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The Priority of Racial Constituency over Descriptive Representation

Michael Rabinder James Bucknell University

Several normative political theorists argue for racially descriptive representation, or for blacks to represent blacks. I contend that if theorists believe that blacks deserve additional measures to improve their substantive political representation, then they should prioritize the creation of racial constituencies independently of whether such constituencies elect black representatives. Prioritizing racial constituency circumvents essentialism within descriptive representation and better reflects the role of electoral authorization and accountability in generating trust between representatives and constituents. As a result, descriptive representation becomes one of several criteria (along with other identity markers, ideological proximity, and general competence and trustworthiness) to be applied by a racial constituency in selecting a preferable representative. Ultimately, prioritizing racial constituency allows normative theorists to affirm, without philosophical contradiction, the existence of black districts that elect nonblack representatives; contain black ideological minorities; exhibit diverse political interests; reflect shifting electoral constituencies; and elect representatives with divergent representational styles.

Barack Obama. Kenneth Blackwell. Deval Patrick. Lynn Swann. Harold Ford. Michael Steele. What do these men have in common? They were all candidates for national or statewide office in the United States in 2006 or 2008. Obama, of course, ran for President; Blackwell, Patrick, and Swann sought governorships in Ohio, Massachusetts, and Pennsylvania respectively; Ford ran for a U.S. Senate seat from Tennessee, while Steele pursued one from Maryland. Most were unsuccessful: only Obama and Patrick won their elections, but the others ran competitive campaigns. Importantly, these men were not from the same party: Obama, Patrick, and Ford ran as Democrats, the rest as Republicans. More importantly, all men are black Americans who sought to represent constituencies that were majority white. For this reason, it is perhaps unsurprising that only two of these candidates won their contests. What is notable is that none of the black Republicans managed to win a majority of the *black* voters in their contests, even though all of their opponents were white (see appendix).

These examples pose a difficult challenge for philosophical defenders of racially descriptive representation, who argue that blacks should represent blacks. Though hardly monolithic, these political theorists all promote descriptive racial representation not just for its symbolic benefits but also to enhance the substantive representation of minority race citizens, either by promoting policies that further minority interests, or by representing a minority perspective within legislative deliberation.¹ But given these theorists' concern for substantive representation, it is notable that they have devoted relatively little attention to defending the creation of majority-black constituencies, whether or not they elect black representatives. Jane Mansbridge (1999), Suzanne Dovi (2002), and Iris Young (1990, 2000) do not discuss the value of minority racial constituencies; Melissa Williams does, but only as a means for electing and holding accountable black representatives (1998, 173). Remarkably, Andrew Rehfeld, whose excellent book concerns and is titled *The Concept of Constituency*, defends black descriptive representation but rejects even Williams'

¹See Phillips (1995), Williams (1998), Mansbridge (1999), Young (2000), Dovi (2002, 2007), and Rehfeld (2005). Only Mansbridge (1999, 648–52) defends descriptive representation for its dual symbolic benefits of supporting the de facto legitimacy of the political system and countering the perception that marginalized groups lack the ability to govern. However, even she acknowledges that the “primary function of representative democracy is to represent the interests of the represented” (630).

instrumental use of majority-black constituencies to authorize and hold accountable descriptive representatives (2005, 231–39). As a result, racial constituencies have not been defended independently of the racial identity of the representative.²

I wish to rectify this lacuna. I contend that *if* theorists believe that blacks deserve additional measures to improve their substantive political representation, then they should *prioritize* the creation of racial constituencies independently of whether such constituencies elect black representatives.³ Instead of immediately addressing the question of *who represents*, I suggest first attending to *who authorizes and holds accountable*. Thus far, theorists have seen descriptive representation as a *necessary* condition for representational fairness, albeit an *insufficient* condition absent electoral mechanisms for authorizing and holding accountable descriptive representatives (Williams 1998, 6). On the contrary, I suggest that *wherever representatives are subject to electoral authorization and accountability*, theorists should view racial constituencies as the *necessary* albeit *insufficient* condition for representational fairness.

If we take this step, then whether a black constituency chooses to elect a black representative becomes a more contingent political question, wherein black voters weigh the relative value of descriptive similarity against other criteria such as political ideology, competence, or trustworthiness. Making such a political decision depends less on philosophical arguments than on the specific characteristics of the present slate of candidates and the specific concerns of the constituency in question. Thus, I wish to make minority racial constituencies the *primary* concern. If such constituencies elect descriptive representatives, this may generate potentially real benefits, but these are *secondary* to the ability of the minority racial constituency to authorize and hold accountable its representative, whether or not she is of the same race.

My argument proceeds in three steps. I first argue that theorists of racially descriptive representation do not resolve two conundrums: they fail to avoid racial essentialism through their idea of shared racial perspective, and they misunderstand the relationship between electoral accountability and the trust that black voters are expected to have for their descriptive

representatives. Both of these problems can be circumvented if we prioritize minority racial constituency. I then clarify my thesis by defining *racial constituency*, specifying what I mean by *substantive* representation, explaining why racial constituencies deserve *priority* over descriptive representation, and relate my argument to the “selection” model of representation. Finally, I outline the specific advantages of prioritizing black racial constituency, which I contend allows normative theorists to affirm, without philosophical contradiction, the existence of black districts that elect nonblack representatives; contain black ideological minorities; exhibit diverse political interests; reflect shifting electoral constituencies; and elect representatives with divergent representational styles. I conclude by emphasizing that this argument applies only to settings where representatives are subject to electoral authorization and accountability. This condition will, I argue, affect the applicability of this argument to other disadvantaged intergenerational groups, such as Latinos and Native Americans.⁴

The Philosophical Conundrums of Descriptive Representation

Perspective, Interest, and Essentialism

Phillips notes that descriptive representation must provide constituents with some additional “guarantee,” beyond mere electoral accountability, that the representative will act on their behalf. Yet she fears that specifying this guarantee may flirt with essentialist “notions of authentic or organic representation” (1995, 157). Similarly, Williams contends that defenders of descriptive representation “must adduce something that members of these groups share without falling into the trap of essentialism” (1998, 5–6). Mansbridge defines essentialism as “the *assumption* that members of certain groups have an essential identity that all members of that group share and of which no others can partake” (1999, 637; emphasis added). But given the “wide diversity of both opinion and interest within any social grouping” (Williams 1998, 6), what could *all and only all* members of a

²The sole exception among political theorists is the brief discussion by Kymlicka (1995, 148).

³I posit that blacks do deserve additional help in securing their substantive political representation but cannot defend this position here. Williams (1998, Chap. 6) most strongly justifies enhancing black representation, by arguing that contemporary black disadvantage is caused by their historical oppression.

⁴For analytical clarity, I will focus only on the representation of African Americans within the existing single-member plurality system used for the U.S. House of Representatives. I do not examine gender based representation. As Mala Htun (2004) demonstrates, the wider distribution of women across political parties, versus the concentration of racial or ethnic voters within certain parties, renders the institutional strategies for enhancing representational fairness across these two groups incommensurable.

racial group share, *in fact* rather than *by assumption*, such that a white representative cannot provide that extra, nonelectoral guarantee? The answer proffered by Mansbridge, Williams, and Young is a shared *social perspective*.

All three theorists ground shared social perspective in common experiences. Williams states that members of marginalized groups share “the experience of marginalization and the distinctive perspective on matters of public policy that comes from that experience” (1998, 6); Young asserts that members of disadvantaged social groups possess a “particular location-relative experience . . . or point of view on social processes” (2000, 136; Cf. 97–98, 123); and Mansbridge depicts the “visible characteristics” shared by descriptive representatives and their constituents as “the outward signs of . . . shared experience” (1999, 647). Common experience and shared perspective thus unifies the group amidst its internal diversity of interests or opinions. Indeed, for Young a social group perspective provides the initial common ground upon which individuals develop their diverse opinions and interests (2000, 137).⁵ Blacks need not share interests or opinions nevertheless to start from the same social perspective that should be descriptively represented. Since white representatives lack these experiences, they cannot represent the perspective of black constituents. Although white representatives could, through learning, overcome this experiential and epistemological gulf, they cannot erase the effects of their own privileged perspective, leaving them at some distance from their constituents. On the other hand, because a descriptive “representative and his or her constituents are ‘similarly situated’” and share group-specific experiences, she can “communicate the constituents’ distinctive perspective on matters of public policy” (Williams 1998, 139).

However, Young admits that if a social group can encompass diverse *opinions* and *interests*, it might also encompass diverse *perspectives*: “One might object that the idea of an African American perspective . . . is just as open to criticism as the idea of a single group interest or opinion” (Young 2000, 138). Later she concludes that there “are good grounds for questioning an assumption that a social perspective is unified” (2000, 148). Young’s rejoinder is first to warn against retreating to an individualist stance that denies group

difference. She later recommends that we “pluralize” group descriptive representation: “the perspective of women in a commission or legislative body would be better [represented] by . . . a small committee of women rather than just one woman” (2000, 148). But Young’s response is unconvincing, since a “small committee of women” still assumes a shared “perspective of women” that presumably excludes men.

In the end, theorists of descriptive representation must define a set of experiences that are shared among all and only all members of a group that grounds the common social perspective that can only be represented descriptively. But none of these theorists empirically identify what these experiences might be for any specific social group. Looking at race, we might ask if the “black experience” is universally shared among all members of this group, or whether some individuals possess different experiences not typical of the group. Do *all* members of a social group share *all* experiences, or do some members share some experiences while others share other experiences? Is there an “overlapping consensus” of experiences shared by members of the same social group? Certainly most blacks cite frequent experiences of racism, such as having difficulty hailing cabs or being watched in stores. But there are always outliers, like the black, anti-affirmative-action activist Ward Connerly, who claims to have experienced racism only once in his life, and uses that experience to emphasize the benevolence of whites, citing the friend who defended him on that occasion (Bearak 1997). Does Connerly thus lack an authentic black perspective? Connerly thinks not, and any political theorist who suggests otherwise edges back to the essentialist position that Phillips warned of earlier.

There is no purely philosophical solution to this puzzle; it must be answered empirically, by investigating which experiences all and only all members of a social group share. However, such universally shared experiences are quite rare, if they exist at all. In 2008, 24.7% of blacks lived in poverty, while 54.4% of black children were raised in single family households. For whites, the respective proportions were 8.6% and 19.6% (Census Poverty 2008; Census Families 2008). Although more blacks than whites were affected by poverty and single parenthood, nevertheless all blacks do not share this experience, while some whites do. At best, the experiences that ground social group perspective are *probabilistic* (Taylor 2004, 86). It is not that *all and only all* blacks will share certain experiences, which in turn ground a shared perspective; rather, blacks are *more likely* to share certain experiences than are whites.

⁵Williams more strongly claims “that a group’s shared perspective helps to define the boundaries within which different interpretations of interest are possible” (1998, 171). But this position is less tenable, since it specifies a determinate boundary of black interests, which the turn to perspective was meant to avoid.

But the probability of sharing interests and opinions, as expressed by voting preferences, seems to be *higher* than the probability of sharing experiences. In the last three Presidential elections, 88–95% of blacks voted for the Democratic candidate (see appendix). A black American is far more likely to vote Democratic than to grow up in a single-parent household, let alone be poor, a victim of a violent crime, or a prisoner. While similar experiences certainly influence black political preferences, the diversity of perspective-generating experiences remains greater than the diversity of party preferences. Indeed, the same experiential statistics meant to ground racial perspective are used by empirical political scientists to identify common black interests (Canon 1999, 21–31; Haynie 2001, 19–24; Swain 1993, 5–13).

Recall that most blacks did not support Michael Steele, Kenneth Blackwell, and Lynn Swann. Theorists of descriptive representation might adopt the language of probability to depict these black Republicans as outliers regarding black experiences and perspectives (See Williams 1998, 6). But most black representatives might be outliers, since like their white counterparts they are typically richer and more educated than their constituents, black or white, and thus can enjoy “status deracialization” and circumvent the negative experiences suffered by poor or working class blacks (Dovi 2002, 740). But we can avoid dismissing some black perspectives as inauthentic by straightforwardly claiming that blacks widely but not universally share certain common interests, which most Republican politicians, black or white, do not defend.

On a statistically significant, probabilistic basis, most if not all blacks have common interests and opinions. But the language of probability undermines arguments for descriptive representation, since its defenders must adduce some factor shared by all and only all blacks in order to show why blacks cannot be adequately represented by nonblacks, and the factor that they adduce—a shared social perspective grounded in common experience—does not encompass all and only all blacks. Instead of resigning ourselves, like Mansbridge, to the uncomfortable admission that essentialism may be an unavoidable “cost” associated with descriptive representation (1999, 637), we can simply circumvent this problem by defending race-conscious districting through the concept of racial constituency.

The concept of racial constituency avoids essentialism by easily accommodating the fact that what blacks share is not universal and exclusive to the group but only statistically significant and probabilistic. For a racial constituency will include hundreds

of thousands of black constituents ($n > 329,000$)⁶, unlike the unitary sample size of a descriptive representative ($n=1$). This allows defenders of racial constituencies to avoid the need to identify some elusive factor, such as experience or perspective, shared by *all and only all* blacks. Rather, it will merely require that *most* blacks in any specific district share a variety of commonalities, be they partisan preferences, interests, opinions, experiences, or perspectives. In this way a racial constituency is no more essentialist than any other large electoral constituency. Just as a majority-rural district will contain at least some city slickers who do not share the party preferences, interests, opinions, experiences, or perspectives typical of most country folk, so too a majority-black district will have at least some black constituents who are outliers in these respects. As a result, a majority-black electoral district can form as coherent a community of interest (and opinion, experience, and perspective), with at least as strong a claim to representation, as any other constituency.

Theorists of descriptive representation set up a false dichotomy between affirming the existence of a common racial perspective shared by all and only all blacks versus retreating to individualistic, color-blind politics. But the problem of experiential outliers does not suggest that race is politically unimportant or that black constituents lack race-related interests that deserve representation. Outliers become a problem only when we ground descriptive representation on the notion of a universally shared racial group perspective. If social group perspective remains a problematic concept, the solution is not color-blindness but a shift in theoretical emphasis from descriptive representation to racial constituency. Focusing on racial constituency still allows voters in a majority-black district to choose to elect a black representative, but it has no problem accepting their decision to elect a nonblack candidate who might better reflect their interests and opinions (and maybe even their experiences and perspectives). *Pace* Justice Sandra Day O’Connor, creating a majority-black district *does not* suggest “that members of the same racial group . . . think alike” (*Shaw v. Reno* 509 U.S. 630). But assuming that a black representative shares the same perspective as his black constituents *does*.

⁶I derive this number by multiplying the size of an average constituency (700,000 after the upcoming 2010 Census and reapportionment) by the 47% number that Cameron, Epstein, and O’Halloran (1996) suggest is the optimal black percentage for Southern districts, where majority-black districts create the greatest trade-offs in terms of the substantive collective representation of black interests.

Trust and Accountability

Theorists additionally argue that limits to electoral accountability generate a need for descriptive representation in order to provide a supplementary source of trust between representatives and constituents. For Phillips, descriptively based trust compensates for the autonomy that representatives enjoy within legislative deliberation; for Williams, descriptive similarity helps to ensure that representatives are equally affected by the laws they pass. Both arguments are partially supported by empirical analysis but still suffer important shortcomings.

For Phillips, descriptive representation seems to contradict the idea of accountability, since a representative cannot really be held to account for her identity. Voters can throw out a representative who breaks her campaign promises, but they cannot sanction a representative for no longer being black. Phillips also asserts that majority-black seats are typically safely Democratic, making it hard for constituents to dismiss representatives in a general election (1995, 101–103). But Phillips fails to mention that most seats in the American House of Representatives are safe seats, regardless of whether or not they are majority-minority. Indeed, the 2008 elections saw voters in majority-black districts in Maryland and Louisiana unseat unresponsive black legislators through primary and general election challenges, whereas a notoriously corrupt incumbent in the majority-white, at-large Alaska seat managed to stay in office. Moreover, it is possible that a politicized racial identity may well be subject to some form of electoral accountability, a point to which I will return momentarily. For now, let us examine Phillips' justification for descriptive representation in the context of legislative deliberation.

Because legislative deliberation requires that representatives enjoy some autonomy to revise their preferences in light of new arguments and information that emerge within the assembly, descriptive similarity provides constituents with an additional reason to trust representatives who reverse their campaign positions. As Phillips puts it, "If the representatives were only messengers, sent there to pass on pre-agreed programmes and ideas, then it might seem rather beside the point to worry about how many of them are female or Latino or black. But if the representatives are to claim considerable autonomy, we will more legitimately worry about how much of our experience they share" (1995, 159). And because legislative deliberation is "not normally conceived on the model of industrial relations, where the negotiators break off discussion in order to consult with their members," descriptive representation

becomes doubly important (1995, 155). Finally, representatives enjoy greater autonomy on precisely those issues where the minority racial group's interests and preferences are in flux. Where preferences are crystallized, she admits, majority-black districts could hold their representatives accountable, regardless of their racial identity (1995, 159; Cf. Mansbridge 1999, 643–48). So when representatives act more as delegates, electoral accountability is more important than descriptive representation; but whenever representatives act as trustees, descriptive representation provides an additional and necessary source of trust beyond electoral accountability.

Congress scholar Richard Fenno seems to confirm this argument in his portrait of Representative Louis Stokes of Ohio, who asserted: "I have freedom to do almost anything I want to do in Congress and it won't affect me a bit at home. . . My people didn't send me to Washington to check back every time there is a vote to see what public opinion in my district says. They sent me down there to use my judgment and to provide some leadership. . . When I vote my conscience as a black man, I vote right for my district" (Fenno 2003, 32). So although Stokes's legislative voting record closely matched the liberal policy preferences of his district, he understood his actions not as a delegate but as a trustee, free to act as he saw fit in service of what he perceived to be his constituents' interests. Yet Stokes's self-portrait might be misleading. As Fenno points out, Stokes embodied not a "static" form of racially descriptive representation but a dynamic form of symbolic representation (2003, 5). By comporting himself "in such a way that members of the black community would be proud of him and—because he was descriptively like them—proud of themselves as well," Fenno concludes that "Congressman Stokes was providing something less than substantive representation and something more than descriptive representation. He was providing active symbolic representation" (2003, 35–36).

Fenno emphasizes that "no white member of Congress could duplicate [such pride] among his or her black constituents—however satisfactory that white member's policy connections might be" (2003, 36). However, I suspect that not just any black representative could do so either. Only a black representative who acted in an exemplary way could generate the pride that Stokes invoked among his constituents. Consider former Louisiana Congressman William Jefferson, who invoked his descriptive similarity to his black constituents in order to depict his indictment for corruption as part of a conspiracy against black representatives. His constituents dismissed his claim

and turned him out of office in favor of an Asian Republican, Ahn Cao. Instead of *symbolic pride*, if anything Jefferson probably invoked *symbolic shame*.

The counterpoised examples of Stokes and Jefferson reinforce the importance of black racial constituencies. *Pace* Phillips, a descriptive representative can be held accountable for her racial identity if, like Jefferson, she actively invokes symbolic shame. But such accountability presumes facing reelection before a predominantly black constituency. Moreover, formal electoral accountability remains indispensable even for a successful descriptive trustee like Stokes, since even trusteeship's greatest advocate, Edmund Burke, saw elections as the basis of legitimate representation (Pitkin 1967, 177–81). So a descriptive trustee like Stokes might not have to check back constantly with his constituents, but his trusteeship must still be electorally validated by his majority-black district. Finally, only a district with a *large* black majority will provide a secure home for a representative, like Stokes, who seeks to provide active symbolic representation of the black community. A district with a smaller black majority or plurality cannot easily facilitate such active symbolic representation and will more likely elect a representative who balances black and nonblack interests (Canon 1999). How different racial constituencies facilitate different types of representational styles, even among black representatives, is occluded by theorists who focus only on descriptive representation while overlooking the details of racial constituency. In sum, Phillips's insights about descriptive representation ineluctably return us to the formal mechanism of electoral accountability to a majority-black constituency. And this formal mechanism can equally apply to a nondescriptive representative, albeit for the more substantive issue of whether she is defending black interests.

I will revisit these points later. Now let us turn to Williams, who begins by noting two proxies for trust within America's "Madisonian" scheme of government. First, representatives are accountable to their constituents through frequent and periodic elections; thus, trust in representative virtue is replaced by the incentive for reelection. Second, because representatives are subject to the laws that they pass, they will not enact unnecessary burdens upon their constituents. Williams argues that both Madisonian proxies for trust are undermined by interracial mistrust, the effects of which can only be obviated by black descriptive representation.

Focusing on the Reconstruction era, Williams argues that electoral accountability failed to secure black interests. White Republicans initially protected

black interests in civil rights during the early Reconstruction, a period in which resentment or disenfranchisement led most southern whites not to vote. But as white southerners returned to the ballot, after the removal of their disqualifications and the soothing of their resentment, competition for their votes led white Republicans to soften their support for black civil rights (1998, 167). This historical account, however, favors prioritizing racial constituency over descriptive representation, since the white Republicans altered their legislative behavior to accommodate the changing racial demographics of their voting electorate. Indeed, the numerical dominance of white voters would have even undermined the capacity of black representatives to protect black interests, since they would have been accountable to white voters. Williams herself provides evidence of this very problem, citing a black newspaper editorial criticizing white Republican attempts to control the Louisiana candidate slate, since even if they "chose black representatives, 'the latter, if so selected [will not] express the sentiments of their race'" (1998, 164). White-dominated constituencies were the main problem, even if they elected black representatives.

Williams's second argument fares somewhat better. Because they were not themselves subject to the racially discriminatory laws introduced in Reconstruction-era Southern states, "white Republicans' own rights did not depend on the passage of legislation such as Sumner's Civil Rights Bill and the Enforcement Act of 1875," depriving them of the incentive to pass these federal antidiscriminatory measures (1998, 167). As a result, black citizens rightly came to mistrust their white representatives and the white-dominated government.

Williams sees descriptive representation as a tonic to such distrust. While Jim Crow laws are a thing of the past, facially neutral laws, such as the harsher sentences for possessing crack versus powder cocaine, can have extreme, race-differentiated results. Thus, black citizens can expect to trust black representatives to protect their interests, at least where those interests conflict with the interests of the white majority (1998, 169). Beyond this, Williams follows Mansbridge's suggestion that black constituents will feel more comfortable contacting black representatives, thereby providing an additional source of nonelectoral trust (Williams 1998, 172; Cf. Mansbridge 1999). Over the longer term, Williams speculates that the trust that develops between descriptive representatives and their constituents will generate a "spiral of trust" that enhances blacks' general trust in government as a whole (1998, 172).

All three of Williams' hypotheses have been empirically tested. Gay (2002, 729–30) and Tate (2003, 124, 160–61) undermine the last claim, finding that blacks represented by blacks are no more likely than blacks represented by whites to trust government in general. Conversely, Gay (2002, 726) confirms the second hypothesis: black voters are more likely to contact black rather than white representatives. Most difficult to assess is the first claim, since extant studies do not test specifically for “trust” but more generally for positive or negative evaluations of descriptive representatives. Nevertheless, this evidence is at best mixed. Tate (2003, 121–22) finds that black voters more positively evaluate black representatives, but party identity may be the driving factor. Gay (2002, 721–25), in turn, finds that descriptive representation seems to matter more to white constituents than to black constituents, whose own higher approval of black representatives seems to reflect ideological affinity more than racial similarity.

So why don't black voters place greater trust in black representatives? Perhaps because black representatives, like most legislators, disproportionately come from the upper or middle classes (Dovi 2002, 740). Thus, many black representatives might not be harmed by laws cutting education or health care funding, even if these cuts devastate poorer black constituents. As far as this is true, it deflates the argument that descriptive similarity enhances constituents' trust in their representatives. So it is unsurprising that Williams ultimately concedes, “Trust in a representative is not justified by his or her mere similarity to oneself. In addition, there must be mechanisms of accountability to bind the representative to constituents' interests” (1998, 173). I agree but would reverse the emphasis. Black constituencies are needed to authorize and hold accountable representatives; in addition, black constituents might better trust such representatives if they share the same racial identity.

Prioritizing Racial Constituency

I define a racial constituency as an electoral district within which blacks are sufficiently numerous so as initially to authorize and subsequently to hold accountable their representative, whether or not she herself is black. I define authorization as a constituency's use of an election to grant authority to a representative “at the outset of his term of office,” and accountability as a constituency's use of an election to subject an already authorized representative “to reelection or removal at the end of his term”

(Pitkin 1967, 56). Thus, a racial constituency is one in which the representative (1) needs the decisive support of black voters in order first to be authorized to serve in the House of Representatives and (2) can later be sanctioned by black voters should he betray their interests. This definition requires that blacks *at minimum* constitute the pivotal vote in a district; thus a racial constituency need not be majority-black, unless that is the only way of placing black voters in the pivotal electoral position. I will leave it up to empirical political scientists to determine the exact percentage of black registered voters needed to generate pivotal voting strength within a specific district, as this will vary according to region, urban density, the presence of Latino voters, and the racial ideology of white constituents. For instance, in a northeastern urban district, a black minority allied with liberal whites might be able to exercise decisive power in authorizing and holding accountable a representative; conversely, in a southern rural district, blacks might need a majority in order to outvote conservative whites (See Epstein and O'Halloran 1999; Lublin 1997, 1999). For present purposes, the key point is that a black racial constituency is one in which the representative (1) needs the decisive support of black voters in order first to be authorized to serve in the House of Representatives and (2) can later be sanctioned by black voters should she betray their interests.

Prioritizing racial constituency on substantive grounds requires distinguishing dyadic versus collective forms of representation. Dyadic representation concerns the representation of a specific constituency, whereas collective representation reflects the overall representativeness of the entire legislative body. Substantive, descriptive, and symbolic representation may be achieved dyadically or collectively: *substantive collective representation* concerns the policies created by an entire legislative body, whereas *substantive dyadic representation* pertains to the positions taken (e.g., roll-call votes or bills sponsored) by the representative of a specific constituency; *descriptive collective representation* compares the demographics of the legislature with that of the nation, while *descriptive dyadic representation* reflects the descriptive similarity between a representative and her specific constituency (e.g., a black representative serving a black constituency); finally, *symbolic representation* may be *collective* (with the legislature as a whole in some way symbolizing the nation) or *dyadic* (with the representative in some way symbolizing his constituency). All of these forms of representation are variants of “group” representation, since all political

representation is of groups (Htun 2004, 441; Burden 2007, 60–61; Mansbridge 1999, 230–33).

My argument centers on *substantive dyadic representation*, or on how well specific representatives further the interests of their specific racial constituency. In doing so, I follow most normative and empirical scholars of racially descriptive representation, who devote their attention to the legislative actions (roll-call votes, bill sponsorship) of individual representatives (See Canon 1999; Haynie 2001; Swain 1993; Tate 2001, 2003; Whitby 1998; Williams 1998, 170). Two approaches buck this trend. First are empirical scholars who try to assess whether the creation of racial constituencies actually furthers the *substantive collective representation* of blacks, as measured by the policies produced by the legislature as a whole. Second is the idea of “surrogate representation,” whereby black representatives from some constituencies seek to represent the interests and perspective of blacks from other constituencies or the entire nation (Fenno 2003, 7; Mansbridge 1999, 642; Mansbridge 2003, 522–25). However, neither of these exceptions undermines my argument about the relationship between racial constituency and substantive black representation.

First, there is some empirical evidence that creating racial constituencies may harm black substantive collective representation by rendering the neighboring districts whiter and more conservative, thus increasing the overall number of Republican representatives who are unlikely to support black interests. However, this trade off diminishes in the North (where black constituencies typically about liberal, urban white districts likely to elect racially liberal Democratic representatives), whereas in the South the optimal district for the collective substantive representation seems to be 47% black, a proportion likely to place black voters in the pivotal electoral position that defines racial constituency (Cameron, Epstein, and O’Halloran 1996; Epstein and O’Halloran 1999; Lublin 1997, 1999).

Second, it is true that surrogate descriptive representatives are not subject to dyadic electoral authorization and accountability by the entire range of blacks whom they seek to represent (Mansbridge 2003, 524). But as I will argue below, black surrogate representatives face dyadic accountability to their own districts, which unsurprisingly tend to have large minority populations, whose interests and perspectives are likely to mirror those of blacks outside of the district. Districts in which blacks constitute only a small majority or a plurality are less capable of providing a safe seat from which surrogate representatives can promote extra-

district racial interests, and thus more typically elect representatives who balance black and white interests. Thus my argument about the dyadic substantive benefits of racial constituency is likely to hold regardless of the importance of collective substantive or surrogate representation.

In defending the *priority* of racial constituency over descriptive representation, I do not deny that the latter really can enhance both the substantive and symbolic representation of racial minorities (Cf. Canon 1999; Haynie 2001; Mansbridge 1999). I am, however, suggesting that it should be up to the members of a racial constituency to determine whether or not they wish to be represented by a descriptive representative. In her cogent defense of “preferable” descriptive representation, Dovi (2002, 741) correctly argues that the “choice between two descriptive representatives” depends upon adopting and applying criteria that identify which one would be preferable. However, Dovi unnecessarily constrains the choice to be *only* between *descriptive* representatives because she takes “the value of having descriptive representatives in public positions as a given” (729), and because she extends her model of preferable representation to nonelectoral settings, where “members of historically disadvantaged groups are not always the ones who select descriptive representatives” (734).

My argument departs from Dovi on both of these points. I argue that racial constituency is prior to descriptive representation precisely where members of historically disadvantaged groups *are* the ones who select the representative. Whenever blacks are at least the pivotal voting bloc, if not the majority, within a given constituency, then it is up to them to adopt and apply criteria of preferable representation in choosing among descriptive or nondescriptive representatives. And instead of assuming a priori that a black constituency should favor a black representative as a necessary if not sufficient condition for adequate substantive representation, I hold that a black constituency should be free to adopt and apply criteria of preferable representation, which might lead them to favor a white representative over a black one.

Having a racial constituency adopt and apply criteria for preferable representation gains importance if we examine the “selection” model of representation. Because empirical evidence suggests that voters are less adept at sanctioning a representative *post hoc* for betraying their interests than at selecting *ex ante* a good representative likely to defend their interests, this model claims that constituents can secure better substantive representation by initially selecting a representative who “has self-motivated, exogenous

reasons” for upholding their interests (Mansbridge 2009, 369). Although Mansbridge (2009, 384–86) suggests that the selection model embodies an alternative form of deliberative or narrative accountability, wherein the representative gives an account of any actions that contradict the wishes of the constituents, she ultimately admits that true accountability can never dispose of *post hoc* sanctions. Thus, the selection model’s greatest significance is as a robust portrait of authorization, one that goes beyond the formal electoral process in order to depict the types of considerations that voters should incorporate in initially choosing a specific representative.

Because the selection model advises constituents to select representatives who are similar to them, Mansbridge emphasizes descriptive representation as a criterion for preferable representation (2009, 380–81). However, Burden’s account of the selection model broadens the scope of similarity and advises voters “to choose candidates who are ‘like them’ on as wide a variety of dimensions as possible” (2007, 141). Thus, constituents should consider various identity criteria in addition to race, such as gender, party affiliation, political ideology, and personal background. Finally, Brennan and Hamlin (1999, 124) expand the criteria of selection beyond traits of similarity to include markers of general competence and trustworthiness. Combining these three approaches generates a multifaceted selection model of representation that bolsters the argument for the *priority* of racial constituency, since it allows black voters to weigh racial similarity against other criteria in selecting representatives.

Recall that I do not reject descriptive representation as substantively unimportant. My point is that the potential benefits of descriptive representation are real but subordinate to the need to create racial constituencies within which black voters have decisive electoral power and thus can weigh the criterion of racial similarity versus different criteria, such as other identity traits, ideological proximity, or general competence and trustworthiness. Theorists of descriptive representation have trouble explaining why black voters would prefer a white Democrat to a black Republican, thereby allowing critics to undermine their arguments for majority-black districts by citing examples like Michael Steele or Kenneth Blackwell. Defending race-conscious districting through racial constituency avoids this, by attributing to black constituents the freedom and capacity to weigh the value of racial similarity against other criteria in selecting their representative. Depending on the candidate pool, different criteria will gain importance.

Imagine black voters in a majority-black district considering the factors of racial similarity and political ideology. If the choice is between a racially conservative white Republican and a racially liberal black Democrat, choosing the descriptive representative will be obvious. But when faced with a racially liberal white Democrat (e.g., Steve Cohen) versus a racially conservative black Republican (e.g., J. C. Watt), black voters may understandably lower the value they place on racially descriptive representation. Now add general trustworthiness to the other two factors. In this situation, black voters may reasonably sacrifice both racial similarity and political ideology if a black liberal candidate has, through past behavior, demonstrated a clear lack of trustworthiness. This scenario nicely models the aforementioned decision of the majority-black and Democratic 2nd District of Louisiana to replace the indicted black Democrat William Jefferson with the Asian Republican Ahn Cao.

The Specific Advantages of Prioritizing Racial Constituency

Nonblack Representatives

Perhaps the most obvious advantage of prioritizing racial constituency over descriptive representation is that advocates of race-conscious districting need not devalue the status of white or other nonblack representatives elected from predominantly black districts. Although such districts overwhelmingly tend to elect black representatives (Handley and Grofman 1994; Whitby 1998, 92), some do elect nonblack representatives, such as former representatives Lindy Boggs and Peter Rodino (Swain 1995, 170–88), along with current representatives Steve Cohen, Robert Brady, and the aforementioned Ahn Cao.

In each of the contemporary cases, predominantly black constituencies have weighed racial similarity against other criteria in ultimately choosing a non-descriptive representative. Cao’s election illustrates how a black constituency can weigh descriptive and ideological similarity against general trustworthiness in selecting a representative. That Cao was the lone House Republican to support the health care reform bill in 2009 also shows how being accountable to a black constituency can shape representational behavior, a point I will revisit. But Cao’s partisan and racial identity eventually cut short his Congressional career in 2010 (Roll Call, LA 2). A sharp contrast in terms of

job security is Brady, who represents one of two majority-minority districts in Philadelphia. Remarkably, Brady's 2007–2008 scores from such civil rights organizations as the Leadership Council for Civil Rights (LCCR) and the National Association for the Advancement of Colored People (NAACP) are each five points higher than those of his black counterpart, Chaka Fattah of the neighboring Second District. For this reason it is unsurprising that Brady faced no 2010 primary challenger, black or white, since black voters have selected someone who matches up well in terms of party, ideology, trustworthiness, and competence, despite his dissimilarity in terms of race (Project Vote Smart, Fatah 2009; Project Vote Smart, Brady 2009). My argument gains further support from the case of Cohen, who represents the majority-black and heavily Democratic 9th District of Tennessee. His LCCR and the NAACP ratings consistently equal or exceed those of black representatives from predominantly black districts (Project Vote Smart, Cohen 2009). And though Cohen's initial election in 2006 was facilitated by a highly fractured Democratic primary contested by over a dozen candidates, all but Cohen being black, in 2008 and again in 2010 Cohen overwhelmingly defeated single black primary challengers who emphasized the need for black descriptive representation (CQ Politics, TN 9; *NY Times* Primary Results). In the end, black voters found Cohen's strong substantive representation of their interests to be a more significant criterion for preferable representation than racially descriptive similarity.

These cases confirm Swain's (1995, 189, 211–16) contention that nonblack representatives can represent black interests. Yet substantial scholarship suggests this to be more likely if these representatives are authorized by and accountable to a predominantly black constituency. Statistical analysis demonstrates that increasing a district's black percentage strongly and consistently correlates with increasing the racial liberalism of black and white representatives (Grose 2005, 432–35). Testing for the effect of racial demographics on the legislative behavior of representatives, Whitby finds that “for each gain of 1 percent black as a consequence of redistricting, LCCR scores increase by 1.018 percentage points” (1998, 129; Cf. 120–31). Using alternative measures, Canon (1999) shows that increasing the black percentage of a district correlates with a greater number of race-related speeches made by a representative (191), race-related bills co-sponsored by a representative (197), race-related stories involving the representative in the district's media (236), and even blacks pictured in a representative's newsletter (221). Finally, Sharpe and Garand show that increasing

the black population of a district by 10% or more strongly correlates with a large increase in the racial liberalism of a representative's legislative voting (2001, 42, 44). Thus, the racial demographics of a district strongly affect a representative's behavior, leading to noticeable differences even among black representatives.

Internal Minorities

Prioritizing racial constituency over descriptive representation also helps to mitigate the criticism that racial redistricting ignores the fact that members of the same race do not all share the same interests, opinions, experiences, or perspectives. Recall that defenders of descriptive representation introduce the concept of racial perspective in order to provide something more broadly shared among blacks than interests or opinions, so as to identify what a black representative adds that a nonblack representative, even if elected by a majority black constituency, cannot. In effect, a common racial perspective was meant to unify all and only all blacks, despite their diverse interests and opinions. But if a common racial perspective is grounded in common experiences, the problem is that not all blacks can be expected to have had the same experiences. Although it is clear that blacks are much more likely than whites to have had certain experiences, this likelihood falls far short of universality, and in fact blacks are more likely to share interests and opinions, as expressed by political party preferences, than the experiences that are meant to ground a common racial perspective.

But even interests, opinions, or political preferences are not universal, and precisely for this reason it is advantageous to prioritize minority racial constituency over racially descriptive representation, since a racial constituency is no more internally diverse, and no less a community of interest, than a district based on geography, class, economic sector, political subdivision, or geometric compactness. All electoral constituencies based on fixed geographic or jurisdictional boundaries will contain internal minorities who lose out in the process of voting. Little or no political controversy attaches to the fact that the state of New York has two Democratic Senators, even though a minority of at least 30% would prefer Republicans (and would presumably have opposing interests or opinions). Similarly uncontroversial are the House's geographic districts, which also contain internal minorities with opposing interests, even when a lack of electoral competition allows one candidate to gain 100% of the vote. So the presence of a minority of blacks with interests or opinions that differ from the

majority of their racial group should not trouble us. In the end, the fact that a large majority of blacks share common interests and opinions, combined with the fact that they share a long history of state-sanctioned oppression, strongly justifies their claim to constitute a distinct political constituency that deserves to be protected in the redistricting process. This holds regardless of the existence of a minority of blacks with opposing interests, regardless of whether the district is geometrically compact, and regardless of whether or not it elects a black representative.

Diversity of Constituencies

Yet if we probe further into the idea of black interests, we find that levels of diversity of interests within the community vary with the issues at stake. Working with data from the 1992 and 1994 National Election Surveys (NES), David Canon shows that racial differences in public opinion vary according to three types of issues. Regarding explicitly racial issues, such as affirmative action, the government's role in promoting racial integration, and civil rights progress, blacks are much more liberal than whites. Regarding facially neutral but implicitly racial issues, such as welfare, food stamps, the death penalty, and urban unrest, black and white opinion diverges less, with whites leaning conservative and blacks being moderate. On nonracial issues such as health care, taxes and the deficit, abortion, gay rights, free trade, and defense spending, Canon finds no racial differences whatsoever, with perfectly identical mean scores and similar distributions along the ideological spectrum (1999, 27–30).

The diversity of black opinion on nonracial issues derives from differences in class, region, and geography. Rich and upper middle-class blacks tend to have different economic interests from poor and working class blacks, while among poor or working blacks, southern rural voters are much more conservative than northern urban ones on social issues, particularly gun control (Canon 1999, 25–26; Tate 2003, 88). The combination of intrablack differences on nonracial issues with interracial differences on racial and implicitly racial issues reinforces the advantages of shifting our focus from descriptive representation to minority racial constituency.

Canon notes many black representatives elected from post-1990 majority-black southern districts are noticeably more conservative than their northern black counterparts (1999, 150). This stems partly from the greater conservatism of rural southern blacks and partly from the large percentage of

conservative southern whites in these districts. For although the Supreme Court has pilloried these districts as reflecting “political Apartheid,” they are actually far more racially heterogeneous than most other districts, including the overwhelmingly black districts in northern urban centers. So while representatives of northern black districts are extremely and consistently liberal, many representatives of post-1990 southern districts adopt a “balancing” strategy, strongly protecting black racial interests while leaning conservative on nonracial issues favored by their white and black rural constituents (Canon 1999, 48).

A typical “balancing” representative is Sanford Bishop, a black Democrat from the 2nd District of Georgia, a rural constituency that is 44% black and 50% non-Hispanic white. On black racial issues, Sanford is strongly liberal, but on nonracial social issues he tacks sharply to the right, garnering him strong ratings from the American Conservative Union and weak ratings from organizations advocating for Muslims and for gays and lesbians (Project Vote Smart, Bishop 2009; Almanac, Bishop 2010). Instead of attributing Bishop's opposition to gay marriage or tepid support for Muslim rights to his black perspective, we can better explain this by the conservatism of his southern, rural, and racially mixed district.

The Dynamics of Racial Constituency

Thus far, my portrait of racial constituency has been a bit simplistic. By discussing the racial demographics of a given district, I have only examined *objective constituency*, defined as “the legal grouping of citizens into geographic, occupational, or group-based electoral rolls” (James 2004, 151). Although the U.S. forms its objective constituencies through geographic districts, some countries provide a separate electoral roll for disadvantaged groups, such as the Maori in New Zealand (Kymlicka 1995, 147–48), or for workers and management in different economic sectors (Grady 1993). More radically, Rehfeld (2005) argues for random, permanent objective constituencies that are entirely divorced from geographic or other communities of interest. Within the American system, the important characteristics of objective constituency include not only geographic boundaries but also the constituents' social and political traits, such as race, gender, income or production class, partisan affiliation, and ideological character.

While objective constituency is crucially important, it must be augmented by the idea of *subjective constituency*, defined as the voluntary formation of cohesive voting blocs through interaction between

voters and candidates (James 2004, 151). Subjective constituency is most salient when comparing different electoral systems: proportional or semiproportional electoral systems with large multimember districts typically allow voters to coalesce voluntarily across a wide geographic territory in order to elect their preferred candidate (Guinier 1994). However, subjective constituency plays a role even within single member districts. Most clearly, competition among more than two candidates facilitates subjective constituency, since a group that constitutes less than a majority can elect the winner (Reilly 1997). Yet even with only two candidates, voters and candidates can still exercise agency in order to form a constituency. Saward (2006) emphasizes the entrepreneurial role of candidates who “claim” to represent a certain constituency, which can freely accept or reject this bid; conversely, Bishen (2000) posits that a “prospective constituency” must already exist before a politician can seek to represent them. In a similar vein, Fenno (2003) and Canon (1999) show how voters and candidates interact in forming subjective racial constituencies.

Fenno emphasizes the agency of representatives, who understand themselves as acting for a set of concentric constituencies: the largest is the objective constituency of the entire district, containing “all the residents of the legally prescribed geographic constituency”; smaller is “the reelection constituency...all voters who support or might support the member”; and the smallest is “the primary constituency...their most active and most reliable supporters.” In addition, Fenno claims that many black representatives perceive a fourth constituency, “a national constituency of black citizens who live beyond the borders of any one member’s district, but with whom all black members share a set of race-related concerns” (2003, 7). In this way, black representatives provide “surrogate representation” for blacks outside of their districts (Mansbridge 1999, 2003).

Canon also focuses on the “supply side” (candidates) rather than on the demand side (constituency demographics) in analyzing elections in recently created black districts. Whenever two or more black candidates contest the Democratic primary election in a district that is at least 30% black, Canon proffers (and generally verifies) the following hypotheses. (1) If two black candidates compete, the more moderate candidate seeking the support of a biracial subjective constituency will defeat the more extreme one courting only a black subjective constituency. (2) But if two black candidates and a white candidate run, the moderate black candidate will lose, since the biracial subjective constituency will have been split; the more extreme black candidate will

win if there is a runoff election; while the white candidate might win if there is no runoff, but only if the black vote is deeply split (Canon 1999, 126–30). In this way, Canon can explain why two districts with similar racial demographics in Georgia managed to elect two very different black candidates: the very liberal Cynthia McKinney and the very moderate Sanford Bishop (1999, 139). It also explains Steve Cohen’s initial election in 2006, seven years after Canon published his study (Almanac, Cohen 2010).

Still, the emphasis that Fenno and Canon place on subjective constituency does not overcome the dominant role of objective constituency. Canon’s supply side theory of subjective constituency only works if the objective constituency is at least 30% black, and Fenno’s black representatives can serve as surrogate representatives of a national black constituency only if their own district’s black population provides a sufficiently large reelection constituency. Forming subjective constituencies through interactions between candidates and voters is more important under single-member district elections than one might think, but in the end a candidate can define her own constituency in this system only within favorable objective constituencies.

Representational Styles

Different types of majority-black constituencies will likely elect different types of representatives. Districts with overwhelmingly large black majorities are more likely to elect representatives who are on the extreme end of racial liberalism; districts with narrow black majorities, particularly those in the rural South that include a substantial number of conservative white voters, are more likely, depending upon the candidate pool in the primary election, to elect more moderate representatives who seek to balance white and black interests. Although some defenders of minority representation might argue that the former representatives will better *advocate* for the needs of the black community, the latter set of representatives can perhaps uniquely foster interracial legislative *deliberation* (or *bargaining*) through their acquaintance with the interests and opinions of both white and black constituents.

But Phillips warns: “The good deliberator is not necessarily the best of advocates, for the more we try to enter into other people’s positions or adapt our arguments to what they will find persuasive, the more we may detach ourselves from the community whose interests we initially shared” (1995, 162). This may be true. But as Phillips also recognizes, “democracies need advocates as well as deliberators” (1995, 162).

At times we need representatives who can understand competing racial interests and either deliberately reconcile or aggregatively balance them; at other times, we will need advocates who will intransigently protect minority racial interests. But whereas theorists of descriptive representation cannot find specific ways of generating both types of representatives and must hope that different descriptive representatives will adopt complementary representational styles, my focus on racial constituency, in conjunction with Canon's supply side theory, suggests that different types of majority-black districts will produce different types of representatives. Districts with large white minorities, especially in the rural South, will more likely produce good deliberators or bargainers; districts with negligible white populations will more likely produce tough advocates. Proponents of minority voting rights must then determine the balance of types of districts they want to create, so as to encourage the best mix of advocates and deliberators/bargainers.

Conclusion

In this essay, I have argued that *if* blacks deserve additional measures to improve their substantive political representation, then normative theorists should *prioritize* the creation of racial constituencies over descriptive representation. Prioritizing racial constituency circumvents essentialism, by obviating the need to find some trait, such as a common racial perspective, that is shared by *all and only all* blacks and thus must be represented descriptively. It also reflects the fact that authorization by and accountability to a racial constituency is a necessary condition for generating trust in a descriptive or nondescriptive representative. Without dismissing the potential benefits of descriptive representation, I argue that a racial constituency should remain free to weigh racial similarity against other criteria, such as different identity traits, ideological proximity, or general competence and trustworthiness, in selecting a preferable representative. As a result, descriptive representation becomes a contingent good, one whose value must be assessed by a racial constituency in light of the specific concerns and the specific slate of candidates it confronts. Ultimately, prioritizing racial constituency allows normative theorists to affirm, without philosophical contradiction, the existence of black districts that elect nonblack representatives; contain black ideological minorities; exhibit diverse political interests; reflect shifting electoral constituencies; and elect representatives with divergent representational styles.

I emphasize that the priority of racial constituency over descriptive representation holds *wherever representatives are subject to electoral authorization and accountability* by a racial constituency. Wherever this condition cannot be satisfied, enhancing minority representation may require descriptive representation without racial constituency. This will most likely apply to groups that are insufficiently large to form a constituency within which they possess pivotal voting strength and to institutions in which representation is not secured through election.

The first limit is more likely to face smaller minority groups, such as Native Americans, as opposed to larger groups, such as Latinos. Indeed, my argument seems at least as applicable to Latinos as to blacks. First of all, Latinos have surpassed blacks as the largest racial or ethnic minority in the United States. Even though presently their political participation trails their demographic numbers, they are still sufficiently numerous as to constitute the pivotal voting bloc in a large number of electoral districts. In addition, the internal diversity of Latinos, who hail from a variety of nations, may be of any racial group and include native born and naturalized citizens, along with legal and undocumented immigrants, undermines the likelihood of finding common experiences and a shared social perspective exclusive to members of the group. Of course, this does not negate the fact that many Latinos do share similar experiences and perspectives, along with overlapping interests, opinions, and partisan preferences. But because these similarities are not universal, theorists best avoid essentialism by prioritizing the creation of Latino constituencies over descriptive representation, especially since in many districts Latinos will gain pivotal voting strength only in alliance with blacks, rendering the election of a black representative as likely as the election of a Latino one.

Conversely, Native Americans are rarely numerous enough to constitute the pivotal voting bloc within a House district. Thus, the formation of ethnic constituencies cannot viably enhance their substantive representation. That said, alternative approaches—such as reserved legislative seats—seems neither politically viable in the United States (outside of Maine's legislative assembly) nor theoretically defensible if these descriptive representatives are authorized by and held accountable to a predominantly white constituency, as India's experience with reserved seats for low caste representatives bears out (see Williams 1998, 209; James 2004, 161–67).

However, representation occurs not only in elected legislative institutions but also in various

nonelected positions, be these the innovative citizen assemblies promoted by deliberative democrats or more familiar institutions like the judiciary and the executive administration. In these nonelected institutions, where a racial or ethnic constituency cannot authorize or hold accountable a representative, descriptive representation may gain importance. Citizen assemblies, to the degree that they address issues that will have racially disparate outcomes, and to the degree that their legitimacy depends on their resemblance to the citizenry as a whole (Brown 2006, 217–21), could benefit from descriptive representation, either to defend minority interests that conflict with the majority, or to represent minority perspectives within deliberation about the common good. And while judicial offices are meant not to represent interests but to judge impartially, the inclusion of minority racial or ethnic perspectives is important if “we see the pursuit of impartiality as depending on gathering the views from everywhere” (Phillips 1995, 187). Finally, appointments to the executive cabinet or the agencies below it, while meant to execute the law impartially, also embody quasi-legislative, rule-making powers, thus justifying the inclusion of minority interests and perspectives.

However, the reemergence of the language of racial perspective brings up the problems that I have discussed earlier: individual members of racial minorities may be more likely to have had the experiences that generate a shared racial perspective, but that does not guarantee that the chosen representative will possess a perspective typical of the group meant to be represented (Brown 2006, 218–19). Once again, the probabilistic character of racial perspective kicks in, although the appointer can hedge her bets through careful research on the appointee’s background. But there is no need for such reliance on probability or background checks when thinking of elected positions, since a majority-minority constituency can contain a sufficient number of black or Latino voters with overlapping interests, opinions, and perspectives to authorize and hold accountable the representative they have elected, regardless of his race.

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Appendix. Exit Polls

1. Maryland Senate (2006)

	Ben Cardin (D)	Michael Steele (R)
Blacks	74%	25%
Whites	48%	50%

<http://www.cnn.com/ELECTION/2006//pages/results/states/MD/S/01/epolls.0.html>

2. Ohio Governor (2006)

	Ted Strickland (D)	Kenneth Blackwell (R)
Blacks	77%	20%
Whites	58%	40%

<http://www.cnn.com/ELECTION/2006/pages/results/states/OH/G/00/epolls.0.html>

3. Pennsylvania Governor (2006)

	Ed Rendell (D)	Lynn Swann (R)
Blacks	87%	13%
Whites	57%	43%

<http://www.cnn.com/ELECTION/2006/pages/results/states/PA/G/00/epolls.0.html>

4. Massachusetts Governor (2006)

	Deval Patrick (D)	Kerry Healey (R)	Christy Mihos (I)
Blacks	89%	11%	*
Whites	51%	39%	8%

<http://www.cnn.com/ELECTION/2006/pages/results/states/MA/G/00/epolls.0.html>

5. U.S. President (2000)

	Al Gore (D)	George W. Bush (R)
Blacks	90%	9%
Whites	43%	54%

<http://www.pollingreport.com/2000.htm#EXIT>

6. U.S. President (2004)

	John Kerry (D)	George W. Bush (R)
Blacks	88%	11%
Whites	41%	58%

<http://www.cnn.com/ELECTION/2004/pages/results/states/US/P/00/epolls.0.html>

7. U.S. President (2008)

	Barack Obama (D)	John McCain (R)
Blacks	95%	4%
Whites	43%	55%

<http://www.cnn.com/ELECTION/2008/results/polls/#USP00p1>

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