions. If one is moved by by any means necessary, one will also be led to think that, in cases of conflict, justice without duties trump. The representative should prioritize actions that are foreseeably likely to eradicate the represented’s marginalization or oppression even if, by so doing, the representative themself fails to engage in behaviors constitutive of treating the represented as their

equals.

The tension exemplified in *by any means necessary* versus *side constraints* is, of course, a perennial and fundamental question and not one I aim to resolve decisively here. We make progress even by identifying how this tension emerges and shapes the stakes for both the informal political representative and the represented.

For myself, I favor *side constraints*. Nothing is more fundamental than how we treat one another. That a person is subjected to marginalization or oppression makes their individual claim to be treated in accordance with invariant and inviolable moral commitments no less strong. To do otherwise is to treat the marginalized or the oppressed as objects or patients whose lives and circumstances must be managed rather than as agents whose claims to be treated as equals should be given the same weight as anyone else’s. What’s more, when circumstances are not just (as when another is subject to marginalization or oppression), it is the responsibility of those who are in dominant positions to take corrective measures to bring about conditions of equal treatment when they are absent. This means that informal political representatives for the marginalized and the oppressed, among others, have special, further responsibilities to correct for the inherent inequality in their relationships with the marginalized and the oppressed. Doing so only when it suits the representative’s vision of what justice requires for the represented is as much a danger to the represented as many other violations of their agency.

*Democracy within* duties are, then, side constraints—indeed and more fundamental than *justice without* duties. When there is a conflict between the prescriptions of the two sets of duties, the representative ought, all else equal, to adhere to the dictates of the *democracy within* duties. The reasons to defend this position should not come as a surprise. It is the representative who receives invitation
to speak before Congress,\textsuperscript{123} to sit with the President,\textsuperscript{124} to be on television,\textsuperscript{125} to say or do on behalf of the represented what the represented do not have platforms to say or do themselves.\textsuperscript{126} This relational imbalance leaves the represented at the mercy of the representative, and democracy within duties are meant to correct for this imbalance.

Of course, arguments can be made for favoring by any means necessary over side constraints. I shall leave it to others to do so. I suspect that those who take this tack will have more difficulty responding to skeptics who claim that informal political representation is impermissible because it is, inter alia, inegalitarian or oppressive.

There will be special cases in which democracy within duties need not be abided so rigidly. Such special cases, however, require special justification: Group uptake, discussed above, is one such justification. Add to this non-reliance and (only rarely) direness.

Non-reliance. Democracy within duties may be deprioritized when a group does not rely solely on a given representative for their communicative access to the broader society. The group may have other representatives (formal or informal) or direct access to relevant audiences. The underlying value of equality democracy within duties promote becomes no less important in cases of non-reliance. Rather, under non-reliance, the group is simply not at the mercy of the representative in ways that give rise to the relational inequality for which democracy within corrects.

Direness: “‘Now is the time to move….This is no time to talk; it is time to act.’” So said Rev. L. Roy Bennett, chairing the December 2 Montgomery community leaders’ meeting. The urgency of their cause motivated him to “refuse[] to allow anyone to make a suggestion or even raise a question.”

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\textsuperscript{125} King, Stride, 96-100.
\textsuperscript{126} Menchú, I, Rigoberta Menchú.
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It was only in the face of “blistering protest” that “Bennett agreed to open the meeting to discussion.”\textsuperscript{127} Can a represented group’s desperate need, by itself, ever justify foregoing satisfaction of democracy within duties like consultation or welcoming criticism?

Imagine: The represented group is in dire straits. Their circumstances have become untenable and there are temporal constraints on bringing about their remediation. They rely on their informal political representative for any political influence they may hope to have. A midnight negotiating session is taking place between their representative and a government official. The representative and the official are hammering out the details of a controversial deal that, if reached, would advance the group’s treatment in their society. The session will break down if the representative takes the deal back to the group to be transparent. So, the representative must act expediently and without group input to secure the deal, otherwise it will be off the table. If democracy within duties always trump, then the representative would have to take the deal back to the group even if doing so would make it impossible to reach the underlying valuable agreement. What ought the representative do?

One can feel the pull of two different, competing impulses profoundly in this case. (1) The group is deeply reliant on this representative. The aforementioned relational imbalance is fully realized in this case, so the representative ought to abide the dictates of the democracy within duty of transparency in the interest of treating the represented as their equal. (2) This midnight deal may not come around again. Ought not the representative strike the deal first and then ask for forgiveness from the represented group’s members, just this once?

There is a strong presumption against the representative foregoing their democracy within duties. To do so is to reinforce a relational imbalance between themself and the represented, particularly when the represented are profoundly marginalized or oppressed. Here are two considerations that bear on cases of dire need and midnight deals:

\textsuperscript{127} King, Stride, 34.
First, the representative is never free of their general moral duties, including the duty of rescue. So, if the case at hand is truly one in which the representative would, in making this deal, protect the represented from ongoing harm, violence, injury, or death, then the representative is justified in satisfying their duty of rescue at the expense of their democracy within duties. In such a case, the representative incurs a residual responsibility to seek out group ratification at first light.

Second, the informal political representative is not omniscient, and so they may be incorrect in thinking they are engaging in rescue. If they forego their democracy within duties without truly being in the kind of situation where the represented (i) uniquely depend on them, (ii) the urgency of the situation is profound, and (iii) the represented need rescue and not mere representation, then they are not justified in foregoing their democracy within duties in this case. They wrong the represented and are subject to criticism for so doing.

By looking carefully at the structural and moral features of informal political representation of oppressed and marginalized groups, we have gained this insight: Sometimes there will be hard cases, where democracy within and justice without duties conflict. And as it turns out, these conflicts are not just contingent features of some informal political representative relationships—they are part of the deep structure of the phenomenon.

VIII. Conclusion

Informal political representation is a needed social practice in societies like ours, a practice that can protect or oppress. The foregoing is an account of the moral structure of this practice as it affects the lives of the most vulnerable. I have argued:

1. Members of marginalized and oppressed groups often lack political power that would aid them in redressing their marginalization or oppression.

2. In representative democracies, this lack of political power often manifests as exclusion from or inefficacy in representative lawmaking bodies.
3. In such societies, informal political representatives often engage in the activity of representing marginalized and oppressed groups.

4. However, informal political representatives for marginalized and oppressed groups are often quite reasonably criticized for many of the things they do when engaging in this activity.

5. So as to be not criticizable for doing things central to their role, informal political representatives for marginalized and oppressed groups must treat the represented in certain ways that, taken together, make up the democracy within and justice without duties.

6. Sometimes, democracy within duties and justice without duties will come into conflict.

7. When conflicts emerge, democracy within duties trump unless special justification (group uptake, non-reliance, or direness) is available.