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Democratic Politics and the Circles of Trust

CHIARA DESTRI*

I. Introduction

Trust seems to play a significant role in democratic politics. It has been observed that democratic governments are associated with higher levels of social and political trust when contrasted with nondemocratic systems.[1] Trust and democracy appear to be linked in a self-reinforcing circle whereby higher levels of trust are conducive to more desirable forms of democracy, and democratic institutions preserve trust relationships and allow them to thrive.[2] Thus, on the one hand, trust is vital for democracy to maintain 'stability, viability and legitimacy',[3] while on

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[1] See Kenneth Newton, Dietlind Stolle and Sonja Zmerli, 'Social and Political Trust' in Eric M Uslaner (ed), *The Oxford Handbook of Social and Political Trust* (Oxford, Oxford University Press, 2018), 37–56.

[2] The connection is more generally established between trust and fair and impartial institutions. See again, Newton, Stolle and Zmerli 'Social and Political Trust' but also Bo Rothstein and Dietlind Stolle,' The State and Social Capital: An Institutional Theory of Generalized Trust' (2008) 40 *Comparative politics*, 441–59; Markus Freitag and Marc Bühlmann, 'Crafting Trust: The Role of Political Institutions in a Comparative Perspective' (2009) 42 *Comparative Political Studies*, 1537–66; Blaine G Robbins, 'A Blessing and a Curse? Political Institutions in the Growth and Decay of Generalized Trust: A Cross-National Panel Analysis 1980–2009' (2012) 25 *PloS one*, https://doi.org/10.1371/journal.pone.0035120; Robert D Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton, Princeton University Press, 1993); Eric M Uslaner, 'Democracy and Social Capital' in Mark E Warren (ed), *Democracy and Trust* (Cambridge, CUP, 1999), 121–50.

[3] Tom W G van der Meer and Sonja Zmerli, 'The Deeply Rooted Concern with Political Trust' in Tom W G van der Meer and Sonja Zmerli (eds), *Handbook on Political Trust* (Cheltenham, Edward Elgar, 2017), 1–18, 1.

the other, by protecting associative rights, democracies let people organise and engage in cooperative schemes that enhance their mutually trusting relations.[4] As a result, democracies see high levels of horizontal trust, ie trust that individuals have among themselves.[5]

However, the relationship between trust and democracy is less straightforward than it seems. Firstly, some have denounced a progressive decline of social and political trust in some democratic countries such as the United States, Portugal and Spain, showing that democratic institutions may coexist with low levels of horizontal trust.[6] Secondly, and more importantly, democracy and *vertical* trust, which is trust in political institutions and government, might be *inherently* at odds, as Mark Warren suggests. He argues that democracies 'emerged from' and 'were founded on' *distrust* towards those in government,[7] so much so that constitutional arrangements democracies endowed themselves with services to enable citizens to control, monitor and make them accountable. One might think that only horizontal trust matters to democracy and that as long as citizens trust themselves and one another, they can jointly keep their eye on the government.[8] The problem is that if, by definition, a democratic form of government requires that the people rule, in contemporary democracies, citizens only have an indirect role as lawmakers. They can only give a general direction to the political process by selecting representatives, who are the ones tasked with responsibility for elaborating policy proposals and passing the laws for them.[9] If these representatives ought to be distrusted, one might wonder why we should keep the current institutional setting of representative democracies giving representatives such a crucial role as lawmakers.

Some European populist parties, like the Five Star Movement in Italy, have recently advocated in favour of the imperative mandate claiming that citizens cannot trust their representatives anymore. Let us call this stance the 'delegate solution', which aims to submit representatives to constituents' instructions and, in

[4] Mark E Warren 'Trust and Democracy' in Eric M Uslaner (ed), *The Oxford Handbook of Social and Political Trust* (Oxford, Oxford University Press, 2018), 75–94, 77.

[5] Robert D Putnam, *Making Democracy Work*.

[6] See Robert D Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York, Simon & Schuster, 2000), Mariano Torcal, 'The Decline of Political Trust in Spain and Portugal: Economic Performance or Political Responsiveness?' (2014) 58 *American Behavioural Scientist*, 1542–1567. Against this view on declining horizontal trust, see Uslaner, 'Democracy and Social Capital' and Sergio Lo Iacono and Mario Quaranta, 'Contextual Economic Conditions, Institutions and Social Trust: Trends and Cross-National Differences in Europe, 2002–2017' (2019) 33 *Polis*, 185–214.

[7] Respectively Warren 'Trust and Democracy', 76 and Warren, 'What Kinds of Trust Does a Democracy Need? Trust from the Perspective of Democratic Theory' in Tom GW van der Meer and Sonja Zmerli (eds), *Handbook on Political Trust* (Cheltenham, Edward Edgar, 2017), 33–52, 33.

[8] Republicanism is often associated with this position because it requires horizontal trust and vertical distrust or mistrust. See Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford, OUP, 1997) and Patti Tamara Lenard, 'Trust Your Compatriots, but Count Your Change: The Roles of Trust, Mistrust and Distrust in Democracy' (2008) 56 *Political Studies*, 312–32.

[9] Bernard Manin, *The Principles of Representative Government* (Cambridge, CUP, 1997), Nadia Urbinati, *Representative Democracy*: *Principles and Genealogy* (Chicago, University of Chicago Press 2006).

so doing, to give citizens a stronger role in decision making. Such a proposal is not new. It resonates well, for instance, with Jean-Jacques Rousseau's notorious scorn of eighteenth-century English people, who believed they were free when they were constantly dominated by their own Parliament, except during the election time.[10] Given that the strong push for the delegate solution comes from citizens' lack of trust in representatives, it is worth investigating vertical trust between citizens and representatives more closely.

This chapter does so by addressing two related questions. The first one concerns whether citizen trust in representatives is warranted. While this is, to a large extent, an empirical question, I argue that there are sound theoretical reasons for being sceptical about vertical trust in representatives. The second question examines what ensues from the fact that citizen trust in representatives is often unwarranted.

In the following section, I briefly introduce the concept of trust with which I work. The third section applies this concept to political representation and explains why vertical trust in representatives is hardly justified. The fourth section illustrates the delegate solution and raises three objections against it. This proposal is not only unfeasible, as it has been argued, but also undesirable because it is based on a mischaracterisation of the representative process. The fifth section identifies two circles of trust, namely two self-reinforcing mechanisms that generate trust, and contends that we should not relinquish the *language* of trust because it serves to express public recognition of representatives' discretionary power and citizens' vulnerability under representative democracies. A language of trust is compatible with *mistrust*, which demands a certain degree of oversight of representatives' activities, or so I claim. The final section wraps up the argument and concludes.

II. An Account of Trust

Trust is a complex phenomenon, which extends to a wide range of human relationships. It has been noted that trust is a 'three-place predicate': A trusts B with valued thing C or to do X.[11] Usually, when citizen Anne trusts MP Barbara, she does so with respect to a specific set of tasks, including looking after her interests, voicing her concerns, informing her of policy proposals currently on the floor, and voting in Parliament to pass or reject laws. Trust in this sense applies to a specific, often implicitly assumed, domain. Anne may trust Barbara as an MP without trusting her as a friend or a babysitter because these roles entail very different tasks.

[10] Jean-Jacques Rousseau, 'The Social Contract' in JJ Rousseau and Susan Dunn (ed), *The Social Contract and The First and Second Discourses* (New Haven, Yale University Press, 2002 [1763]), 149–254, 221.

[11] Annette Baier, 'Trust and Antitrust' (1986) 96 *Ethics*, 231–60, 236. See also Hardin *Trust and Trustworthiness* (New York, Russell Sage Foundation, 2002), 7. For an interesting conceptualization of trust as probability, see Paul Bauer's chapter in this volume.

Following other scholars, such as Russel Hardin, Mark Warren and Paul Bauer in this volume, I define trust as the belief or expectation in the trustee's trustworthiness.[12] Accordingly, when Anne trusts Barbara with her son, she has the belief or expectation that Barbara will be trustworthy in taking care of him. Without such belief, Anne cannot trust Barbara. Of course, she can come to believe that Barbara is a trustworthy babysitter, but she cannot bring herself to have such a belief without evidence.[13] Proper trust is, therefore, not something we can decide on. As Annette Baier observes, an invitation to being trusted cannot be accepted at will.[14]

For this chapter, it suffices to consider trustworthiness as a disposition consisting of (1) competence and (2) willingness to respond to the trustor's trust (3) because this is a compelling reason for action.[15] Accordingly, when Anne trusts Barbara with her son, she believes that Barbara is *competent* and *willing* to take care of him *because* Anne trusts her to do so. This definition of trustworthiness serves to make sense of three important elements. Firstly, we need to believe in the trustee's competence to accomplish the task we trust her to do in order to trust her. It would be unreasonable for Anne to trust her three-year-old son Ben to cook dinner since this would mean that she has the clearly mistaken belief that Ben is competent around the stove. Secondly, we need to believe that the trustee is *responsive* to trust.[16] Anne may believe that her selfish sister Brenda can cook dinner and that she is sometimes willing to do so, yet Anne does not trust Brenda with preparing dinner insofar as she knows that Brenda is not interested in helping Anne out. Thirdly, we need to believe that the trustee takes the trust placed on her as a compelling reason for action. Anne may believe that her colleague Betty is competent and willing to deal with one of her clients, but she cannot trust her to do so if she believes Betty is only moved by her ambition. Betty will respond to Anne's trust for reasons that are entirely independent of the fact that Anne trusts her.[17]

[12] See Hardin, *Trust and Trustworthiness;* Warren, 'Democratic Theory and Trust' in Mark E Warren (ed), *Democracy and Trust* (Cambridge, CUP, 1999), 310–45 and Paul Bauer, 'Conceptualising Trust and Trustworthiness', in Raquel Barradas de Freitas and Sergio Lo Iacono (eds), *Trust Matters: Cross-Disciplinary Essays* (Oxford, Hart Publishing, forthcoming). Against this cognitivist approach to trust, see Karen Jones, 'Trust as an Affective Attitude' (1996) 107 *Ethics*, 4–25.

[13] See Pamela Hieronymi, 'The Reasons of Trust' (2008) 86 *Australasian Journal of Philosophy*, 213–36.

[14] Baier, 'Trust and Antitrust', 244. But compare with Richard Holton, 'Deciding to Trust, Coming to Believe' (1994) 72 *Australasian Journal of Philosophy*, 63–76.

[15] See Karen Jones, 'Trustworthiness' (2012) 123 *Ethics*, 61–85, 70.

[16] According to this view, trustworthiness is a kind of trust-responsiveness. Both Hardin and Jones, for very different reasons and with different qualifications, give accounts of trustworthiness that are as neutral as possible with respect to the trustee's motivational structure: Hardin, 'Trustworthiness' (1996) 107 *Ethics*, 26–42; Jones, 'Trustworthiness', 77. Importantly, while Hardin allows for self-interested people to be trustworthy in the presence of the right institutional constraints, Jones openly rejects this idea and claims that there are things such as fear, indifference and self-interest that are not adequate as a motivational foundation of trustworthiness (Jones, 'Trustworthiness', 68–69). For a different and probabilistic take on trustworthiness, see Bauer in this volume.

[17] This chapter assumes that the trustor is always justified in asking for the trustee's trustworthiness because this seems to be the case with vertical trust in representatives. It is not necessarily the case with all trust relations, though.

Hence, both trust and trustworthiness are domain-specific and person-indexed:[18] Anne trusts MP Barbara, rather than her colleague Betty (different persons), representing her in Parliament, but she does not trust Barbara with taking care of her son Ben (different tasks). Conversely, Barbara is trustworthy as a representative if she is competent and willing to take Anne's trust as a compelling reason for action, even though she may indeed be untrustworthy with kids.

Trust thus involves a form of reliance: when Anne trusts Barbara with looking after her child, she relies on Barbara to take care of him in a certain way.[19] However, trust is different from mere reliance precisely in virtue of its relation to trustworthiness. Firstly, it requires an interaction between people: while I may rely on the sun to come up every morning, I can *trust* the sun to do so only metaphorically.[20] Secondly, trust is more than mere reliance on someone else's 'dependable habits':[21] If Anne knows that Barbara has a sweet tooth, she may expect her to finish her ice cream, but she does not properly *trust* her to do so. In fact, she relies on Barbara's habit without Barbara's having the smallest idea. Similarly, a thief may rely on her forgetful victim to leave the window open out of distraction, but we would not say that the thief *trusts* her victim to do so because the victim can hardly be seen as competent and willing to respond to the thief's trust. Both Barbara and the victim may be reliable in their behaviour, which makes Anne's and the thief's expectation rational, but we would not call them trustworthy. Naturally, making one's trust explicit is not always necessary: I do not need to remind my partner every day that I trust him not to cheat on me. However, trustworthiness requires that the trustee is aware of the trustor's trust in a certain domain so that she can respond to it appropriately. In such a way, a peculiar *circle of trust* can develop. On the one hand, the trustor's trusting behaviour provides the trustee with a reason to appropriately respond to the trust; on the other, the warranted belief that the trustee will be trustworthy grounds the trustor's trusting behaviour.[22]

Finally, virtually all scholars agree that trust always involves the trustor's acceptance of vulnerability to the trustee's discretionary power and hence to the possibility of abuse: by trusting Barbara, Anne is allowing her the opportunity to hurt her. Annette Baier has famously claimed that only trust makes you vulnerable to betrayal rather than mere disappointment.[23] Regardless of what is the appropriate reaction when one's trust is broken, it seems uncontroversial that when Anne trusts Barbara, she gives Barbara a certain amount of discretionary power to do C, meaning that she does not check on Barbara repeatedly, she does not attempt to control how Barbara acts with respect to C and is not vigilant that Barbara will

[18] Jones considers both 'three-place predicates', 'Trustworthiness', 70–73. She further distinguishes between simple and rich trustworthiness, with the latter having a two-place structure, but this goes beyond the scope of this article.

[19] See Pettit, 'The Cunning of Trust', 204 and Baier, 'Trust and Antitrust', 259.

[20] See Pettit, 'The Cunning of Trust', 205 and Hardin, *Trust and Trustworthiness*, 12.

[21] Baier, 'Trust and Antitrust', 234. For a similar point, see also Jones, 'Trustworthiness', 65.

[22] For an analysis of this trust mechanism, see Pettit, 'The Cunning of Trust' and the section after the next.

[23] See Baier, 'Trust and Antitrust', 235.

do C in the exact way she expects her to do. Barbara has leeway to act as she sees fit in virtue of Anne's trust. As has been pointed out, if Anne spends her night monitoring Barbara's babysitting remotely via a 'nanny-cam', she is not properly trusting her.[24] It is not by chance that Baier considers the acceptance of such a state of vulnerability as part and parcel of what it means to trust: 'trust then, on its first approximation, is *accepted vulnerability* to another's possible but not expected ill will (or lack of goodwill) toward one'.[25]

As a belief, trust is not always normatively valuable.[26] Because the trustee can exercise her discretionary power over the trustor, trust is valuable only when warranted, namely when the trustor has good reasons or is justified in believing that the trustee deserves her trust. As already mentioned, the answer to such a question is, to a large extent, empirical: we need evidence to assess the trustor's belief in the trustee's trustworthiness. As Onora O'Neill notes, reasonably placed trust requires information about both the claims of the person who invites us to trust and about the trustee herself.[27]

The trouble with justified trust is that the higher is the trustor's vulnerability, the higher the bar for justified trust will be. If Anne is sitting in the post office, waiting for her turn, and receives a call, she may trust a stranger to keep her seat while she is away. She has virtually no belief concerning the stranger's trustworthiness, but she is also asking very little. If she wrongly trusts the stranger, she will not risk much. Yet, if Anne must choose a babysitter for her son, it is unlikely that she will trust the same stranger without more information about her.

Social and political trust can expand the horizon of possibility for human actions only if they can be safely attributed to strangers when important interactions are at stake.[28] Life without trust would be a nightmare because we would need to closely monitor friends and family we trust to care for us, colleagues we trust to be honest, flatmates we trust not to sneak in our room, and strangers we trust not to threaten or assault us when we get out of the house. Because we are social beings, we need to cooperate with others; we cannot check on everyone we get in contact with because we are finite beings,.[29] Trust is therefore necessary. On the other hand, trust is also risky because it exposes the trustor to someone else's discretionary power. The distinctive vulnerability that trusting entails stems from the fact that the trustee, being a free agent, always has the opportunity to act in unpredictable ways and harm the trustor, especially to the extent that the trustor does not keep the trustee under surveillance. Thus, functioning societies often make trust easier by diminishing the impact of the vulnerability related to trust, hence lowering the cost of misplaced trust.[30]

[24] See Jeremy Wanderer and Leo Townsend, 'Is It Rational to Trust?' (2013) 8 *Philosophy Compass*, 1–14, 1.

[25] Baier, 'Trust and Antitrust', 235, emphasis added.

[26] See Hardin, 'Do We Want Trust in Government?' in Mark E Warren (ed) *Democracy and Trust* (Cambridge, CUP, 1999), 24.

[27] See O'Neill, *A Question of Trust* (Cambridge, CUP, 2002), 64.

[28] See Eric M Uslaner, *The Moral Foundations of Trust* (Cambridge, CUP, 2002).

[29] Jones, 'Trustworthiness".

[30] Hardin, *Trust and Trustworthiness*.

For this reason, Warren claims that trust 'expands domains of collective self-rule'[31] by enabling people to engage in self-government. The complexities of contemporary societies and the social division of labour notwithstanding, if citizens trust those who vote on binding laws for them, they may be said to remain politically autonomous. Therefore, trust in representatives is a key issue to explore from a democratic point of view. Importantly, it is also a peculiar case of *personal* vertical trust. Since the accountability mechanism that applies to representatives works through the division of the citizenry in constituencies, it seems reasonable to start by looking at the trust relationship between each representative and her constituency.[32] To do so, we need to investigate representatives' roles within modern democratic institutions.

III. Political Representation: Delegates vs Trustees

Under contemporary democracies, citizens do not make the law directly; rather, they do so through elected representatives. Therefore, political representation is at the heart of modern democracy, to such an extent that it almost seems impossible nowadays to think of the latter without reference to the former and vice versa.[33] In her ground-breaking analysis, one of the most important scholars in political representation, Hanna Pitkin, has famously equated the two.[34] However, as she has later observed, democracy and representation are tied together into an 'uneasy alliance'.[35]

As a matter of fact, there is a constant tension between the democratic ideal and its representative institutionalisation. On the one hand, in a democracy, the people should exercise final control over the law or at least, on a very minimalist account of what democracy entails, collective decisions should be responsive to citizens' preferences.[36] On the other, these preferences are formally voiced only through representatives, who deliberate and vote on specific policy proposals. Through general elections, representatives are bestowed the right to vote on legislation, but the way they exercise this right contributes to determining whether the

[31] Warren, 'Trust and Democracy', 75.

[32] To be sure, this approach focuses on electoral rather than nonelectoral representation but given the starting question (ie whether representatives should be a trustee or delegate), such an outlook seems the more appropriate. For an argument against territorial constituencies, which characterise most contemporary democracies, see Andrew Rehfeld, *The Concept of Constituency: Political Representation, Democratic Legitimacy, and Institutional Design* (Cambridge, CUP, 2005). For a shift to nonelectoral representation, see Michael Saward, 'Authorisation and Authenticity: Representation and the Unelected' (2009) 17 *The Journal of Political Philosophy* 1–22.

[33] Plotke, David, 'Representation Is Democracy' (1997) 4 *Constellations*, 19–34.

[34] Hannah F Pitkin, *The Concept of Representation* (Berkeley, University of California Press, 1967).

[35] Pitkin, 'Representation and Democracy: Uneasy Alliance' (2004) 27 *Scandinavian Political Studies*, 335–42, 335.

[36] For contemporary advocates of the former view, see Thomas Christiano, *The Constitution of Equality: Democratic Authority and Its Limits* (Oxford, OUP, 2008) and Philip Pettit, *On the People's Terms: A Republican Theory and Model of Democracy* (Cambridge, CUP, 2012), while an example of the latter is Albert Weale, *Democracy* (Houndmills, Macmillan Press, 1999).

representative system in place is truly a democracy or not. If elected officials do not care about citizens' interests and are unresponsive to them, representative democracy would turn out to be, like Rousseau, for instance, claims, an elected aristocracy, where the people are free only when they vote at elections and then sink back into slavery. At the same time, standards for evaluating the performance of representatives depends on the view of representation one favours, and it is contentious which one is adequate since representation is a 'single, highly complex concept'.[37]

Historically, the literature on political representation has offered two alternative ways in which representatives are expected to act: either as delegates or as trustees.[38] According to the former model, representatives follow the expressed preferences of their constituents, and the key virtue of their role is responsiveness to those preferences. A democratic form of political representation then requires that representatives take their constituents' preferences and bring them to the Parliament untouched. On the latter view, instead, representatives are not mere executors of constituents' will; rather, they are entrusted with their interests, which they ought to pursue according to their conscience.[39] Edmund Burke, who is generally thought to be a champion of the trustee model, put it in a fairly plain way:

> Parliament is not a congress of ambassadors from different and hostile interests, which interest each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole.[40]

According to this reading, delegate and trustee are two models for representatives' behaviour. When MPs exercise their functions, they may either act as a delegate, hence follow their constituents' instructions or as trustees, thereby following their conscience. There are various dimensions to these opposing models.[41] For instance, supporters of trusteeship have traditionally claimed, as Burke does in this passage, that representatives should only care for the national interest, while advocates of delegation have been mostly seen as pluralists, according to whom representatives should pursue their own district's local interests.[42] Another example concerns what

[37] See Pitkin, *The Concept of Representation*, 8.

[38] Dovi, S (2018, Fall). Political Representation. Retrieved from Stanford Encyclopedia of Philosophy: https://plato.stanford.edu/archives/fall2018/entries/political-representation

[39] John Berkow, the former Speaker of the House of Commons, makes a similar point in his resignation speech: www.ft.com/content/18f28954-d317-11e9-8367-807ebd53ab77.

[40] Edmund Burke, *Reflections on the Revolution in France* (London, Penguin Books, 1968 [1790]), 115.

[41] In this sense, trustee and delegate are not opposing poles in a continuum of discretion, as Ethan Leib and David Ponet claim, because their distinction involves multiple dimensions. See Ethan J Leib and David L Ponet, 'Fiduciary Representation and Deliberative Engagement with Children' (2012) 20 *The Journal of Political Philosophy*, 178. Pitkin's view also admits degrees of independence, as in Pitkin, *The Concept of Representation*, 146. Against this simplistic view of representation, see Andrew Rehfeld, 'Representation Rethought: On Trustees, Delegates, and Gyroscopes in the Study of Political Representation and Democracy' (2009) 103 *American Political Science Review*, 214–30.

[42] For a similar opposition between state-oriented and district-oriented representatives, see also Heinz Eulau, John C Wahlke, William Buchanan, and Leroy C Ferguson, 'The Role of the Representative: Some Empirical Observations on the Theory of Edmund Burke' (1959) 53 *American Political Science Review* 742.

Andrew Rehfeld calls the sources of judgment: in advancing their aims, whatever these may be, MPs may rely on their own judgment or their constituents'.[43]

Significantly, these two dimensions differ: a representative could follow the common good as she sees it, but she could also follow *her constituents*' view of the common good. Conversely, she could advance her constituents' local interests as she sees them or as *her constituents* see them, and the two perspectives may conflict. Furthermore, these dimensions admit degrees. A representative may follow the common good most of the time but refrain from doing so when this deeply hurts her constituents' interests. Or she can attempt to find a compromise between the two. Similarly, she may rely on her judgment most of the time because she thinks her constituents will be on the same page with her[44] while giving priority to their views if they openly disagree with her.

All these considerations pertain to the way representatives are expected to act and cast their vote in Parliament. However, the opposition between the delegate and trustee is also an opposition between mandate and independence concerning the *right* to decide how to cast a vote.[45] From now on, I will call the *trustee in the proper sense* a representative with the right to decide how to vote, while I will refer to the representative who does not have this right as a *delegate in the proper sense.*[46] In such a way, I intend to separate the question concerning the considerations based on which representatives are expected to act from that concerning *the owner of the right to decide how representatives ought to cast their votes on legislation*. The latter is a dichotomous question: either this right belongs to the representatives or stays with the people. Furthermore, the latter question enjoys priority with respect to the first one: if the right stays with the people, it will be up to each district to decide how a representative should cast each vote. Conversely, if the right is bestowed on the representative, we can further wonder how she should exercise it to be a good representative.[47]

Both options are at first sight consistent with democratic principles. It is true that democracy requires that citizens have final control over the rules they are obliged to follow, or at least that these rules are responsive to their preferences, but such a requirement does not entail that citizens have final authority over how their representatives cast their ballot. Bernard Manin famously pointed out that 'none of the representative governments established since the end of the Eighteenth

[43] Rehfeld, 'Representation Rethought'.

[44] As Congressmen interviewed by Richard Fenno like to say, 'If your conscience and your district disagree too often, you're in the wrong business'. See Richard F Jr Fenno, *Home Style: Members in their Districts* (Boston, Little Brown, 1978).

[45] Pitkin collapses these two different questions in her work, *The Concept of Representation*, 165. For criticism, see Rehfeld, 'Representation Rethought'.

[46] Here I follow Rehfeld's suggestion, but I employ different terms. He uses the adjectives 'mandated' and 'independent' to refer to what I call 'delegate' and 'trustee' in the proper sense. See Rehfeld, 'Representation Rethought', 225.

[47] For a recent attempt to offer inherently democratic standards to evaluate representatives' conduct, see Suzanne Dovi, The Good Representative (Malden, Blackwell Publishing, 2007).

century has authorized imperative mandates or granted a legally binding status to the instructions given by the electorate'.[48] In a 2009 report, the European Commission for Democracy through Law has even defined the prohibition of an imperative mandate as 'a cornerstone of European democratic constitutionalism'.[49] In most Western liberal democracies, then, citizens retain the power to sanction their representatives by ousting them through regular elections, but they *entrust* the power to decide how to vote on legislation to someone else.

However, if citizens do not trust or even distrust their representatives, treating them as delegates may seem a more prudent arrangement. According to two 2020 surveys, 31 per cent of French have trust in the National Assembly, while in the USA, only six and seven per cent of respondents declare that they trust Congress 'a great deal' and 'quite a lot', respectively.[50] In these cases, retaining both the right to sanction representatives and decide how they ought to vote seems a wiser option for suspicious citizens. Constituents of each district would then provide their delegate with strict instructions on how to cast their vote on laws discussed in Parliament. I will call this the delegate solution. Different supporters of this solution can be found in history. When he tried to adapt his democratic principles to a large nation state such as Poland, Rousseau offered a system of delegation similar to the one that the Paris Commune would have implemented almost a century later.[51] Even though this proposal may seem unfeasible, it has been recently advanced by some populist parties, such as the Italian Five Stars Movement, whose main political leaders claimed multiple times that representatives should only act as delegates of the people and new technologies can be employed to convey voters' preferences into a collective ranking that representatives would only be tasked with executing.[52]

Since the argument defended by the advocates of the delegate solution rests on a warranted lack of trust or distrust in representatives, we first need to assess this claim. To be sure, whether constituents are justified in trusting their representative will be a contingent matter, which depends on the context and the representative's character. However, it is important to note that the delegate solution is institutional: we are not wondering whether a single representative should have the right

[48] Bernard Manin, *The Principles of Representative Government*, 163.

[49] European Commission of Democracy through Law, *Report on the Imperative Mandate and Similar Practices*, art 39, www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2009)027-e.

[50] The sources, for France and the USA respectively, are the following: www.sciencespo.fr/cevipof/sites/sciencespo.fr.cevipof/files/Barometre_confiance_vague9.pdf and https://news.gallup.com/poll/1600/congress-public.aspx. Yet, trust in the individual representative seems higher than trust in the entire legislative assembly, according to Fenno, *Home Style*.

[51] See Manin, *The Principles of Representative Government*, 165.

[52] See for instance: Beppe Grillo, 'Circonvenzione di Elettore' [Voter Circumvention] (March 2013) www.beppegrillo.it/circonvenzione-di-elettore/; Giorgio Grasso, 'Mandato Imperativo e Mandato di Partito: il Caso del MoVimento 5 Stelle' [Imperative Mandate and Party Mandate: the 5 Stars Movement Case] (2017) 2 *Osservatorio Costituzionale*, 1–7. The use of blockchain technology to vote would help make proposals like this feasible: Desmond Johnson, 'Blockchain-Based Voting in the US and EU Constitutional Orders: A Digital Technology to Secure Democratic Values?' (2019) 10 *European Journal of Risk Regulation*, 330–58.

to decide how to cast her vote in Parliament or not. We are asking whether any representative *qua representative* should have such a right. Two theoretical reasons cast doubt on citizen trust in representatives.

The first concerns the relationship between citizens and representative. Hardin observes that Madisonian liberalism has always stood up for a default position of distrust of government because of the power public officials hold and the conflict of interests that might divide those officials from citizens.[53] According to Hardin, to assess the justifiability of a trust belief, one needs to know either a political actor's motivation and interests or the structure of incentives within the institution.[54] When we look at representatives, their motivation is opaque because citizens do not often know them personally, and regular elections do not constitute a sufficiently strong incentive to ensure that representatives be trustworthy with their constituents' interests. This assessment is contingent on many factors, among which are the strength and credibility of oversight agencies and other state institutions, such as the media, audit commissions and the judiciary, which can lower the vulnerability related to trust in representatives by ensuring publicity and accountability.[55] However, since citizens' vulnerability to representatives' discretion *between* elections remains high, Hardin supports a default position of 'lack of either trust or distrust because we typically lack the relevant knowledge for going further than that'.[56]

The second reason stems from the relationship among citizens themselves. Warren claims that politics is inherently ridden with conflict among all individuals, in virtue of its relation to disagreement, on the one hand, and coercive power, on the other.[57] As he states, 'when it comes to politics, the basic conditions of warranted trust relationships–convergent interests and institutional roles that predict the goodwill of others–cannot and *should* not be taken for granted'.[58] Warren distinguishes between proper political institutions, such as legislatures and elected executives that citizens ought to distrust, and those ministries and agencies meant to provide citizens with broadly agreed public goods, towards which citizens cannot be suspicious. He claims that while the latter is and ought to be trusted by citizens in a healthy democracy, the former serve the purpose of *channelling distrust away from the latter and it into the political arena.* The way contemporary

[53] See Hardin, *Trust and Trustworthiness*, 153.

[54] Hardin develops his famous 'encapsulated interests account' to identify the conditions under which trustworthiness can correctly be inferred. Accordingly, the trustee need not be altruistic or tied to the trustor in a thick relationship, as long as the trustee's interests encapsulate the trustor's. According to Hardin, knowledge of the trustee's motivation (ie of their interests) and of the structure of incentives within which the trustee acts (affecting their interests) are necessary to assess whether they are trustworthy. See Russell Hardin, 'The Street-Level Epistemology of Trust' (1993) 21 *Politics & Society* 505–l529.

[55] Trust in these other first-order institutions is, therefore, essential, according to Warren, 'Trust and Democracy'.

[56] Hardin, 'Do We Want Trust in Government?', 23.

[57] Warren, 'Democratic Theory and Trust', 311.

[58] Warren, 'Democracy and Trust', 76, emphasis added).

democracies work, with competitive elections, free media and oversight agencies, institutionalises distrust and prevents it from generalising to the rest of society while at the same time empowering citizens to control politicians and public officials in these institutions thanks to the public discourse and voting.[59]

Trust requires that the trustee complies with her task in a way that is acceptable for the trustor. Anne would probably not trust Barbara as a babysitter if she knew that Barbara favours educational strategies that she finds objectionable. Similarly, even though Anne is ignorant concerning the best way to be treated for her cancer, she trusts her doctor insofar as she believes that the doctor will know and follow the most effective therapy available. In these cases, Anne either knows exactly how she wants her trustee to act, like with the babysitter, or shares the goal that the trustee should pursue with her own strategy, like with the doctor. However, when dealing with political representation, shared goals and strategies seem to characterise only the relationship between citizens and the representative *they have voted for.*[60]

Firstly, there is no reason to think that local interests are entirely homogeneous. If Anne is a blue-collar worker, her interests will likely differ from affluent entrepreneurs in her district. If the winning candidate runs on a policy platform that advances these entrepreneurs' interests, it will possibly set back Anne's.[61] Secondly, remember that a representative may intend to advance not only the district's interests, which are not themselves homogeneous but also a specific view of the common good. It is likely that what a disliked candidate considers in line with the common good is not compatible with Anne's views. Moreover, there are reasons to think that any view of the common good will cover conflict of interests and identities still running underneath and, as a result, even those who voted for the winning candidate may come to distrust her if she compromises a certain particularistic view of local interests and group identities based on which she has campaigned.[62] Therefore, while Anne may be justified in trusting some representatives sometimes, it is hard to see how she can be justified in trusting her representative all the time (ie regardless of whether she has voted for her or not).

Both Warren and Hardin fail to draw from this conclusion any implication concerning the institutional setup of representative democracy. If citizens do not trust their representatives, an imperative mandate seems preferable because it compels MPs to yield to the instructions of those who elected them and facilitates oversight from citizens who voted against them. Importantly, in this case, authorised representatives would still retain the right to vote in Parliament; what they

[59] Warren, 'Democracy and Trust', 90–91.

[60] This problem is, of course, more significant in first past the post systems but likely to happen also with proportional representation if citizens do not endorse major parties.

[61] Warren argues something similar: since candidates win by appealing to a community of interests and identities, they likely alienate those who do share them. See Warren, 'Trust and Democracy', 315.

[62] See Warren, 'Democratic Theory and Trust', 316.

would lose is the right to decide how to vote.[63] Two consequences would ensue. First, representatives would be legally bound to enact only those policy proposals that have passed the scrutiny of their voters. Second, since citizens cannot trust their representatives but would still need them to vote in Parliament, they should strictly monitor representatives' activities to be sure that representatives do not act on the basis of their own judgment.

IV. The Problems with the Delegate Solution

The delegate solution has met with many criticisms throughout history. Rather than reviewing these objections, most of which emphasise the unfeasibility of this proposal, I will focus on three objections that directly draw from the nature of political representation and its connection to trust.

The first problem with the delegate solution is that it derives from an essential misconception of the kind of practice that involves political representation. According to this view, citizens are assumed to have fixed interests or preferences *prior* to the representative process and that the representatives' job is just to take them as they are and translate them into coercive laws. This assumption seriously misreads the process of political representation, which is much more complex and articulated.

As Michael Saward observes, representation is better understood as a *process or a practice of claim-making*, where the represented is not simply made present but somehow *constituted* itself by the process.[64] More precisely, Saward distinguishes five components of the claim-making practice:

> A maker of representations ('M') puts forward a subject ('S') which stands for an object ('O') that is related to a referent ('R') and is offered to an audience ('A').[65]

The maker of the claim is someone who presents a subject as representative for something. The maker and subject might be the same when someone makes a claim. The something represented, the object, is the product of the claim-making practice and generally identified by specific features that the maker presents as belonging to a certain referent in the real world. All this happens in front of an audience expected to accept or reject the claim. Saward offers the following example:

> The Liberal Party (maker) offers itself (subject) as standing for the interests of the 'family' (object) to the electorate (audience).[66]

[63] Rehfeld, 'Representation Rethought', 225.
[64] See Saward, *The Representative Claim* (Oxford, OUP 2010), 8.
[65] Saward, *The Representative Claim*, 36.
[66] Saward, *The Representative Claim*, 37.

The 'family' as the *object* of representation differs from the family as the real-world referent. While the latter is the actual families that the Liberal Party claims to represent, the object consists of how the claim-maker describes the family (the Liberal Party). For instance, the Liberal Party may refer to actual families (referent) as loci of traditional values and middle-class aspirations. It is then up to the audience that the claim-maker addresses to accept or reject the claim. In the example, the audience is constituted by the electorate, whose members are expected by the claim-maker to identify with the object (the family) and can accept or reject such an identification.

Although the final say stays with the audience/electorate, candidates present themselves before the electorate as advocates for interests and ideals that they elaborate in the first place. Represented interests and ideals are the *objects* of the claim-making process rather than the referent; they are not predetermined prior to it but constituted in it. This element is what is neglected by an account of representatives as mere delegates. When they compete for office, politicians offer objects of representation that do not simply reflect real-world referents in a neutral way, but they pick out distinctive features to make their claim convincing for their intended audience. To be sure, if a candidate claims to speak for the working class and then her case for it (the object she presents) is weak, the electorate can reject this claim by not voting for her. However, in any representative process, no matter how democratic, there is an important element of inventiveness, construction and agency on the claim-maker's part. Because of this, candidates are responsible for the way they present the interests and ideals they stand for, and they should not avoid such responsibility by claiming that they are simply following their constituency's instructions.

An advocate of the delegate solution could object that this is true for the campaigning preceding elections when candidates compete for office, but this is not the case once they have been elected. Only at that point, they ought to be faithful to the promises they have made during the campaign and have been accepted by the constituency electing them.[67] This counter-objection unveils two further mistakes underlying the delegate solution. Firstly, candidates tend to put together a comprehensive agenda, which systematises multiple values and interests in a coherent policy platform.[68] While voters share aspects of such a programme, it is also well known that they do not often endorse it in its entirety. To the extent that legislative majorities aim to pursue a coherent set of goals, each representative cannot simply refer to its voters to cast her ballot because this would hinder consistent decision making by compelling the representative to vote according to changing majorities in her district.

[67] Voting in Parliament is only one of the many political activities in which a representative is involved. Citizens' control in all other activities is even more difficult to achieve and could hinder the realisation of the MP's programme.

[68] Importantly this is not the candidates' job, but often political parties'. Neglecting parties in representation has serious consequences for the way the relationship between representatives and citizens is conceptualised. Unfortunately, there is no space for further reflections on this topic.

Secondly, and more importantly, a representative who is legally bound to vote as their constituents decide shirks all responsibility for the consequences of their policy proposals. By withholding the right to decide how to vote in Parliament, citizens would assume full responsibility for the laws passed, while representatives would become substantively unaccountable. Firstly, representatives would not be responsible for the policy proposals they put forward in their programme because these have been chosen by those constituents who voted for them. Secondly, representatives would not be responsible for which bits and parts of their programme get realised and which do not, because again, this is their constituents' call. Citizens would then end up with no agenda-setting power because of how representation works but full responsibility for representatives' actions, which according to the delegate solution, they would dictate. The result would be representatives' lack of accountability to citizens.[69]

We seem to have reached an impasse. On the one hand, citizens should suspend their trust in representatives or even endorse a default position of distrust of those representatives they did not vote for because they do not share the same goals and views. On the other hand, delegation cannot work because it neglects and conceals the creative role that candidates as claim-makers have in representation. Even though the audience will adjudicate whether this object convincingly connects to the real-world referent, it is up to the claim-maker to first determine the object of representation. If representatives have this creative role in the representative process, they already enjoy discretionary power to which citizens are vulnerable. Replacing representatives with citizens as final decision-makers has the puzzling result of obliterating representatives' accountability. At the same time, the nature of political representation makes it very difficult for all citizens to trust their representatives all the time, and hence trust *as a belief in the trustee's trustworthiness* seems unwarranted.

V. Trusting Behaviour and Language of Trust

One may think that this conundrum can be solved by calling on what Philip Pettit has labelled the 'cunning of trust'. He argues that even if there may be no reason to believe in others' trustworthiness, we can still rely on their trust-responsiveness. According to Pettit, people are trustworthy when they respond to trust for reasons of loyalty, virtue or prudence. However, these noble motivations are not the only ones who can prompt people to aptly respond to trust. Famously, he asserts that trust-responsiveness may be triggered by more mundane motivations such as the desire to be considered trustworthy and hence enjoy a good reputation among other people. This motivation, which would not be sufficient to qualify someone

[69] Surely they would need to provide reasons if they failed to follow the citizens' will, but they would not be accountable for the consequences of their mandate.

as trustworthy in his account, may still make them trust-responsive. Hence, the trustee can be made aware of the trustor's *presumption* of trust, even though the trustor does not actually trust them, and aptly respond to it in virtue of trust-responsiveness. Knowing that a person may display trust towards strangers by counting on the fact that these persons will be trust-responsive because they want to appear trustworthy. Trust understood as 'manifest reliance', as Pettit defines it, can generate a trustworthy behaviour due to trust-responsiveness, while this, in turn, makes it rational to trust someone even without a belief in her trustworthiness.

I think Pettit's view can be understood better if we clarify a distinction that seems implicit in his article. He separates trustworthiness from trust-responsiveness. However, because he considers trust as 'manifest reliance', he loses sight of another critical distinction between trust *as a belief* and trust *as a behaviour*.

Let us go back to Anne. She can entrust someone with her son in the sense of displaying trusting behaviour towards that person even without trusting that person.[70] If Anne needs to rush to the hospital and by pure chance, her colleague Betty can take care of Ben for the time Anne is at her mother's bedside, Anne can trust Betty with him in the sense of *showing trust* to Betty even though she has no belief concerning Betty's trustworthiness. Given the situation she finds herself in, Anne does not monitor Betty with a 'nanny-cam' and instead acts as if she believed that Betty is trustworthy around children because she accepts to be vulnerable with respect to Ben's health to Betty's discretionary power.

We often have multiple reasons to show such trusting behaviour. That Anne trusts Betty with her child, ie she believes that Betty is a trustworthy babysitter, is only one possible reason for showing Betty that she trusts her.[71] Yet, we often trust for entirely different reasons. When Anne leaves her laptop unattended on a table, she trusts people sipping coffee around her not to steal it. She may act because she sincerely believes that people around her are competent and willing not to break her trust by stealing her laptop. However, she may have no belief of such sort and nevertheless act as if she trusted them because she accepts her vulnerability to their power, the possibility of losing her laptop. Perhaps she does it out of a general attitude of optimism towards strangers,[72] perhaps she thinks it is her civic duty to show trust to her fellow citizens; perhaps she wants to try them. Think of Anne trusting her teenage daughter Becca to stay two nights alone at home: even though Anne does not believe Becca to be trustworthy (she is very much afraid Becca will throw a crowded, alcohol-ridden party); she thinks that showing Becca her trust,

[70] Hardin is keen on distinguishing between trust, which is a belief, and behaviour and claims that 'there is no 'act of trusting" (Hardin, 'Trust and Trustworthiness', 59). Yet, it makes sense to talk about trusting behaviour to target those actions of reliance without monitoring that can be motivated in various ways. See also Edna Ullman-Margalit, 'Trust, Distrust, and In-Between' in Russell Hardin (ed), *Distrust* (New York, Russell Sage Foundation, 2004), 60–82.

[71] As a belief trust does not necessitate action: Anne may never act on the basis of her trust in Barbara. What matters here is that the converse is also true: a trusting behaviour also does not necessitate trust, in the sense of a belief in the trustee's trustworthiness. See Hieronymi, 'The Reasons of Trust'.

[72] For a study of generalised trust, see Uslaner, *The Moral Foundations of Trust*.

by not checking on her every half an hour, will help her become a more responsible young adult.[73] The possession of a belief in the trustee's trustworthiness is only one of the possible reasons justifying trustful behaviour.

Therefore, Pettit's 'cunning of trust' is better understood as a case of trusting behaviour and trust-responsiveness generating a similar self-reinforcing mechanism to the one engendered by actual trust and trustworthiness. When Anne displays trusting behaviour (without real trust), Becca takes her mother's expression of trust as a compelling reason to act as Anne expects. This helps Anne believe that Becca is indeed trustworthy and hence trust her for real.[74] According to Pettit, only the alternative mechanism of trusting behaviour, trust-responsiveness and actual trust can explain what he calls the 'creativity of trust', namely the fact that trust can be 'built on nothing' and 'establish such relationships in the first place'.[75]

The problem with this alternative circle of trust is that Pettit's definition of trust-responsiveness is too ambiguous. He claims to be 'uncommitted on whether that desire [to a good reputation] is basic or on whether its strength depends on the fact that by getting others to think well of them, people are better able to secure the material goods they pursue'.[76] Accordingly, the reason behind a desire for a good reputation does not matter: Becca would still be trust-responsive even if she had only instrumental reasons to care for her mother's good opinion. Perhaps she wants her mother to trust her with more important things, like driving her car, or perhaps she simply does not want her mother to scold her. Now, individual action is often overdetermined, and we may have multiple reasons for doing the same thing. However, this example highlights that the willingness to respond to trust may be absent from a trustee's motivation set without preventing the trustee's trust-responsiveness. If Becca *only* wants to avoid punishment, she will respond to Anne's trust for the reason that is independent of the fact that she takes Anne's trust as a compelling reason for action (in fact, she takes Anne's threat of punishment as such).

Previously I have defined trustworthiness as the capacity and willingness to take a trustor's trust as a compelling reason for action. Contrary to Pettit, I do not predicate trustworthiness on loyalty, virtue or prudence; hence I include his definition of intrinsic trust-responsiveness (the basic desire for a good reputation) in my definition of trustworthiness. The motivations for trustworthiness may differ and range from love and integrity to an intrinsic desire to be well regarded. However, trustworthiness excludes trust-responsiveness, which is only motivated

[73] For cases of therapeutic trust, see H J N Horsburgh, 'The Ethics of Trust' (1960) 10 *The Philosophical Quarterly*, 343–54.

[74] Wanderer and Townsend have objected to Pettit that the lack of transparency in the trustor's motivation for trust would undermine the trustee's disposition to respond to trust (Wanderer and Townsend, 'Is It Rational to Trust?', 10). In the example, though, Anne does not trust Becca with the intention of exploiting Becca's trust for a good reputation. She does so because she thinks that this will help Becca become a trustworthy person, even though she is currently not.

[75] Pettit, 'The Cunning of Trust', 218.

[76] Pettit, 'The Cunning of Trust', 216.

by *instrumental* desires for a good reputation. If Becca wants her mother to think well of her so she can spend time with her friends on weekends, she is only instrumentally trust-responsive. In other words, she acts as if she was trustworthy (ie taking Anne's trust as a compelling reason for action), while she is only responding to Anne's trust for reasons that have nothing to do with the fact that Anne trusts her.

This distinction between trustworthiness broadly intended and instrumental trust-responsiveness helps us see the problem of Pettit's alternative circle of trust. If the trustee is indeed trustworthy in the sense of taking the trustor's trust as a compelling reason for action, the mechanism of trust is self-reinforcing. However, if the trustee is only instrumentally trust-responsive, what results is a *circle of misplaced trust* because the trustee is not acting in response to the received trust.

Think of Anne's colleague, Betty, who has been trusted with Anne's son, Ben, and let us assume that Betty is an untrustworthy babysitter. Yet, Anne is very influential at work and may play an important role in Betty's future career. Thus, Betty responds to Anne's trust as if she were trustworthy, without considering that Anne has placed trust in her as a compelling reason for action. If Betty intrinsically desired to be well thought of by Anne and this gave her a reason to aptly respond to Anne's trust, she would be trustworthy even without being altruistic. However, since Betty does not care about Anne's trust and simply acts in a way that is more convenient to her, which happens to be trust-responsive, she is not trustworthy even if she responds to Anne's trust. If Anne ends up trusting Betty, her trust will be misplaced.

While a belief in the trustee's trustworthiness is not always necessary to generate a circle of justified trust, a belief in someone's trust-responsiveness can be insufficient. In cases of high vulnerability, this circle of misplaced trust, generating unwarranted trust by the connection of trusting behaviour and instrumental trust-responsiveness, can be worrisome. Citizen trust in representatives is one of such cases.

Take an untrustworthy representative: her only reason for responding to trust is that she wants to be re-elected. Thanks to accountability devices such as free media, periodic elections and an independent judiciary, she seems to have self-interested reasons to act in such a way as to preserve her constituents' trust. The same set of social and political institutions also lower the costs of vulnerability for misplaced trust. Thus, following the 'cunning of trust', constituents would have two reasons to show their trust: the representative is incentivised to be trust-responsive, and they are not fully vulnerable to her power.

Take two possible scenarios. In the first, MP Barbara is untrustworthy, and her constituents do not trust her. They show a trusting behaviour thinking that she is trust-responsive, ie she wants to be re-elected. She acts as if she is trustworthy and manages to convince her constituents that this is the case by hiding away her conflicts of interests and paying off journalists to have flattering press coverage. They end up with a false belief and unwarranted trust. In the second scenario, MP Barbara is also untrustworthy, but she does not convince her

constituents otherwise. They still think that she is trust-responsive and, therefore, they do not closely check on her political activities. However, the reason why she responds to their trust is that it is the best way to promote her interests. If other ways that allow her to reach her goal more conveniently, she has no reason not to use them, thus possibly undermining her constituents' interests and ideals. Citizens' trusting behaviour then is also unwarranted.

In both cases, Pettit's alternative circle of trust misfires because it prevents citizens from monitoring representatives by either prompting them to trust or show trust towards them. In these cases, it seems that an attitude of mistrust and careful oversight of one's representative seems a preferable strategy, especially when citizens are dealing with representatives they did not vote for.

I think there are reasons to preserve, nonetheless, a public language of trust. Annalise Acorn, in this volume, explores the persistence of such rhetoric in the relationship between the Canadian State and Indigenous People. As she observes, the language of trust 'plays on the other's desire to be seen by third parties as trustworthy', in a way similar to Pettit's 'cunning of trust'.[77] However, I also think that a public language of trust achieves two essential aims, regardless of whether it manages to produce a circle of justified trust.

Firstly, the rhetoric of trust assigns clear roles to citizens and representatives. As we have seen, representatives claim to speak in the name of certain interests and ideals that they offer as characterising their constituency. Their creative role gives them a certain amount of discretionary power over their constituents because they are responsible for the self-image of the constituency whose interests and ideals they are meant to represent. Therefore, they must also have the right and the responsibility to further these interests and ideals by deciding how to vote in Parliament. What a language of trust contributes to realising is public awareness of citizens' vulnerability and representatives' discretionary power.

Secondly, this awareness may give intrinsically trust-responsive representatives reason to be trustworthy and to take their constituents' interests at heart. Even if representatives are not so moved, the language of trust assigns them clear responsibility for their actions. Although they might try to claim that they are only delegates for their constituents' will, the public awareness of their role as trustees will allow citizens to see more easily through such a claim and acknowledge their related responsibilities. In this sense, a language of trust is compatible with citizens' mistrust in or even distrust of their representatives if and when representatives fail to strike the right balance between local and national interests and their constituents and their own views.[78]

[77] Annalise Acorn's contribution to this volume, p 136.

[78] See Meena Krishnamurthy, '(White) Tyranny and the Democratic Value of Distrust' (2015) 98 *The Monist* 391–406.

VI. Conclusion

The argument presented follows five steps. The first step consisted in identifying trust with a belief in the trustee's trustworthiness. So conceived, well-grounded trust justifies a trusting behaviour, which provides the trustee with a compelling reason to keep that trust. This is what I called the circle of trust and the first self-reinforcing mechanism pinpointed by Pettit.

The second step involved arguing that citizen trust in representatives is often unwarranted because of the distinctive nature of political representation under conditions of conflict of interests. The same nature, however, also undermines what I called the delegate solution, namely the idea that the right to decide how representatives should vote in Parliament should belong to citizens. The third step thus argued that the delegate solution is unconvincing and leaves us with an impasse. On the one hand, political representation is inconsistent with trust in a representative for whom a citizen has not voted because this citizen would likely reject both the activities and goals of their supposed trustee. On the other, political representation inevitably bestows on representatives the discretionary power to select, characterise and even create interests and ideals that they will represent in Parliament. It seems then that representatives must be trustees, in the sense of having the right to decide how to vote in Parliament, without being trusted by citizens.

However, as Pettit and others have observed, trust is not the only reason for acting trustfully. What Pettit calls the 'cunning of trust' is the possibility of another self-reinforcing mechanism that develops from trusting behaviour and trust-responsiveness. Even if the trustor lacks the belief of the trustee's trustworthiness, they may nevertheless act *as if* they trusted because they can count on the trustee's desire for a good reputation. If this mechanism were effective, citizens could act as if they trusted representatives because there are instrumental reasons for representatives to be trust-responsive (ie they want to be re-elected). The fourth step was to argue that this alternative circle of trust risks generating misplaced trust. If the trustee is untrustworthy, their response to the trustor's trust will be completely contingent on the circumstances. If the trustor either comes to trust her or does not check on her as a result, she will be dangerously vulnerable to the trustee's power. Therefore, citizens should not rely on this specific circle of misplaced trust because their trust or trusting behaviour would be unwarranted.

The final step consisted in suggesting that citizens who do not have a specific belief concerning their representatives' trustworthiness (or who believe them to be untrustworthy) should *mistrust* them, which means monitoring their activities to see if they abuse their power. At the same time, the language of trust should not be discarded. In fact, it still serves the purpose of giving public recognition of representatives' discretionary power and citizens' vulnerability. Accountability mechanisms alone allow citizens to oversee representatives, but at the same time, they convey the wrong image of their relationship. If citizens are only seen as

the principal and representatives as their agent, the latter appearing under strict control of the former and that the final responsibility only stands with the former. However, while citizens do have ways to check on representatives and replace them if needed (a possibility inherent to any system worthy of the name of democracy), representatives still enjoy wide discretionary power in the claim-making process before elections and in the law-making process after elections. The rhetoric of trust helps publicly remind representatives of their political responsibility and citizens of their vulnerability in their dealings with them.

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