

**Democratic Equality.** By James Lindley Wilson. Princeton: Princeton University Press, 2019. 320p. \$39.95 cloth.  
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— Ben Saunders , University of Southampton  
B.M.Saunders@soton.ac.uk

Democracy is commonly understood to require universal and equal inclusion in decision making, but neither universality nor equality is straightforward. James Lindley Wilson's new book addresses the latter. Its first part (chapters 1–6) offers a general theory of political equality, and its second part (chapters 7–11) considers the implications of this theory for institutional design. This organization recalls Charles Beitz's classic *Political Equality: An Essay in Democratic Theory* (1989). Moreover, both books proceed by applying theories developed elsewhere to the realm of democracy. However, whereas Beitz took inspiration from Scanlon's contractualism, Wilson's account of political equality is more indebted to "relational" egalitarianism.

According to relational egalitarians such as Elizabeth Anderson, it matters little—if at all—whether citizens enjoy exact equality of economic or material goods. Rather, what is important is that all enjoy equal status. This might rule out extremes of material inequality, on the basis that they are likely to lead to status hierarchies, but it is compatible with some being richer than others, provided these differences of wealth do not upset equal relations.

Wilson takes a similar approach toward political equality. He argues that it is a mistake to think of it simply as an equal distribution of political power, as embodied in slogans like "one person, one vote." These attempts to understand political equality in terms of equal power are dogged by problems, such as accounting for the inequality between ordinary citizens and their elected representatives. One approach to resolving this difficulty is to focus only on equality during electoral moments, but Wilson argues that this is unsatisfactory, because it neglects the periods of deliberation and agenda formation that occur between elections. Suppose, for instance, that all citizens have equally weighty votes, but the voices of ethnic minorities are routinely ignored in deliberation and media coverage. Such violations of political equality are not easily captured by equal power approaches.

Having criticized those who focus on some form of equal power, Wilson turns to developing a positive picture of democratic equality, requiring equal consideration of all citizens at all points in the political process. Again, "equality" here should not be understood as meaning that there is something—consideration, rather than power—that citizens have equal shares of. Some inequalities are permissible, and perhaps even desirable, in a democratic system. For instance, if there are certain judgments that are particularly urgent or likely to be neglected, then it may

be appropriate to design institutions to ensure that these views do get an adequate hearing (p. 162). Conversely, the views of a numerical majority may not need airtime in proportion to their popular support, once they have had an adequate hearing. In some respects, this view is sufficientarian, but it requires relations of equality: all citizens are taken, equally, as authoritative judges, and none are degraded or dismissed.

What does this mean in practice? That is the focus of the second part of the book. It is worth noting that, although this is a work of political theory, the concerns explored here are largely US ones: the Electoral College, judicial review, and racial gerrymandering all figure. This might not be entirely bad, because the US system is probably at least somewhat familiar even to non-American readers. However, there is a certain parochialism about these debates. The absence of other things that might have been discussed, such as regional autonomy or compulsory voting, may largely be down to their not figuring very highly in the US consciousness. Moreover, although Wilson also discusses proportional representation and the influence of money on elections, which are topics of wider concern, even these issues seem to be considered in a US context.

The choice of some of his examples may seem strange for other reasons. For instance, it probably strikes many readers, American and non-American alike, that the Electoral College is *obviously* contrary to political equality and therefore not requiring extensive discussion. As it happens, Wilson agrees that it violates political equality, but the purpose of discussing it is to show that his general theory of political equality can accommodate this intuition. Recall, Wilson thinks that departures from equal power are sometimes justifiable; in particular, they may be required to prevent certain minority viewpoints from being neglected. Thus, one may think that this validates the composition of the US Senate and Electoral College. However, although inequalities of power can be justified sometimes, this does not mean that such inequalities always are justified. Wilson argues that there is no particular reason to think inhabitants of small states are more likely to have their views neglected than inhabitants of larger states.

The discussion turns more provocative when Wilson goes on to reject the widespread view that equality requires proportional representation (PR). Single-member districts, he argues, are compatible with sufficient consideration for all, so need not result in deliberative neglect nor involve any degrading judgments (p. 198). Provided that all receive due consideration, he sees no inherent unfairness in a minority of voters winning a majority of seats (p. 211). To be sure, this is *not* an argument *against* PR, but only an argument that it is not a general requirement of equality. For Wilson, the choice between PR and single-member districts needs to be sensitive to contextual

circumstances. However, it is notable that he opposes PR to *territorial* single-member districts in particular.

There is no necessary reason why voters should be represented according to where they live. It would theoretically be possible to assign representatives to constituencies on nongeographical bases, such as occupation, age, or random selection. Representing people territorially, as opposed to on some other basis, may be both convenient and traditional, but it also favors geographically concentrated groups over those whose support is more dispersed. For instance, in the 2019 UK general election, the Scottish National Party (SNP) won 48 seats with only 1,242,380 votes (less than 26,000 votes per seat), whereas the Green Party won only one seat with 865,697 votes. Had the Greens converted votes into seats with the same efficiency as the SNP, then they would have had 33 seats. In other words, each SNP voter has 33 times the representation of each Green voter. Although Wilson is doubtless right that being represented by someone that you voted for does not, in itself, guarantee anything, it still seems troubling to me that certain issues receive considerably more attention than others simply because of the geographical concentration of supporters. Perhaps Wilson would agree that there is a stronger case for proportional representation in such contexts, but it may be that his focus on the United States—which is even more dominated by two parties than the United Kingdom—leads him to neglect such issues.

Despite this, Wilson's book still makes a timely contribution to the literature. It offers a novel theory of democratic equality and spells out some of its implications for democratic institutions. In the process, it rejects many assumptions about political equality, such as the need for equal power or proportional representation. Its thoughtful critique of these widely held positions will make it a reference point in future debates.

**American States of Nature: The Origins of Independence, 1761–1775.** By Mark Somos. New York: Oxford University Press, 2019. 424p. \$49.95 cloth.

**The Second Creation: Fixing the American Constitution in the Founding Era.** By Jonathan Gienapp. Cambridge, MA: Harvard University Press, 2018. 464p. \$35.00 cloth.  
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— Michael J. Faber , Texas State University  
faber@txstate.edu

The American founding was fundamentally a search for meaning. In the 1760s, the colonists were working through what it meant to be British citizens, what it meant to be Americans, what it would mean to be independent of British rule. Abstract concepts like liberty and representation were debated at length, and these debates over meaning continued well past the founding and, in fact,

continue to this day. The founding plays a major role in contemporary politics, but we still argue over its meaning. Because all too often our interpretation is based on our own ideological or partisan views, these meanings get twisted and muddled over time. Even among the wealth of new scholarship about the American founding, we do not always find much clarification in what any of it means. This is because, as recent books by Mark Somos and Jonathan Gienapp each remind us, the founders themselves were not always sure about meanings.

Mark Somos, in *American States of Nature: The Origins of Independence, 1761–1775*, addresses the underpinnings of US constitutional thought by restoring the founding generation's understanding of the concept of a state of nature and looking ahead to how correcting our misinterpretation changes our understanding of what comes later. The state of nature is itself a contested concept; Somos identifies different versions of that concept and how they shifted over time. Jonathan Gienapp, in *The Second Creation: Fixing the American Constitution in the Founding Era*, starts from the end of the founding, looking at how later interpretations of the Constitution affect how we view earlier understandings of constitutional concepts. After the Constitution was ratified, we as a nation spent more than a decade trying to figure out what exactly it meant, while still leaving many issues unresolved. Both books emphasize shifting meanings that undermine the idea that the founding is a moment that we might use as a fixed point of reference for contemporary politics.

In *American States of Nature*, Mark Somos makes the simple but important argument that the concept of the state of nature is central to the American founding, an idea “comparable to rights, liberty and property” in importance (p. 2). Its centrality, he contends, nevertheless has been largely missed by scholars for the past two centuries. For Somos, the state of nature discourse proceeds through four stages. The first, the buildup to the Revolution from 1761–72, saw the concept of a state of nature invoked as a source of rights that supported the colonists' grievances against the actions of Parliament. In the second stage, 1772–75, the concept was invoked to justify independence, as the colonists increasingly saw themselves as effectively abandoned by England and left on their own. In the third stage, 1775–89, a constitutional framework was built on the basis of this distinctively American state of nature, and in the fourth the concept was adapted to developing the nascent state. In this book, Somos explores the first two stages, leaving the latter two for future work.

Following John Adams, Somos finds the beginning of the movement for independence in a speech by James Otis in a court case in 1761. It was Otis, he argues, who first began to transform the concept of a state of nature into a revolutionary idea for the colonists. The idea evolved into “a constitutive sense of American state of nature, in which the colonists formed a natural community” (p. 161). This