

ARTICLE

Democracy within, justice without: The duties of informal political representatives¹

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Abstract

Informal political representation can be a political life-line, particularly for oppressed and marginalized 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 such representation offers these groups are its particular dangers to them. Mindful of these dangers, skeptics challenge the practice for being, inter alia, unaccountable, unauthorized, inegalitarian, and oppressive. These challenges provide strong pro tanto reasons to think the practice morally impermissible. This paper considers the question: On what conditions is the informal political representation of oppressed and marginalized groups permissible? By responding to skeptics' challenges, I develop a systematic account of moral constraints that, if adopted, would make such representation permissible. The account that emerges shows that informal political representatives (IPRs) must aim to fulfill two sets of sometimes conflicting duties to the represented: *democracy within* duties, which concern how the representative treats and relates to the represented, and *justice without* duties, which concern how the representative's actions advance the aims of the representation.

KEYWORDS

conflicts of duties, informal political representation, oppression, political ethics, social equality

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1 | INTRODUCTION

Informal political representatives (IPRs) are ubiquitous.² They speak or act on behalf of others though neither elected nor selected by means of formal, systematized election or selection procedures. Familiar examples abound: Me Too Movement leader Tarana Burke informally represents sexual assault, abuse, and harassment survivors (see, e.g., Burke, 2017). Black Lives Matter informally represents Black communities throughout the United States and beyond (see, e.g., Garza, 2016). Former Marjorie Stoneman Douglas High School student Aalayah Eastmond informally represents not only fellow former classmates but American high schoolers generally, as when she testified before Congress: “We **are** the generation that will end gun violence” (*Preventing Gun Violence*, 2019).

Informal political representation is nothing new. It has long played a role in the public expression of the values, interests, and preferences of oppressed and unjustly marginalized groups.³ At the 1895 Cotton States and International Exposition, Booker T. Washington made his “Atlanta Compromise” speech before an audience of both Black and white Southerners on behalf of Black Americans, offering a number of public concessions on their behalves (Washington, 1901/1999, p. 167). “The wisest among my race,” he said, “understand that the agitation of questions of social equality is the extremest folly” (Washington, 1901/1999, p. 170). 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” (Washington, 1901/1999, p. 170).

Informal political representation is an inevitable and ineradicable practice in societies like ours and indeed in any deliberative forum besides small face-to-face committees.⁴ The phenomenon emerges even in fora some may have hoped were immune: “direct democracies often cede political power to arrogant loudmouths whom no one chose to represent them” (Young, 2000, p. 125).

However, informal political representation’s ineradicability should not give us pause. Quite the contrary: There is reason to favor and even to celebrate the practice. The practice can be especially valuable for members of oppressed and marginalized groups, who tend to lack the political power that would aid them in redressing their oppression or marginalization. In representative democracies, this lack of political power often manifests as exclusion from or inefficacy in formal political representative (FPR) lawmaking bodies. As a result, the interests of such groups do not tend to be expressed nonaccidentally in, let alone satisfied by, the FPR institutions that shape their members’ lives.⁵ IPRs can play a *sui generis* corrective role for these groups. Though unelected, IPRs come to speak for these groups in many fora, at protests and on picket lines, from the kitchen table to Congress.⁶

Yet, the dangers of informal political representation to oppressed and marginalized groups are considerable. Skeptics quite reasonably caution that IPRs can imperil the represented by being unauthorized (X, 1963), unaccountable (Reed, 1986), inaccurate (Cornish & Russwurm, 1827), elitist (Morton, 2021; Reed, 1986, p. 35), homogenizing (Cook, 2009), overpowering (Du Bois, 1903/1999), concessive (Du Bois, 1903/1999, p. 36), overcommitting (see, e.g., King, 1958/2010, p. 97), occlusive (Alcoff, 1991; Monbiot, 2013), inegalitarian (Salkin, 2021b), and oppressive (Alcoff, 1991; Walzer, 1970). Such dangers lead many to the conclusion that the informal political representation of oppressed and marginalized groups is morally irremediable.

There are concrete concerns at stake in defending informal political representation from skepticism. If the practice is to be pursued as a valuable form of political communication rather than simply abided begrudgingly as an ineradicable feature of political life, we must have something to say

about the sources of its value. Accordingly, in Subsection 2.2, I identify and illustrate some of the distinctive and salient political goods IPRs provide to the oppressed and the marginalized: voicing groups' neglected interests, making overlooked groups visible, stirring group consciousness in members of oppressed or marginalized pluralities, serving as communicative conduits between represented groups and their unresponsive lawmakers, and negotiating on represented groups' behalves. The valuable features of informal political representation give us reason to defend it from skeptics.

So, could the practice be constrained so as to make it morally permissible for people to serve as IPRs of oppressed and marginalized groups? I argue that it can be.

In this article, I consider this question: Given its dangers to oppressed and marginalized groups, on what conditions is the informal political representation of such groups morally permissible?

I answer: To represent permissibly, IPRs for oppressed and marginalized groups must satisfy two sets of duties—*democracy within* and *justice without*. These duty sets tell IPRs how to (i) speak or act before audiences on behalf of the represented (*justice without*) and (ii) structure their immediate deliberative relationships with the represented (*democracy within*). Sometimes, these duty sets will prescribe conflicting courses of action. When conflicts emerge, *democracy within* duties trump unless special justification is available.

The structure of this article is as follows:

In Section 2, I provide a general analytical framework for understanding informal political representation—one that is conceptually clear and portable—and discuss how IPRs both benefit and imperil oppressed and marginalized groups.

In Section 3, I make clear the ills of informal political representation by schematizing aforementioned skeptical challenges and considering how these challenges apply to IPRs of oppressed and marginalized groups. Doing so helps us understand with systematicity and precision what exactly is (and is not) wrong with such representation.

In Sections 4 through 6, I respond to these challenges and, by so doing, set out an account of the moral considerations to which IPRs of oppressed and marginalized groups must be responsive if they are to represent permissibly. Specifically:

In Section 4, I argue that IPRs of oppressed and marginalized groups must satisfy *democracy within* and *justice without* duties. These duties emerge from the distinctive context of such representation, where the represented's considerable vulnerability meets representatives' unconstrained and sometimes completely unchecked power. These duties cannot simply be read off the duties that FPRs have to constituents, as there are institutional procedural protections available in formal contexts that are, by definition, absent here.

IPRs' duties to oppressed or marginalized represented groups are neither surprising nor distinctive of the relationships at issue. This is a virtue of my account: *Contra* skeptics who contend that informal political representation is morally unsalvageable, my account shows that we have moral resources to respond to the challenges surveyed in Section 3.

Detailed characterizations of each duty set are provided in subsequent sections—*democracy within* in Section 5 and *justice without* in Section 6.

In Section 7, I discuss additional roles *democracy within* and *justice without* duties may play in shaping relationships between IPRs, represented groups, and third parties.

In Section 8, I turn to conflicts between *democracy within* and *justice without*. The job of the IPR will not always be easy. IPRs will have to make difficult choices under tense conditions. Conflicts between *democracy within* and *justice without* lead to hard cases and painful tradeoffs, and return us to a perennial question at the heart of political philosophy: Should we seek justice by *any* means necessary?

In Section 8, I also consider what difference informal authorization or informal ratification by represented group members (call these practices, collectively, *group uptake*) can make to the strength of IPRs' duties to the represented. Using the example of the Montgomery bus boycott, I illustrate how authorization and ratification can manifest outside traditional political fora.

Section 9 concludes.

2 | INFORMAL POLITICAL REPRESENTATION

Informal political representation has two aspects—structural and moral.

2.1 | Structural

Informal political representation is a triadic relationship between a representative, a represented party, and an audience.⁷ An IPR is a person or group who, though neither elected nor selected by means of a systematized election or selection procedure, speaks or acts on behalf of some individual or group besides themselves in a given context. Call this *informality* (Salkin, 2021a, p. 5).

IPRs are selected by audiences. Call the fact that makes it the case that someone is a representative under conditions of informality *audience uptake*. An audience can be a group or an individual, and in some cases comprises the represented themselves (*group uptake*⁸). A person or group becomes an IPR in a given context just in case informality and audience uptake obtain (Salkin, 2021a, p. 5).

To better understand audience uptake, return to Washington's "Atlanta Compromise" speech. Above, I contended that, there, Washington spoke as an IPR of Black Southerners. But this is true only if audience uptake obtained. Had it? Consider: Immediately before his address, Washington was introduced by Georgia Governor Rufus Bullock: "We have with us to-day a representative of Negro enterprise and Negro civilization" (Washington, 1907, p. 217). Bullock was an audience performing uptake—he indicated that he took Washington to speak for Black Americans. Exposition attendees granted Washington uptake that day, too:

When he was finished... "tears ran down the faces of many blacks in the audience. White southern women pulled flowers from the bosoms of their dresses and rained them on the black man on stage." It was a revolutionary moment, a black man... declaring a new social policy for the South. (Bauerlein, 2004, p. 107)

Presidents Roosevelt and Taft both granted Washington uptake as an IPR for Black Americans, seeking his advice on race relations in the United States (Norrell, 2009, pp. 4, 130). Even Du Bois, one of Washington's most enduring critics, granted uptake: "To-day he stands as the one recognized spokesman of his ten million fellows" (Du Bois, 1903/1999, pp. 35–36).

Audience uptake and informality are jointly sufficient to bring about an IPR, meaning one need not (and, indeed, cannot) appoint oneself as an IPR (Salkin, 2021a, pp. 3–4, 11). So, while Washington expressed the intention to be an IPR—"I but convey to you... the sentiment of the masses of my race" (Washington, 1901/1999, p. 167)—his audiences made him one.

Informal political representation is not different in kind from formal political representation.⁹ The two phenomena have at least one fundamental feature in common: both are phenomena wherein one party speaks or acts for another party before an audience in some context. Instead,

the two phenomena fall in far corners of a space of political representation, throughout which we find many different types.

A political representative can be more or less formal by virtue of several different features of their role, including authorization, group membership, accountability, and norms, elaborated below. Differences between IPRs and FPRs with respect to these four features explain why IPRs are not constrained in ways formal analogs are.

2.1.1 | Authorization

One of the features of political representation that contributes to a representative's formality or informality is whether and if so how the representative can be authorized.

Some representatives are not authorized in any way. We may think of such representatives as fully authorizationally informal. Among political representatives who do receive authorization, the more systematized (by which I mean codified, reliable, and repeatable) the mechanism by which the representative is authorized, the more authorizationally formal the representative. Political representatives who emerge as a result of a systematized election or selection procedure are fully authorizationally formal—such representatives are paradigmatic examples of FPRs.

In between these extremes, there are more and less systematic authorization mechanisms. Informal authorization and ratification (collectively, *group uptake*) are sometimes possible, but are different from formal authorization and ratification both because they lack systematicity and because neither is a precondition for emerging as an IPR. When they obtain, informal authorization and ratification may affect the nature and scope of the IPRs' duties to the represented—a crosscutting consideration to which we return in Section 8, where I discuss the informal authorization and ratification of Dr. King as the IPR of Black Montgomerians.¹⁰

2.1.2 | Group membership

Another feature of political representation that contributes to a representative's formality or informality is whether the representative speaks or acts for a represented group the membership of which can be determined accurately—that is, (i) there are widely accepted and perhaps even institutionally codified norms specifying who is included in the group and (ii) either there is not contestation as to who is included or, if there is contestation, there is a norm by which contests are adjudicated.

The determinateness of a represented group's membership affects what sorts of authorization procedures the group can effect. Formal authorization procedures tend to be stable, in part, because groups whose members participate in these procedures tend to have well-defined memberships. Legislators represent the citizens of their districts, whose membership in the citizenry is determined by law. Outside of government, corporately organized bodies like the NAACP have established procedures for determining who count as group members. As a result, it can generally be said with confidence who may take part in election or selection procedures for FPRs. By contrast, IPRs tend to represent groups whose memberships are not well-defined and for which there are not established procedures for determining membership. (It is, of course, possible for a group with a well-defined membership to be represented informally.)

2.1.3 | Accountability

Another feature of political representation that contributes to a representative's formality or informality is whether and if so how the representative can be held accountable.

Political representatives are formally accountable if they are subject to systematized accountability mechanisms—that is, organized, reliable, repeatable mechanisms that are, at least in theory, effective at holding representatives to account. Some formal accountability mechanisms are sanctioning mechanisms, like censure and impeachment, carried out by representative bodies of which the representative is a part. Other accountability mechanisms are removal mechanisms which may also be sanctioning mechanisms. A paradigmatic removal mechanism is the periodic election, whereby a given incumbent is either retained in or removed from a representative body by the electorate.¹¹

Political representatives subject to no accountability mechanisms whatsoever are unaccountable.

In between these extremes, some representatives are subject to less systematic or wholly unsystematic accountability mechanisms, like protest, disavowal, or cancellation. Informal accountability mechanisms like protest do not predictably trigger legally encoded outcomes for representatives and so tend to be less reliable (Salkin, 2021a, p. 7).¹² Such representatives are informally accountable. Still, some informal accountability mechanisms are more reliable than others. Compare a highly organized and centralized body like the AFL-CIO, whose members effectively and repeatably sanction or remove their IPRs (see, e.g., “A.F.L.-C.I.O. ousts,” 1957; Chaison, 1973), with decentralized social movements like Occupy Wall Street (Bray, 2013, p. 170; Gould-Wartofsky, 2015) or Black Lives Matter (Taylor, 2016), whose participants may sanction or remove their IPRs from time to time albeit less reliably.¹³

2.1.4 | Norms

Another feature that contributes to a political representative's formality or informality is whether and to what extent the norms that guide the relationships between the representative and the represented are institutionalized and codified.

In more familiar, formal cases, representatives are beholden to norms codified in law, organizational bylaws, or rules, applied in like manner across like cases.

In less formal or wholly informal cases, these institutional structures are precisely what's missing. In some cases of informal political representation, there may be no norms whatsoever to guide one's representative activity, as when one is accosted by a news crew at the scene of a breaking story in one's neighborhood and expected to speak for one's neighbors (Salkin, 2021a, p. 9).

By contrast, in other informal cases, there may be widely shared and established norms concerning the representative's responsibilities to the represented. For instance, an IPR and those they represent may be embedded in a movement with established norms, like the Movement for Black Lives (Movement for Black Lives, n.d.). Even so, because these established movement norms cannot be reliably enforced, the norms are not fully analogous to institutionalized, codified norms. Whatever normative requirements IPRs must satisfy cannot, therefore, be enforced through institutions, but must instead be promoted through deliberative social practices. Whether and to what extent these norms are enforceable will also inform the aforementioned accountability considerations.

Each of these four features—authorization, group membership, accountability, norms—informs whether and to what extent a given political representative is formal or informal. For instance, one representative may be fully formally authorized but not at all accountable, while the reverse may be true of another. That said, in extant political systems, the aforementioned four features tend to covary such that, for instance, a political representative who is formally authorized is also more likely to be subject to systematized and institutionally reinforced accountability mechanisms.

2.2 | Moral

The target of this article is to identify the conditions on which paradigmatic cases of informal political representation of oppressed and marginalized groups could be morally permissible. Identifying these conditions matters because, notwithstanding its perils, informal political representation can be immensely valuable to oppressed and marginalized groups. Consider some political goods IPRs can provide to these groups:

2.2.1 | Promise

Voicing interests

IPRs may supplement inadequate formal political representation or be lone voices for groups altogether lacking FPRs. For example, the unpopularity of stigmatized groups like registered sex offenders (see, e.g., Burchfield & Mingus, 2008) makes it risky for FPRs, seeking reelection, to take up their mantles. As one registrant put the point: “Who wants to risk being called a pedophile-lover?” (Chammah, 2016). IPRs may tread where formal analogs dare not. Though not immune to criticism for representing unpopular groups, IPRs need not choose between representation and reelection.

Making visible

Some groups elude notice. IPRs can make governments and broader publics aware that there are groups 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 (Menchú, 1983/2010).¹⁴

Group consciousness and group formation

IPRs can make groups visible to themselves by, for instance, impressing on pluralities that they have shared politically salient interests (see Disch, 2015; Montanaro, 2018, p. 38; Saward, 2009; Saward, 2010), as has long been the vocation of labor organizers (see, e.g., Marx & Engels, 1888/1978, pp. 480–481).

Communicative conduits

IPRs often communicate between the represented and lawmakers (Kuyper, 2016). King communicated between bus boycotters and the City of Montgomery (see, e.g. King, 1958/2010). Menchú’s ability to speak both Spanish and K’iche’ enables her to communicate between government officials and Indigenous Guatemalans (Menchú, 1983/2010, pp. xi-xii). The Abahlali

baseMjondolo Movement communicates between judiciaries and South African shack dwellers (*Abahlali baseMjondolo Movement SA v. Premier of the Province of Kwazulu-Natal*, 2009).¹⁵

Negotiation

An IPR may even negotiate on a group's behalf, as aforementioned examples attest.

2.2.2 | Perils

Yet, IPRs can imperil oppressed and marginalized groups. Without institutional or procedural constraints, IPRs may wield their power to influence what becomes of the represented free from fear of reprisal or rebuke. So positioned, they may gravely mischaracterize or overpower the represented. To make matters worse, IPRs are often the only political actors working to advance the interests of oppressed and marginalized groups, meaning that these groups come to rely on their IPRs. These circumstances, taken together, leave many marginalized and oppressed groups at the mercy of their IPRs, rendering such relationships inegalitarian and, sometimes, oppressive. We return to a more systematic consideration of these perils in Section 3, where these challenges are schematized. These skeptical challenges must be answered by any normative theory of informal political representation as a condition of its adequacy.

When morally evaluating political representatives of any sort, two considerations are paramount—whether representatives treat the represented as they ought (*relational considerations*) and whether representatives' actions advance the aims of the representation (*purposive considerations*). Accordingly, representatives have duties to the represented that correspond to each type of consideration.

Relational duties guide representatives in their immediate treatment of the represented. Purposive duties guide representatives to use their positions to advance the specific substantive aims of the representation—for example, advocating for voting rights (Montgomery, 1965) or protesting unjust detention conditions (A. Davis, 1971). The respective grounds of relational and purposive duties and, consequently, their content differ depending on the specific type of political representation at issue. IPRs of oppressed or marginalized groups have *democracy within* duties (relational) and *justice without* duties (purposive)—characterized in Sections 4 through 7.

To understand why IPRs of oppressed and marginalized groups must satisfy these duties, we first need to understand what would be morally wrong with such representation were they not to.

3 | CHALLENGES

There are many reasonable challenges one might raise against IPRs of oppressed or marginalized groups. Although some challenges have application beyond IPRs of oppressed or marginalized groups, they tend to be most severe and worrisome in contexts of oppression or marginalization, particularly because they are compound.

By clarifying and distinguishing these challenges, we can appreciate what precisely makes the informal political representation of oppressed and marginalized groups objectionable. Once we understand the challenges, we can consider how IPRs for such groups must comport themselves to respond to the challenges.

I canvas four families of challenges—procedural, epistemic, power, relational imbalance. This typology is not exhaustive but accounts for the most significant challenges.¹⁶ Procedural

challenges and power challenges apply to political representatives generally. Epistemic challenges apply to political representatives generally and many others besides. Relational challenges, as they are characterized here, apply to IPRs, in particular.

3.1 | Procedural

Procedural challenges raise concerns about a central and defining feature of informal political representation: IPRs emerge absent procedural mechanisms available in FPR selection, monitoring, and sanctioning. We begin here for two reasons. First, these are the most obvious challenges to informal political representation. Second, they help explain why challenges that also arise for FPRs are more common or more severe for IPRs.

First, there is the concern that IPRs who do not receive uptake from the group they represent are *unauthorized*: “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” (X, 1963).¹⁷ Malcolm X does not deny that the “so-called Negroes” to whom he refers are IPRs. Indeed, he acknowledges that these speakers have received audience uptake “by the white man himself.” That is, he claims, part of the problem—they are IPRs who came into their positions in the wrong way (without group uptake).

Second, there is the complementary concern that IPRs are *unaccountable*: Absent formal procedural mechanisms, IPRs may at their whim and with impunity make substantial decisions about how to represent (Reed, 1986, pp. 123–127).

Some conclude from these initial challenges that informal political representation cannot be made good because, absent reliable authorization or accountability mechanisms, political representation is illegitimate.

3.2 | Epistemic

Epistemic challenges target ways representatives mischaracterize the represented. Consider three.

First, representatives are sometimes *inaccurate*, mischaracterizing the represented’s interests or circumstances. The editors of *Freedom’s Journal*, the first Black newspaper in the United States, objected: “Men whom we equally love and admire have not hesitated to represent us disadvantageously, without becoming personally acquainted with the true state of things” (Cornish & Russwurm, 1827). To be a fitting criticism of a representative, the fact that the criticized party is a representative must at least partly explain why the mischaracterization was imputed to the represented.

Second, representatives are sometimes *elitist*. Representatives are often in more privileged social positions than those they represent (Bartels, 2008, p. 281; Morton, 2021; Taylor, 2020). So positioned, they sometimes fail to notice and consequently fail to give voice to the interests of constituents whose lives are not like theirs. Instead, “the interests of the constituents are presumed identical” (Reed, 1986, p. 35) to those of representatives (see also Fenno, 1978, p. 115; Táíwò, 2020). Ella Baker, for instance, criticized the Southern Christian Leadership Conference, whose leaders often represented Black Southerners, for being “concerned... about access to the ballot box and... public accommodations” while ignoring “destitute sharecroppers... people who could barely afford the fare to ride on public transportation” (Ransby, 2003, p. 176).

Third, representatives are sometimes *homogenizing*: “Rev. Sharpton does not speak for all African Americans and he doesn’t speak for anyone I know on many issues” (Cook, 2009). Even when a representative may accurately express some group members’ interests, they may fail to capture the whole, leading audiences to erroneously believe that the group is doxastically or conatively homogeneous.

Such challenges are not unique to informal political representation of oppressed or marginalized groups, nor even to political representation as such—indeed, there are many types of joint activity and joint negotiation for which such challenges are apt.¹⁸ Even so, we need them in view to fully appreciate what makes informal political representation particularly dangerous to oppressed and marginalized groups.

3.3 | Power

Power challenges target the effects of a representative’s position on the reception of their statements or actions.

The general version of this criticism is that representatives can *overpower* those they represent: Representatives often have significant power to influence how the represented are regarded by audiences. So positioned, representatives 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” (Du Bois, 1903/1999, p. 36)

Representatives may be overpowering in a variety of specific ways:

First, representatives can be *concessive*. Sometimes, representatives’ statements or actions have anchoring effects (Jung & Krebs, 2019, pp. 28–29) on audiences, making it difficult for the represented to subsequently take different positions than those previously articulated by their representative. Du Bois criticized Washington as concessive: “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, 1903/1999, p. 36). Per Du Bois, white Southerners’ ready willingness to meet Washington’s demands indicates that Washington ought to have asked for more but instead limited his informal constituents’ options going forward.

Second, representatives can be *overcommitting*, holding forth as though able to make commitments that bind the represented although not so authorized. Consider this example (*Backdoor Deal*): In a closed-door meeting during the Montgomery bus boycott, King presented a list of requests on behalf of boycotters (King, 1958/2010, p. 97). King gave both the City and the bus company reason to believe boycotters would abide the terms of any agreement reached. Whether King had requisite authority or was criticizable as overcommitting depends on whether he had received group uptake from boycotters—a question examined in Section 8.

Third, representatives are sometimes *occlusive*—instead of bringing attention to the represented, they bring attention to only themselves (Alcoff, 1991; Monbiot, 2013).

3.4 | Relational imbalance

Procedural, power, and epistemic challenges compound in particularly worrisome ways when the represented are marginalized or oppressed, creating objectionable relational imbalances between IPRs and their oppressed or marginalized constituencies.

First, three of the aforementioned features of IPRs' relationships to oppressed or marginalized groups jointly render these relationships impermissibly *inegalitarian*—(i) IPRs have outsized power to influence how the represented are regarded by audiences (*overpowering*), (ii) IPRs can use this power unfettered by fear of reprisal (*unaccountable*) or threat of removal (*unauthorized*¹⁹), (iii) without FPRs and excluded from the broader society, oppressed and marginalized groups often rely considerably on their IPRs (*reliance*). These features, taken together, leave the represented at the mercy of their IPR.²⁰

Objection: There is no special problem here. There is cause for concern whenever one is at the mercy of another. An IPR is just one of many at whose mercy oppressed and marginalized people find themselves. They also find themselves at the mercy of their FPRs (should they have any), their landlords, their bosses, the state. Why think this relationship requires special moral analysis?²¹

Reply: As discussed in Subsection 4.1, the IPR's role in these relationships is to correct for marginalization or oppression that leaves these groups 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 be your oppressors, too. Moreover, the oppressed and marginalized are at the mercy of IPRs in some distinctive ways: The representative's role consists partly in saying what the represented want. The representative is thereby imbued with power to attribute interests to the represented whether or not they are accurate (*epistemic*). Additionally, when the represented are oppressed or marginalized, it is difficult for them to reject, protest, or correct mistaken impressions (*overpowering*, *unaccountable*), particularly if their representative is not inclined to announce complaints on their behalves: "Washington strove publicly and secretly to take over control of newspapers to advance his message and suppress dissent" (Jorgensen, 2005, p. 117; see also Du Bois, 1903/1999, pp. 36–37).

Second, powerful and unconstrained, IPRs for oppressed or marginalized groups can themselves *oppress* those they represent (Walzer, 1970, pp. 53–55) by (i) treating group members carelessly—by being, for instance, *inaccurate*, *elitist*, or *homogenizing*; or (ii) receiving attention for themselves rather than the represented—that is, by being *occlusive* (Alcoff, 1991, p. 7; Monbiot, 2013).²²

Objection: So described, relational challenges seem to be particularly troublesome consequences of procedural, epistemic, and power challenges. So, they ought not be treated as a distinct variety of challenge, but instead as a consequence of the others.²³

Reply: Relational challenges are not reducible to procedural, epistemic, and power challenges because the latter challenges each apply to representation generally, whereas relational challenges arise against the backdrop of these general challenges in the specific context of informal political representation. Relational challenges capture the specific convergence of procedural, epistemic, and power challenges in the context of informal political representation.²⁴

This table summarizes the above challenges:

Challenge type	Subtypes	Applicability
<i>Procedural</i> targets the absence of procedural protections.	<i>Unauthorized:</i> Representatives who do not receive authorization do not have authority to speak or act for the represented. <i>Unaccountable:</i> Representatives cannot easily or reliably be held accountable.	Representatives generally

(Continues)

Challenge type	Subtypes	Applicability
<i>Epistemic targets</i> mischaracterizations.	<i>Inaccurate</i> : Representative errs in stating represented group's members' interests or circumstances. <i>Elitist</i> : Privileged representatives fail to give voice to the varied experiences of the represented. <i>Homogenizing</i> : Representative leads audience to believe that group is doxastically or conatively homogeneous.	Representatives generally
<i>Power targets effects of representative's position on reception of their statements or actions.</i> (<i>Overpowering</i>)	<i>Concessive</i> : Representative's statements or actions anchor audience's beliefs about represented's interests. <i>Committing</i> : Representative exhibits apparent authority. <i>Occlusive</i> : Representative brings attention to himself but not to represented.	Representatives generally
	↓	
<i>Relational imbalance</i> targets relational imbalances in representative relationships.	<i>Inegalitarian</i> : (a) The IPR's power to influence (<i>overpowering</i>), (b) the IPR's lack of accountability or authorization (<i>unaccountable; unauthorized</i>), and (c) the represented's <i>reliance</i> on the IPR jointly leave the represented at the mercy of their IPR. <i>Oppressive</i> : IPRs may compound the represented's oppression due to (a) careless treatment (<i>unaccountable; unauthorized; inaccurate; elitist; homogenizing</i>) or (b) receiving attention for themselves rather than represented (<i>occlusive</i>).	<i>Inegalitarian</i> and <i>Oppressive</i> , as characterized here, are applicable to IPRs of oppressed or marginalized groups.

So, there's the rub: IPRs of oppressed or marginalized groups can be unauthorized, unaccountable, inaccurate, elitist, homogenizing, overpowering, concessive, overcommitting, occlusive, inegalitarian, and oppressive. These are weighty challenges and raise serious concerns about the permissibility of the practice of informal political representation. On what conditions might such representation be morally permissible?

4 | DEMOCRACY WITHIN, JUSTICE WITHOUT: THE DUTIES OF INFORMAL POLITICAL REPRESENTATIVES

4.1 | Overview

Here are two principles:

Noncontribution: Do not contribute to others' oppression or marginalization.

Eradication: Work to eradicate others' oppression or marginalization.

Noncontribution is a relational principle: it constrains the sorts of relationships we may have with others. *Eradication* is a purposive principle: it orients the aims of the actions we take.

Each of us is bound to act in accordance with these principles. IPRs are no different from the rest of us in this respect. Unlike the rest of us, however, IPRs often fill special roles in the lives of the

oppressed and marginalized. By attending to special features of these relationships, we can imbue these general principles with substantive content that helps us say what, exactly, IPRs owe the represented. The conclusion reached is that IPRs owe these groups *democracy within* and *justice without*—duty sets that specify *Noncontribution* and *Eradication*, respectively, within the contexts at issue here.

Democracy within duties are inward-facing, procedural constraints aimed at establishing relational equality between IPRs and represented parties. As we saw in Section 3, scant procedural protections, outsized power, and represented groups' reliance on their IPRs often create conditions in which IPRs can oppress or marginalize those they represent. To temper these conditions, IPRs should build deliberative social practices like consultation, welcoming criticism, and transparency into their relationships with the represented. By doing so, IPRs work to avoid becoming additional oppressors or marginalizers of the represented. *Democracy within* duties satisfy *Noncontribution* by undermining the inequality inherent in the immediate representative-represented relationship.

Justice without duties are outward-facing, substantive constraints on how, when, where, and before whom IPRs should speak or act on represented parties' behalves. By virtue of their platforms, IPRs are often especially well situated to work toward eradicating represented groups' oppression or marginalization. IPRs should use their platforms for these ends, combatting injustices faced by the represented. *Justice without* duties satisfy *Eradication* by furthering the represented's appeals to a broader public or the state.

These duty sets emerge as responses to the challenges enumerated in Section 3. To show how, I consider what would be an adequate response to each of the challenges (Subsection 4.2) and then use these responses as the parameters for building the positive account of *democracy within* (Section 5) and *justice without* (Section 6) that follows.

4.2 | Responding to Challenges

Some of the aforementioned challenges (*Inegalitarian* and *Oppressive*) arise from the convergence of others. So, there is a nested structure to these challenges such that responding to *Inegalitarian* or *Oppressive* requires responding to the underlying challenges that give rise to them. Accordingly, we start with these two challenges and work our way in.

4.2.1 | Oppressive

IPRs are often especially well situated to oppress the represented (Walzer, 1970, pp. 53–54; Alcoff, 1991, 7), violating *Noncontribution*. There is no one action IPRs can take to avoid this result, as its causes vary. Instead, to avoid oppressing the represented, IPRs should attend to the features of their relationships to the represented that may contribute to this oppression (Subsections 4.2.2 through 4.2.5) and take counteracting steps (Section 5).

4.2.2 | Inegalitarian

When a relationship-type admits of impermissible inequality, that relationship-type should be either proscribed or constrained to eliminate the inequality. If proscription is impossible or undesirable, corrective measures must be taken to eliminate the inequality. Since IPRs are valuable to

oppressed and marginalized groups, the aim is to constrain the relationship to eliminate inequality rather than to quash these representative relationships altogether. That these measures are corrective means the party positioned as superior (the representative) cannot simply refrain from engaging in behaviors that would otherwise introduce inequalities into the relationship but must take active steps to undermine existing inequalities in their relationship to the party positioned as inferior (the represented).

As discussed in Section 3, inequality between IPRs and oppressed or marginalized represented parties emerges from the convergence of three features of their relationships:

1. scant procedural protections (*unaccountable, unauthorized*),
2. power imbalances (*overpowering: concessive, overcommitting, occlusive*), and
3. the represented's *reliance* on a given representative.

To correct for the resultant relational inequality, IPRs must combat one or more of these features. To subvert (1) or (2), IPRs must make themselves answerable to the represented's complaints in ways described in Subsections 5.1 through 5.4. Although it may be difficult for a given IPR to subvert (3), in Subsection 5.5 I consider a potential remedy for reliance.

4.2.3 | Procedural challenges

Unaccountable and *Unauthorized* target scant procedural protections in IPR relationships. While it would be unreasonable to expect informal political representation to offer all or even most of the institutional protections available in formal contexts, IPRs can protect the represented by engaging in deliberative social practices with the represented, detailed in Section 5, so that they are regularly collecting feedback from the represented. These practices can temper the effects of the procedural lacuna.

4.2.4 | Power challenges

Overpowering and its specific manifestations (*Concessive, Overcommitting, and Occlusive*) target the fact that representatives' statements and actions often have outsized power to influence how things go for the represented. One would not want to entirely curtail a representative's power to influence, as to do so would be to undermine the representative's very purpose—to speak or act effectively for the represented in fora in which the represented cannot easily do so for themselves. However, unconstrained power imperils the represented. So, it falls to the IPR to distribute this power by subjecting their actions to the represented's (i) advisement through *consultation* and (ii) scrutiny through *welcoming criticism* and *being transparent*—detailed in Section 5.

4.2.5 | Epistemic challenges

The prediction made by this account is that epistemic concerns will be mitigated when IPRs consult, welcome criticism, and represent transparently, since these practices will increase the amount and types of input representatives receive from the represented.

The aforementioned challenges, summarized in this table, set the parameters within which the ensuing normative account must be constructed:

Challenges	Subtypes	Corrective Measure
Relational imbalance	<i>Oppressive</i> <i>Inegalitarian</i>	IPRs must undermine the other features of the relationship that jointly give rise to these challenges: <i>Procedural</i> ; <i>Power</i> .
Procedural	<i>Unaccountable</i> <i>Unauthorized</i>	IPRs must establish, promote, and maintain deliberative social practices with the represented.
Power (<i>Overpowering</i>)	<i>Concessive</i> <i>Committing</i> <i>Occlusive</i>	The purpose of the deliberative social practices is to enable IPRs to distribute their power to influence by subjecting their activities to the represented's (i) advisement through consultation and (ii) scrutiny through welcoming criticism and being transparent.
Epistemic	<i>Inaccurate</i> <i>Elitist</i> <i>Homogenizing</i>	Consultation, criticism, and transparency mitigate epistemic concerns by improving inputs IPRs receive from the represented.

In Sections 5 through 6, I detail the deliberative social practices that IPRs must develop and consider difficulties IPRs face doing so in real-world contexts. In Section 7, I discuss additional roles *democracy within* and *justice without* duties may play in shaping relationships between IPRs, represented groups, and third parties. In Section 8, I discuss hard choices faced by IPRs caught in the crosshairs of conflicting duties and examine the underexplored phenomenon of group uptake.

5 | DEMOCRACY WITHIN

5.1 | Consultation

The IPR should, when and to the extent possible, consult the represented. But how can the IPR do so when the represented are hard to access, find, or identify? Several features of the IPR relationship seem to confound the consultative requirement, including group vagueness, group size, geographical dispersion, limited access, and communicative inability. Here, I consider what consultation looks like given these complications.

5.1.1 | Group vagueness

While IPRs tend to represent well-defined groups—citizens in their districts or dues-payers in their associations—IPRs often represent groups whose memberships are not well-defined and for which there are not established procedures for determining membership. IPRs, therefore, face difficulty knowing who to consult. So, satisfying *consultation* does not, for instance, always require consulting a majority, since the IPR perhaps could not find out the group's size. Consider: Since rape is systematically underreported, IPRs for rape victims cannot know if, in consulting n rape victims, they have consulted a majority (Panel on Measuring Rape and Sexual Assault, et al., 2014). The consultative requirement should be evaluated by a best efforts standard: Has the IPR done

their best to consult known and available group members, immediately or mediately, to understand their interests?

5.1.2 | Group size

Even when a group's membership is known and geographically proximate, IPRs cannot be expected to individually consult every member. Consider the Montgomery bus boycott. Approximately 40,000 Black Montgomeries rode city buses (Kennedy, 1989, p. 1022). It would have been unreasonable to expect boycott organizers to consult each rider individually. Instead, when planning, organizers consulted FPRs and IPRs from Black Montgomerian subcommunities as proxy for consulting all riders (King, 1958/2010, p. 33). Call this *proxy consultation*.²⁵

Sometimes, IPRs can consult represented groups directly *en masse*: King drove through the streets of Montgomery to find out how many riders participated in the boycott (King, 1958/2010, p. 42). Call this *en masse consultation*.

In other cases, *tacit consultation* may be possible—the absence of dissent from the represented after the IPR calls for a boycott may be some evidence that group members support the boycott. However, when a group's members are oppressed or marginalized, it can be difficult to disambiguate the absence of dissent from the silencing effects of that group's oppression or marginalization.

5.1.3 | Geographical dispersion

Geographically dispersed groups cannot be consulted in the same way as geographically proximate groups. However, the advent of digital communication has eased some of these difficulties (see generally, Allen and Light, eds., 2015). An IPR may, for instance, triangulate the interests of a large and dispersed group by consulting Tweets sharing an identifying hashtag (see, e.g., Bruns & Burgess, 2015; McKelvey, et al., 2014).

5.1.4 | Limited access

Other groups are difficult to consult independently of aforementioned complications. Known group members may be inaccessible when normal communication channels (email, phone, in-person contact) are blocked—common restrictions faced by prisoners. When one cannot consult the represented directly, *proxy consultation* is appropriate. IPRs should seek out reliable proxies—either those currently in contact with inaccessible represented parties (e.g., friends, family, lawyers) or, if no one is currently in contact with the inaccessible parties (imagine the group is *the disappeared*), parties formerly similarly situated to uncontactable parties.

5.1.5 | Communicative inability

Sometimes, groups' members have in common a noncontingent inability to speak for themselves. They may lack knowledge about their political interests (e.g., young children), live with conditions

that make both verbal and nonverbal communication challenging or impossible (e.g., people living with severe nonverbal autism²⁶), or both. Here, too, representatives should consult proxies.

5.2 | Welcoming criticism

Even if one can consult those one represents, it will sometimes be impossible or imprudent to do so before acting. Accordingly, IPRs must also open communicative channels that allow the represented to raise complaint. Doing so enables IPRs to receive information from the represented and allows the represented to voluntarily come forward.

The IPR may actively welcome criticism by holding court in one forum or another—at a town meeting (King, 1958/2010, pp. 47–53; Mansbridge, 1980, pp. 39–135) or in a digital forum (see, e.g., Stewart & Ghaffary, 2020; Thompson, 2019). IPRs may welcome criticism passively simply by remaining accessible—staying on Twitter, say. IPRs may even opt to hold open fora in which especially vulnerable represented parties can raise complaints privately or anonymously.

5.3 | Transparency

Representative power to influence manifests in many ways: The IPR can call a press conference, take a private meeting, state demands—often without the represented knowing that the IPR is doing so. To correct for this, IPRs should, as feasible, let the represented know what they are doing and why. By so doing, the representative (i) puts the represented in a stronger position to raise legitimate complaint, thereby welcoming criticism; and (ii) communicates recognition respect to the represented—transparent disclosures can signal the IPR’s acknowledgement that the represented are central to their own representation.

Ideally, transparent disclosures are undertaken prospectively to allow for feedback before the IPR acts—as when King consulted proxies before announcing the boycott (King, 1958/2010, p. 33). When impossible or counterproductive to disclose in advance, IPRs should be retrospectively transparent—see Section 8.

Being transparent takes many forms in societies like ours: holding meetings with the represented (King, 1958/2010, pp. 47–53), writing op-eds to publicly explain one’s positions or decisions (Coates, 2012), Tweeting (Christensen, 2013; TweetCongress, n.d.; Unsworth & Townes, 2012). 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 when it is requested, but telling others there is information to be had. Return to *Backdoor Deal*: Had King not published details of these closed-door negotiations with Montgomery city officials and the bus company, boycotters may never have known they took place (King, 1958/2010, p. 100).

5.4 | Interactions between consultation, welcoming criticism, and transparency

Transparency is in part justified by the role it plays in welcoming criticism. Moreover, the infeasibility of satisfying one duty can strengthen the requirement that an IPR satisfy another. Imagine a

represented group, *undocumented persons*, is hidden and it would be costly for group members to become publicly visible. This group's hiddenness can make an IPR's attempts at prospective consultation difficult. Accordingly, the IPR incurs a correspondingly stronger responsibility to enable retrospective criticism from group members, since being transparent and creating safe avenues for legitimate complaint can help members of the hidden group seek out the IPR who cannot find them.

5.5 | Cultivating non-reliance

There are several reasons to worry about a represented party's reliance on a given representative. Consider just two: First, we may worry that power corrupts.²⁷ An IPR who is well-motivated at the outset may, over time, develop an inflated sense of their own importance, purpose, or knowledge. If so, well-intended deliberative social mechanisms will not prevent such an IPR from falling prey to outsized confidence in their own judgment even when it conflicts with input from the represented. Second, even if the IPR does not succumb to overinflated confidence in their own judgment, we may still worry that the very fact that the represented rely on a given IPR contributes to a relational imbalance between the parties, as that reliance is unidirectional. How may the represented's reliance be undermined or counteracted? Is there anything IPRs can do early on to tie their own hands?

Self-imposed term limits for IPRs seem like nonstarters. First, if power corrupts, then we cannot count on IPRs to voluntarily step down. Second, if a good IPR is required to step down, the represented lose out on that IPR's knowledge, talent, and skill. Third, some IPRs may be stuck in the position of IPR despite a preference to step down or to have never been in the position at all (Salkin, 2021a).

An alternative: Each IPR has a duty to promote non-reliance by cultivating competitors and replacements from early on, even if those competitors and replacements have the potential to become the IPR's rivals. Trained by the IPR, these protégés will be positioned to replace that IPR without requiring the IPR to voluntarily retreat from public life. Moreover, by training protégés, the IPR can shore up stores of institutional knowledge and skill that may otherwise be lost.

Deepening the field of competent IPRs mitigates the represented's reliance on any particular IPR, undermining one cause of relational inequality. Additionally, cultivating competitors offers IPRs a way to prospectively hold themselves accountable by making sure they are not the only game in town.

5.6 | Making informal political representation formal

In some cases, the challenges relevant to *democracy within* both can and ought to be addressed by working to make the informal political representation of an oppressed or marginalized group more formal. Consider the following example:

5.6.1 | Example: Union formation

A group of workers is acting collectively to improve members' working conditions. At some stage of their organizing, the workers may judge that particular roles—for instance, addressing

shop-floor issues and communicating with the boss—should be assigned by means of an election procedure.²⁸

In cases like *Union Formation*, it is both (i) helpful, and therefore desirable, to the represented group (here, the workers) for their representation to become more authorizationally formal and, crucially, (ii) feasible that this can take place.

Such an example may give the misleading impression that it will always be the case that the challenges relevant to *democracy within* both can and ought to be addressed by working to make the informal political representation of an oppressed or marginalized group more formal. However, there will be cases of informal political representation where the aim of working toward formal political representation will be infeasible, undesirable, or both.

5.6.2 | Infeasibility

Some instances of informal political representation will be especially poorly suited to efforts at formalization. For example, large, decentralized, and widely dispersed represented groups will likely struggle to incorporate more formal authorization mechanisms like elections because the relevant constituency cannot be determined with ease or accuracy or, even if it could, it would be infeasible to carry out a vote. For instance, the Black Lives Matter movement speaks and acts on behalf of Black Americans. It is a large, decentralized, and widely dispersed movement. A movement of this size and geographical dispersion will struggle to effect a movement-wide vote.

5.6.3 | Undesirability

Even when feasible, efforts to formalize currently informal political representation may be undesirable. The implementation (let alone the design) of formal, systematic structures can be costly and, in some cases, can leave the represented worse off than if their IPR relationship were left just as it is. Consider, as an example, one such cost: FPR institutions often limit the number of representatives a given constituency can have. This is not the case for informal political representation, where a given constituency can, in theory, have as many IPRs as can receive audience uptake. Accordingly, one notable cost of making informal political representation more formal is placing limits on how many representatives a given group can have. While it can be useful in certain contexts (like *Union Formation*) to impose limits on the numbers of representative parties that may emerge, such limits also have their costs. Having multiple or even numerous IPRs can, for instance, (i) encourage productive contestation, as the many IPRs give voice to the competing perspectives of a large, diverse, heterogeneous represented group, thereby (ii) undermining the entrenchment of a few more established spokespersons, which can in turn (iii) cultivate non-reliance.

Moreover, some social movements are valuable precisely because they encourage the emergence of more and more varied IPRs. Consider the example of the Me Too movement. As its name suggests and as occurred, sexual assault, abuse, and harassment survivors emerged to share their experiences additively. These parties spoke on their own behalves, publicly announcing wrongs they had endured. However, we may not unreasonably think that these parties also became IPRs for the large and widely dispersed group *sexual assault, abuse, and harassment survivors*, for many of whose members such public proclamation is unavailable or prohibitively risky. The many survivors who shared their experiences, by their sheer numbers, attested to the utter ordinariness and

pervasiveness of sexual assault, abuse, and harassment—an outcome that could not as effectively have been achieved had there been formal constraints on the number of parties permitted to aver “Me too.”

Accordingly, efforts to address the challenges relevant to *democracy within* by making informal political representation more formal in some respect will face at least these two constraints—feasibility and desirability. Only when it is both feasible and desirable to make an IPR relationship more formal in some respect have the IPR and the represented reason to do so. Moreover, we cannot consider whether the IPR and represented have reason to make their relationship more formal without considering specific respects in which the relationship should (or even could) be made more formal. As discussed in Subsection 2.1, representative relationships may be more or less formal in a variety of ways (authorization, group membership, accountability, norms). While some will have reasons to seek to establish more formal authorization mechanisms, others will instead have reasons to codify their norms, while still others will have reasons for neither.²⁹

6 | JUSTICE WITHOUT

6.1 | Overview

So far, the aim has been to answer this question: Given skeptics’ challenges, on what conditions is informal political representation of oppressed or marginalized groups morally permissible? A partial answer has emerged: IPRs must, as feasible, consult, welcome criticism, be transparent, and cultivate non-reliance. These deliberative social practices jointly constitute the inward-facing aspect of the IPR’s duties—*democracy within*.

Still, some Section 3 skeptical challenges remain unresolved. Consider, for instance, *Concessive*. *Concessive* criticisms are complex. Partly, they target the representative’s treatment of the represented—a relational concern to which *democracy within* duties respond. However, they also target whether the substantive content of IPRs’ statements or actions leaves the represented foreseeably worse off because too much ground has been ceded—a purposive concern to which *justice without* duties respond. An example: Du Bois criticized Washington not just for failing to consult Black Southerners and suppressing their dissent (relational concerns) but also for publicly offering Black Southerners’ willingness to form amicable relations with white Southerners even if they did not recognize Black Southerners’ civil and political rights (a purposive concern) (Du Bois, 1903/1999, pp. 36, 40–41).³⁰ For Washington to have corrected course in light of these criticisms, he would have needed to not only consult and welcome criticism (*democracy within* duties) but, further, adjust the content of his “Atlanta Compromise” speech so as not to have made concessions that were, per Du Bois, objectionable.

All of which brings us to *justice without* duties.

Democracy within and *justice without* duties are grounded in considerations of different sorts. *Democracy within* duties emerge from concerns that the represented should be treated equally and not oppressed by IPRs. By contrast, *justice without* duties emerge from a “Should we even be doing this?” question—that is, if the informal political representation of oppressed or marginalized groups is, as skeptics contend, risky and objectionable, what could possibly justify its practice in the first place? Given its dangers, the practice must offer something that could not come in its absence.

Informal political representation must be justified at least partly by (i) the represented’s need for it and (ii) benefits that may foreseeably accrue to the represented by virtue of it. The need for

representation of some sort is not hard to see in the contexts at issue, where the represented's oppression or marginalization manifests partly through exclusion from FPR bodies. Still, these groups require informal political representation in particular only if it is valuable to them. Some of its valuable features were discussed in Subsection 2.2.1. These features justify the practice to the extent that they serve *Eradication*. Accordingly, *justice without* duties guide IPRs in performing their roles so as to undermine represented groups' oppressive or marginalizing conditions. But what exactly does that mean?

We were able to identify generally applicable *democracy within* duties because those duties aim to correct for inequality inherent in all relationships between IPRs and the oppressed or marginalized groups they represent. But it is more difficult to identify generally applicable *justice without* duties, as different groups are oppressed or marginalized in different ways in different contexts. So, identifying substantive constraints on how a given representative should fulfill their purpose depends on the specific needs of the group they represent.

Justice without duties are specified in particular cases by considering questions like:

1. What ought this IPR say or do before this audience?
2. How may this IPR carry out this representation?
3. Before which audiences ought this IPR speak or act, when the IPR has discretion to choose?³¹
4. Who is (or is not) well situated to be an IPR for this group?

Since *justice without* duties are context-specific, my aim here is not to comprehensively enumerate each possible *justice without* duty. Rather, my aim is simply to identify some normative considerations that fall within the ambit of *justice without*. Some examples help illustrate how an IPR might think about the above questions.

6.2 | Examples

Consider first: What ought the IPR say or do before their audiences? To answer, an IPR must consider specifying questions like *What is the nature of the represented's marginalization or oppression?* or *Who is the audience?* Consider two cases examining these questions, respectively:

6.2.1 | Complete marginalization

Imagine a group so marginalized that few know there is such a group. Here, all else equal, the IPR ought to at least direct attention to the fact of the group's existence,³² as when the group *children sexually abused by Catholic priests in Boston* was publicly identified (Feeney, 2003).

6.2.2 | Group formation

Next, imagine members of a plurality do not know themselves to have shared interests, which keeps them from forming a group. Here, the plurality stands to the IPR as both audience and represented (see Saward, 2010). The IPR should represent the plurality to itself as a group to help the plurality's members come to understand themselves as a group—long the aim of labor organizers and feminist consciousness-raising groups. Here, the IPR's work is prefatory: Creating conditions

under which plurality members will identify as group members and thereby recognize that their circumstances are shared.

Consider next: IPRs sometimes have discretion as to who their audiences are. When they do, before whom ought they speak or act? Different considerations bear on such a question, giving *justice without* duties further specificity:

6.2.3 | Scarcity

A general constraint all representatives face is scarcity (see Williams, 1998, p. 198). Representatives have only so much time and must assess which opportunities will best serve the represented. All else equal, to use their platforms effectively, IPRs should communicate with sympathetic or influential audiences.

6.2.4 | Avoidance

So, too, ought IPRs avoid certain audiences. Consider: A representative may rightly think law enforcement should not be alerted to the presence of a vulnerable group—the *homeless*, say (Svitak, 2018)—if it is foreseeable that the group’s members will be harmed should notice be given to the prospective audience.

An IPR may have decisive reason to avoid an audience even when they would not harm and may have helped the represented by representing before that audience. Imagine an IPR for women is invited to speak before a male supremacist association. Stipulate that, were the IPR to accept the invitation, they would convince the association’s members to condemn their founder’s prolific rape apologist oeuvre and excise rape apology from the association’s mission statement, a fact known to the IPR in advance. Accepting the invitation would satisfy *Eradication* by undermining one of the association’s oppressive core commitments. Even so, accepting the invitation may communicate an objectionable sort of regard for the organization, giving the IPR decisive reason to reject the invitation.

7 | THE ROLES OF *DEMOCRACY WITHIN* AND *JUSTICE WITHOUT* IN POLITICAL LIFE

In my discussion of *democracy within* and *justice without* duties, I have so far placed special emphasis on the perspectives of IPRs themselves at least partly because IPRs are generally more difficult for represented parties to hold accountable than FPRs, and so IPRs must be self-evaluating and self-constraining.³³ Notwithstanding this special emphasis, *democracy within* and *justice without* duties also have other roles to play in the everyday practice of informal political representation.³⁴ Specifically, *democracy within* and *justice without* duties clarify what sorts of complaints raised against IPRs are legitimate, thereby providing both structure and substantive content to the deliberative social practices that emerge between IPRs, the represented, and third parties with standing to raise complaint. How?

First, since *democracy within* and *justice without* duties are the norms in accordance with which an IPR ought to act to represent permissibly, they are also the norms in accordance with which the IPR ought to be criticized for failures, either by those they represent or by third parties who

have standing to raise complaint against the IPR. Critics may appeal to these duties when raising complaints against IPRs they regard to be errant. In this role, such duties ground the legitimate complaints raised against IPRs.

Second, these duties provide IPRs guidance as to which complaints they ought to heed and which they might instead be able to dismiss on the ground that the complaint corresponds to no duty satisfaction of which the IPR owes to the represented. In this role, such duties constrain what complaints give IPRs reason to correct or justify their actions. Accordingly, we may think of these duties as providing criteria by which the IPR themselves can evaluate the legitimacy of various complaints raised against them.

8 | CONFLICTS

Democracy within duties satisfy *Noncontribution* by undermining inequality inherent in the immediate relationship between the IPR and the represented. *Justice without* duties satisfy *Eradication* by specifying how the IPR may use their platform to undermine the represented's marginalization or oppression. These duty sets answer the skeptics' challenges—showing that there are morally permissible ways for IPRs to represent oppressed or marginalized groups. Still, there is a problem. There will be hard cases in which IPRs must choose between *democracy within* and *justice without*.

Return to *Backdoor Deal*: On December 8th, 1955, King and other Montgomery Improvement Association (MIA) members met behind closed doors with Montgomery Mayor Gayle, city commissioners, and bus company representatives (King, 1958/2010, pp. 100–101). Imagine they had reached a provisional bus seating arrangement deemed desirable by the MIA, but the City needed to know contemporaneously whether Black bus riders would be on board with the arrangement.³⁵ The negotiation would almost surely have broken down if King were to have taken the deal back to riders to satisfy *democracy within*. So, King would have had to secure the deal without group input, otherwise it would have been off the table. Still, if *democracy within* duties always trump, King would have had to take the deal back to riders even if doing so would make it impossible to reach the agreement. Sometimes, there are pro tanto reasons to secure urgently needed political goods, satisfying *justice without*, even when doing so conflicts with satisfying *democracy within*.

What should IPRs do when these two duty sets prescribe incompatible courses of action? Answering this question requires considering what it is permissible to do to satisfy *Eradication*, more generally. Consider competing views: *side constraints* and *by any means necessary*.

8.1 | Side constraints

Not even *Eradication* could justify violating fundamental moral requirements, which are independent, invariant, inviolable side constraints on one's actions. For IPRs, this means that the represented's oppression or marginalization could not justify violating *democracy within*. These constraints apply even when IPRs' actions would assuredly satisfy *Eradication* and are undertaken with this intention.

If you are moved by *side constraints*, you will also think that, when conflicts arise, *democracy within* trumps. IPRs ought not risk becoming the represented's oppressors even in order to undermine the represented's other oppressors (see Walzer, 1970, pp. 53–55).

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

8.2 | By any means necessary

Side constraints will strike some as naïve. Oppression and marginalization are deep and pervasive violations of others' personhood. When present, they are the most fundamental moral considerations and so *Eradication* ought not be constrained by other duties. Conditions of oppression or marginalization justify bringing about their alleviation by any means necessary. *Eradication* should be prioritized over competing considerations.

If you are moved by *by any means necessary*, you will also think that, when conflicts arise, *justice without* trumps. IPRs should prioritize *Eradication* even if doing so means failing to treat the represented as their equals.

8.3 | Favoring side constraints

The tension exemplified by the conflict between *side constraints* and *by any means necessary* is a perennial and fundamental question and not one I aim to resolve decisively here. We make progress even by identifying how it emerges and shapes the stakes for IPRs and the represented.

For myself, I favor *side constraints*. Nothing is more fundamental than how we treat one another. That a person is oppressed or marginalized makes their individual claim to be treated in accordance with fundamental moral commitments no less strong. To do otherwise is to treat the oppressed or marginalized 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 conditions are unjust, those in dominant positions are responsible to take corrective measures to bring about conditions of equal treatment. This means IPRs for oppressed and marginalized groups have special, further responsibilities to correct for inequality inherent in their own IPR relationships. Doing so only when it suits IPRs' visions of what justice requires is as much a danger to the represented as many other violations of their agency.

Democracy within duties are, then, side constraints—independent and more fundamental than *justice without* duties. When conflicts emerge, all else equal, IPRs ought to adhere to the dictates of *democracy within*. The reasons to prefer this position should not come as a surprise. IPRs speak before Congress (see, e.g., *Preventing Gun Violence*, 2019), sit with the President (see, e.g., Norrell, 2009, pp. 4, 130), appear on television (see, e.g., King, 1958/2010, pp. 96–100), say or do for the represented what the represented do not have platforms to say or do for themselves (see, e.g., Menchú, 1983/2010). Relational imbalances leave the represented at the mercy of IPRs and *democracy within* corrects for these imbalances.

Arguments favoring *by any means necessary* are available. I leave it to others to make them. I suspect those who take this tack will have more difficulty responding to skeptics' challenges that informal political representation is inegalitarian and oppressive.

Still, there are special cases in which *democracy within* need not be heeded so rigidly. Such special cases require special justification: *group uptake*, *non-reliance*, or, rarely, *direness*.

8.3.1 | Group uptake

Recall this Subsection 2.1 crosscutting consideration: group uptake can affect the stringency of IPRs' *democracy within* duties. Here's why: *Democracy within* duties are meant to protect the represented from relational inequality. However, if group uptake obtains, this inequality is diminished, so the corrective protection of *democracy within* is not needed to the same extent.

Group uptake can be prospective (*informal authorization*) or retrospective (*informal ratification*) (see Disch, 2015; Saward, 2009; Saward, 2010). It can take as its object either particular representative statements or actions or the representative themselves. To examine these phenomena, consider the Montgomery bus boycott.

Informal authorization takes place prospectively, in advance of representative activities. On Friday, December 2nd, 1955, E. D. Nixon, Rev. Ralph Abernathy, and King decided amongst themselves that Black Montgomerian bus riders should undertake a boycott (King, 1958/2010, p. 32). Yet, they acknowledged this decision could not be made unilaterally—they needed community support. They called a “meeting of all the ministers and civic leaders” (King, 1958/2010, p. 32). Between 40 (King, 1958/2010, p. 33) and 70 (Garrow, 2004, p. 18) community leaders “from every segment of Negro life... physicians, schoolteachers, lawyers, businessmen, postal workers, union leaders, and clergymen” attended (King, 1958/2010, p. 33). The meeting was conflictual (King, 1958/2010, p. 34) and attendance dwindled to 20 or so (Garrow, 2004, p. 18), 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” (King, 1958/2010, p. 35). Agreeing to the boycott was an authorizing act, not by the whole community, but by those present at the end of the meeting.

Abernathy and King then “mimeographed leaflets concerning... the proposed boycott” and at least 200 volunteers distributed them door-to-door Saturday morning (Garrow, 2004, p. 19)—now, include these volunteers among informal authorizers. Also on Saturday, further informal authorization: “one of the [taxi (Garrow, 2004, p. 19)] committee members informed [King] that every Negro taxi company in Montgomery had agreed to support the protest on Monday morning” (King, 1958/2010, 40).

Still, boycott organizers did not know until Monday morning, the first morning of the boycott, whether they had received widespread informal authorization from the community (Garrow, 2004, p. 21). By surveying buses, organizers came to learn that they had. 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” (King, 1958/2010, p. 42). 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 five-block traffic jam leading to the church (King, 1958/2010, p. 49). The community's participation was their authorizing act—group uptake obtained.

The bus boycott is a case of informal authorization if anything is. Not all cases look like this. Nor need they for informal authorization to obtain. The Montgomery case far outstrips what could ever reasonably be required—near-unanimity is a far higher authorizational standard than is ever required in either formal or informal contexts. An IPR might have a smaller following, uptake from only some parts of the represented (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 on Monday, December 5th not only authorized King's representative activities going forward but, perhaps, also ratified decisions King, Nixon, and Abernathy made December 2nd—the community leaders' meeting, the leafletting. In fact, prior to these December 2nd decisions, there was opposition to boycotting (Garrow, 2004, p. 15). So, King, Nixon, and Abernathy's December 2nd decision to propose a boycott given opposition exhibited apparent authority (contemporaneously criticizable as *overcommitting*) perhaps retrospectively ratified by the evident widespread support received on December 5th. That these actions were subsequently ratified, if they were, does not mean they were not criticizable at the time they were undertaken.

Tacit ratification—IPRs speaking or acting for groups without subsequent group dissent—is possible but unlikely. The absence of dissent may indicate not tacit ratification but instead the silencing effects of marginalization or oppression.

So, group uptake gives IPRs more discretion regarding the manner and scope of their representations than they otherwise would 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. Consider some possible effects of group uptake:

- a. Representation criticizable absent group uptake may not be when group uptake obtains even absent consultation, criticism, or transparency. Accordingly, IPRs may have grounds to dismiss complaints they would otherwise have had reason to heed because group uptake permitted them to take the action now being criticized by members of the uptaking represented group.
- b. Group uptake may allow IPRs to hold forth as having authority to make commitments on the represented's behalf, *contra* the general prohibition expressed by *overcommitting*.
- c. Rarely, group uptake may enable IPRs to make binding commitments on the represented's behalf.

8.3.2 | Non-reliance

Democracy within duties may also be deprioritized when the represented do not rely solely on one IPR 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 relational equality promoted by *democracy within* duties becomes no less important when non-reliance obtains. Rather, the group is simply not at the mercy of the IPR to the same extent, and so one of the three features that gives rise to relational inequality between IPR and represented has been subverted.

8.3.3 | Direness

“This is no time to talk; it is time to act.” So said Rev. L. Roy Bennett, chairing the December 2nd Montgomery community leaders' meeting. Urgency motivated him to “refuse[] to allow anyone to make a suggestion or even raise a question.” Only in the face of “blistering protest” did “Bennett agree[] to open the meeting to discussion” (King, 1958/2010, p. 34). Can a represented group's desperate need, by itself, ever justify foregoing *democracy within*?

Recall *Backdoor Deal* one final time: Black Montgomerians' circumstances had become untenable. They relied on King for any political influence they hoped to have. King and the City were in

the throes of urgent and tense private negotiations. Negotiations may have broken down if King were to have taken a provisional deal back to riders. Even so, if *democracy within* always trumps, King would have had to even if doing so made reaching the valuable deal impossible. What ought such a representative do?

One can feel the pull of two competing impulses in this case:

1. The group is reliant on the IPR and there is considerable relational imbalance. So, the IPR ought to abide the dictates of *democracy within* in the interest of treating the represented as their equals.
2. However, this deal may not come around again. Ought not the IPR strike the deal first and ask forgiveness later, just this once?

As stated, there is a strong presumption against foregoing *democracy within*. Doing so reinforces relational imbalances. But, may the IPR ever forego *democracy within* on direness grounds and, if so, under what circumstances? To answer this question, add further considerations that bear on cases like *Backdoor Deal*:

Democracy within duties do not stand apart from other everyday moral responsibilities which IPRs are bound to uphold. Their responsibilities as IPRs must be considered in the contexts of their full moral lives. For instance, if the IPR would, in making the deal, protect the represented from ongoing violence, injury, or death, then the IPR is justified in satisfying the duty of rescue at the expense of *democracy within*. The IPR incurs a residual responsibility to timely seek out group ratification.

But consider, too: Just like the rest of us, IPRs are not omniscient and so may be incorrect in thinking they are in a situation in which foregoing *democracy within* is permissible. Take rescue again: If the situation is not one in which the represented rely uniquely on this IPR, the situation is urgent, and rescue is needed, then the IPR is not justified in foregoing *democracy within*, at least not on the grounds that they are rescuing the represented. They wrong the represented and are accordingly criticizable.

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. As it turns out, these conflicts are not just contingent features of some IPR relationships—they are parts of the deep structure of the phenomenon.

9 | CONCLUSION

Informal political representation is a needed social practice in societies like ours, a practice that can protect or oppress. It can improve the lives of oppressed and marginalized group members. Or it can crush them underfoot.

I have argued:

1. Members of oppressed and marginalized groups often lack political power that would aid them in redressing their oppression or marginalization.
2. This lack of political power often manifests as exclusion from or inefficacy in FPR bodies.
3. In such societies, IPRs often represent oppressed and marginalized groups.
4. These IPRs are quite reasonably criticized for certain of their representative activities.

5. To represent permissibly, these IPRs must treat the represented in certain ways that, taken together, make up the *democracy within* duties and *justice without* duties.
6. Sometimes, *democracy within* duties and *justice without* duties conflict.
7. When conflicts emerge, *democracy within* duties trump unless special justification (group uptake, non-reliance, or direness) is available.

NOTES

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- ² Despite this, informal political representation is undertheorized. But see especially the following on IPRs and similar actors: Castiglione & Warren (2019), E. Davis (2016), Disch (2015), Kuyper (2016), Mansbridge (1980), Montanaro (2018), Pitkin (1967), Rehfeld (2006), Rubenstein (2014), Saward (2009), Saward (2010), Spivak (2010), Urbinati & Warren (2008), Vasanthakumar (2016), Williams (1998), Young (1990).
- ³ Going forward, I use "marginalized" as shorthand for "unjustly marginalized."
- ⁴ For defenses of this claim, see especially Dahl (1989, pp. 225-231); Young (2000, pp. 124-125); see generally Mansbridge (1980).
- ⁵ Sometimes, values, interests, or preferences expressed in or satisfied by FPR institutions by happenstance align with these groups' interests. That it is by happenstance means that such institutions are not responsive to the groups' interests. It matters not just that our representative institutions accidentally express or satisfy our interests but that they do so because they are our interests.
- ⁶ This article focuses specifically on IPRs of oppressed or marginalized groups in our unjust world because especially difficult and important questions emerge in contexts of oppression and marginalization. However, IPRs can also be valuable when FPR mechanisms function well, absent unjust conditions, and for groups neither oppressed nor marginalized. What changes in these different contexts is not whether IPRs can be valuable but rather what makes them valuable.
- ⁷ Informal political representation is a subtype of the more general phenomenon of informal representation, which is not essentially political (Salkin, 2021a, p. 5). Informal representation is more or less political by virtue of the forum in which it occurs and the subject-matter of the representation (Salkin, 2021a, pp. 5-6).
- ⁸ I discuss group uptake in some detail in Section 8; see also Saward (2010, p. 48).
- ⁹ I thank an anonymous reviewer for asking about this.
- ¹⁰ For other treatments of authorization in non-electoral contexts, see especially Disch (2015); Hobbes (1651/1996, chap. XVI, pp. 106-110); Montanaro (2018, pp. 83-85); Saward (2009); Saward (2010, pp. 102-110).
- ¹¹ On the normative dimensions of elections, see especially Guerrero (2010).
- ¹² For other treatments of representative accountability, see especially Grant and Keohane (2005), Mansbridge (2009), Montanaro (2018, pp. 85-90), Saward (2010, pp. 82-110).

- ¹³ I thank Colin Bossen and Xiaochang Li for help identifying these examples.
- ¹⁴ On political representation as an act of making present, see especially Phillips (1995).
- ¹⁵ I thank Whitney K. Taylor for this example.
- ¹⁶ A further family of challenges raises the question whether nonmembers may represent a group. This question deserves more attention than it can be given here. Accordingly, I treat it elsewhere (Salkin, 2021b).
- ¹⁷ I thank Lidal Dror for bringing this speech to my attention.
- ¹⁸ I thank David Hills for raising this point.
- ¹⁹ Since they are not authorized in the first place, they have no cause for concern about being disauthorized.
- ²⁰ Relational imbalances can arise between representatives and groups neither marginalized nor oppressed. However, these imbalances will be either unobjectionable or, if objectionable, not for the same reasons as when the represented are marginalized or oppressed. Relational challenges are particularly worrisome when the represented are oppressed or marginalized because there is an especially close nexus between the represented group's oppression or marginalization and their need for (and consequent reliance on) an IPR. In these cases, the IPR fills a particular corrective role for groups whose oppression or marginalization manifests, partly, as exclusion from FPR lawmaking bodies. By contrast, when the represented are neither marginalized nor oppressed, their informal political representation is not meant to be corrective for exclusion from FPR lawmaking bodies. The relational imbalances that manifest between IPRs and groups neither marginalized nor oppressed are less worrisome at least partly because there is no background assumption that the IPRs are meant to play a corrective role for the represented groups. I thank an anonymous reviewer for asking me to clarify this point.
- ²¹ I thank Dave Estlund for raising this objection.
- ²² Elsewhere, I consider how the different dimensions along which representation can be more or less formal (discussed in Subsection 2.1) affect how inequalitarian or oppressive challenges take shape—whether, for instance, the representation of a particularly badly marginalized group is especially likely to lead to the occlusive version of the oppressive relational challenge (Salkin, 2021b). I thank an anonymous reviewer for asking me about this.
- ²³ I thank an anonymous reviewer for raising this objection.
- ²⁴ I thank an anonymous reviewer for helpful suggestions concerning this point.
- ²⁵ Proxy consultation can produce intermediate IPRs who communicate between individual group members and IPRs of the larger group. One runs into problems of cumulative error and other epistemic hazards when getting information mediately in this way, as anyone who has ever played a game of telephone can attest.
- ²⁶ Not all people living with nonverbal autism are unable to communicate (see, e.g., Reyes, 2018).
- ²⁷ I thank Emilee Chapman for raising this concern.
- ²⁸ I thank an anonymous reviewer for this example.
- ²⁹ Elsewhere, I consider how the different dimensions along which representation can be more or less formal (discussed in Subsection 2.1) shape how *democracy within* duties are discharged—whether, for instance, IPRs representing groups especially poorly situated to effectively protest have correspondingly stronger duties to seek out group members to consult (Salkin, 2021b). I thank an anonymous reviewer for asking me about this.
- ³⁰ It is outside the scope of this article to consider whether Washington's concessions were warranted.
- ³¹ In many cases, the IPR will not have this discretion (Salkin, 2021a).
- ³² There is a caveat to this generalization, discussed in *Avoidance* below.
- ³³ I do not mean to suggest that FPRs ought not engage in the self-evaluation and self-constraint here prescribed for IPRs.
- ³⁴ I thank an anonymous reviewer for asking me whether this is so.
- ³⁵ These negotiations in fact broke down due to standing segregation laws and the bus company's racist commitments (King, 1958/2010, p. 101).

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