

THE DEMOCRACY, STRAIGHT-UP! PROJECT

The Democratic Ownership of Law

Legislative Alienation, Political Agency, and Equal Sovereignty

— CHAPTER ONE —

The Object of the Theory

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Working draft · August 2026

Manuscript note: This draft contains Chapter One only. The book's general introduction and overview are intentionally deferred until the substantive chapters have been completed and the full argument can be stated in light of what they establish.

CHAPTER ONE

The Object of the Theory

1.1 Why “the Democratic Ownership of Law”

Law does more than prohibit or permit particular conduct. It structures the conditions under which people act together. It creates institutions, distributes powers and obligations, authorizes coercion, allocates public resources, and determines the procedures through which collective decisions are made. The authority to create, revise, and repeal law is therefore among the most consequential forms of political power.

This work asks who should possess that authority.

The phrase **democratic ownership of law** identifies a relationship of control. Ownership is used in a narrow sense: to ask who possesses the final decision-right, who may authorize others to act, whether that authorization can be withdrawn, whether the use of authority can be inspected, and whether the procedures through which it is exercised remain subject to those governed by them. It refers to the continuing political standing of members of a self-governing community. A citizen may rely upon representatives, delegates, experts, administrators, and other specialists without thereby surrendering the underlying authority exercised in that citizen’s name.

Democratic ownership has both an individual and a collective dimension.

At the individual level, each recognized member of the political community possesses an equal and recoverable decision-right within the legislative process. The exercise of that right may be delegated, but the right itself does not become the independent property of the delegate.

At the collective level, the public must possess institutions capable of combining those equal decision-rights into authoritative law. Individual participation without a consequential path to the legal act is merely expressive. Collective decision-making that cannot be traced to the equal and continuing authority of its members may be plebiscitary, administrative, representative, or oligarchic, but it is not democratic ownership in the sense developed here.

The central object of the theory is therefore what will be termed in this paper ‘the **legislative decision-right**,’ that is, the authority to participate in determining whether a proposed rule will acquire, retain, or lose the force of law. The theory asks who should possess that right, what it means to retain it while relying upon others, how it can be organized across large populations, and which institutional relationships are incompatible with its democratic ownership.

The corresponding pathology is **legislative alienation**: the separation of people subject to law from continuing control over the legislative authority exercised in their name. Alienation does not disappear merely because officeholders are elected, responsive, competent, or removable at intervals. The decisive question is whether the governed retain the decision-right itself or possess only the ability to influence those who hold it.

This theory does not begin by asking which laws a democratic public ought to enact. It begins with the prior question:

Who possesses the authority through which law is made?

1.2 The object is the right to a decision, not a preferred outcome

Political theory often approaches democracy through one or more of four familiar concerns. It asks whether institutions produce good outcomes, whether they protect rights, whether they aggregate preferences fairly, or whether they foster valuable forms of public reasoning and citizenship. Each concern is indispensable. None, however, is identical to the question taken up here.

The object of this theory—it bears repeatin—is the *legislative decision-right*: the authority to determine whether a proposed general rule will be enacted, amended, retained, or repealed. A decision-right is not simply the opportunity to speak, provide evidence, influence an officeholder, or punish an official at a later election. It is the recognized authority whose exercise counts as part of the decision itself.

This focus deliberately separates two questions that political debate often collapses:

- **What should the law be?**
- **Who should possess the ultimate authority to decide what the law will be?**

The answer to the second question, by the way, is not affected by court decisions. A court may overrule a law as unconstitutional, for instance, but then the power to define what the constitution does and does not say regresses back to the ‘ultimate authority.’

The first is a substantive question of policy, justice, rights, welfare, or public purpose. The second is a structural question of political standing and institutional authority. One may believe that a particular policy is wise while denying that the institution that enacted it was democratically constituted. One may also believe that a democratically authorized decision is mistaken or unjust. Democratic authorship and substantive correctness are related, but they are not synonymous.

This distinction permits the theory to be exact about its ambitions. It does not claim that transferring legislative authority to voters will cause every subsequent decision to be correct. Nor does it justify voter sovereignty by promising a specified policy program. Its primary claim is relational: people who are governed through collectively enforced rules should not, merely because governing requires expertise and labor, be placed in a permanent relation of legislative subordination to a separately empowered class.

The project’s public formulation calls this *equal legislative sovereignty*: the equal, continuing, and practically exercisable standing of recognized members over the legislative decisions made in their name (Democracy, Straight-Up! Project 2026a). The institutional paper *The Straight-Up System* translates that moral claim into a design requirement: the work of governing may be extensively distributed, but final legislative authority must remain direct or recoverable at the level of the member (Democracy, Straight-Up! Project 2026b). This chapter does not yet defend the full moral derivation of that claim. Its task is prior. It identifies the phenomenon that the later argument must explain and justify.

1.3 Why law is the central object

Law is not the only form of power. Families, employers, religious organizations, markets, technologies, professional norms, media systems, and informal status hierarchies all shape human conduct. Some forms of private

power are more immediate in daily life than any statute. A theory that treated legislation as the sole source of domination would be plainly inadequate.

Law is nevertheless distinctive. It authorizes, prohibits, enables, funds, defines, recognizes, and coordinates. It supplies the background rules through which many other forms of power become possible and enforceable. It defines property, contracts, corporations, public offices, criminal offenses, civil remedies, taxation, eligibility, jurisdiction, and the procedures through which authoritative decisions are made. It can restrain private power, constitute it, subsidize it, or leave it undisturbed. Law is simultaneously coercive and enabling: it limits action, but it also creates stable capacities for action that would otherwise be unavailable.

This dual character is important for the theory of agency developed later in this work. Rules do not simply subtract freedom. They create roads, currencies, schools, courts, public benefits, corporations, elections, standards, and predictable forms of cooperation. Social life is not a choice between unconstrained agency and legal restraint. It is a continuing process through which collective rules condition, restrict, and enlarge the agency of those who live under them.

Because law structures the conditions of action, control over law is not merely one political interest among others. It is a form of control over the public framework within which interests are pursued. Habermas's account of democratic legitimacy famously treats citizens as both authors and addressees of law, while Waldron locates dignity in the legislative practice through which disagreement is addressed by political equals (Habermas 1996; Waldron 1999). Kahn and Brennan-Marquez similarly argue that democratic self-authorship requires a public to understand statutes as something it has done together rather than something simply done to it (2014). These traditions differ sharply from one another, but they share a recognition that democratic legitimacy concerns the relationship between those bound by law and the authorship of law.

The present theory radicalizes that concern by treating authorship as an institutional decision-right rather than primarily a civic self-understanding. Citizens may be encouraged to regard themselves as authors of statutes because they elect legislators, participate in public discussion, or belong to a constitutional people. But a theory of democratic ownership must ask whether the citizen retains any direct and recoverable authority over the legal decision after the election has transferred formal voting power to an officeholder. A public identity as "author" cannot by itself answer a question about who owns the vote that enacts the statute.

This is why the object of the theory is not public opinion, democratic culture, or responsiveness in general. Those phenomena matter because they can affect the legislative decision. They are not the decision-right itself.

1.4 Legislative power is structurally prior, not absolutely supreme

The familiar language of "three equal branches" obscures an important asymmetry. The legislative, executive, and judicial branches are separate in function and institutionally capable of checking one another, but they do not possess identical kinds of authority.

The executive ordinarily acts under legal authorization. It administers programs, spends appropriated funds, directs agencies, enforces rules, conducts diplomacy, and exercises powers granted or recognized by constitutional and statutory law. The judiciary ordinarily decides disputes under law. It interprets legal texts, develops doctrine, reviews official conduct, and determines how legal standards apply in particular cases. Both branches exercise discretion, and both can profoundly alter the operative legal order. Administrative agencies promulgate rules with legal force; executive officials set enforcement priorities; courts create binding interpretations and, in common-law systems, develop law through precedent. It would therefore be false to say that legislatures alone "make law" in every meaningful sense.

Legislation is nonetheless structurally prior in a specific respect. It creates, revises, and repeals many of the general mandates under which executive and judicial institutions operate. It establishes offices, jurisdictions, budgets, causes of action, offenses, procedures, regulatory authority, and the boundaries of administrative discretion. Locke accordingly described legislative power as the power that directs how the force of the commonwealth is to be used, and he treated the constitution of the legislative as a fundamental act of political society (Locke 1988 [1689], §§134, 143). In the American constitutional setting, Article I vests the granted legislative powers in Congress; Madison observed that legislative authority “necessarily predominates” in republican government, even as the Constitution divided and checked it (U.S. Constitution, art. I, §1; Madison 1788a).

“Structurally prior” does not mean legally omnipotent. In a constitutional order, the legislature may be limited by entrenched rights, federal arrangements, bicameralism, executive veto, judicial review, international commitments, and procedural requirements. Congress cannot unilaterally rewrite the United States Constitution; Article V requires proposal and ratification through institutions beyond an ordinary legislative majority. Courts may invalidate statutes, and executives may possess constitutionally grounded powers that the legislature cannot simply erase. In parliamentary systems, the distribution of legal supremacy may differ again.

The claim is therefore not that a legislature always “reigns supreme.” It is that the legislative function acts at the level of general public rules and authorizations. It is an architectural function. Executive action occurs within a legal field that legislation helps constitute; judicial judgment interprets and polices that field; constitutional law structures all three. The precise balance differs across political orders, but the authority to make general law remains a central site at which a society determines the terms of its shared coercive and enabling order.

That fact explains the narrowness and the depth of the present inquiry. The theory does not claim that legislative sovereignty automatically controls every exercise of state power. It claims that the public’s relationship to the lawmaking decision is sufficiently fundamental to require separate analysis. A people may possess civil liberties, electoral competition, independent courts, and responsive administrators while remaining institutionally separated from the final legislative vote. The value of the surrounding institutions does not make that separation disappear.

1.5 Positive law, constitutional law, and delegated rulemaking

The word *law* ranges over several objects. A constitution establishes institutions and higher-order rules. Statutes enact general commands and authorizations. Administrative regulations elaborate statutory mandates. Courts interpret texts and develop precedent. Local ordinances, treaties, customary rules, and organizational bylaws add further layers. No serious theory of democratic lawmaking can treat this plurality as if all law were produced in a single chamber by a single up-or-down vote.

The core object of this work is therefore best described as *legislative sovereignty* rather than undifferentiated sovereignty over every legal utterance. Legislative sovereignty concerns the public authority to enact, revise, and repeal general rules and the mandates through which subordinate lawmaking occurs. It includes the authority to create agencies, delegate regulatory tasks, establish courts, define jurisdiction, appropriate resources, and demand oversight. It does not imply that voters should decide individual prosecutions, adjudicate private disputes, issue technical regulations line by line, or personally administer the state.

The distinction between legislation and administration is not always clean. Modern states delegate broad rulemaking authority, and agencies sometimes make choices that are functionally legislative. Courts may construct doctrines that substantially reshape policy. A theory focused only on the ceremonial final passage of statutes could therefore leave effective governing power elsewhere. The Straight-Up System paper recognizes this danger: voter sovereignty must extend to control of mandates, budgets, appointments, oversight procedures, and legal

authorizations, or the final vote may become symbolic while policy is made in administrative institutions (Democracy, Straight-Up! Project 2026b).

That observation broadens the eventual institutional problem without dissolving the object of the theory. The democratic ownership of law requires control not only of the final statutory text but of the authority structure that determines who may elaborate, interpret, and implement it. Yet the theory remains legislative because it asks how the sovereign decision-right over those authorizations is owned. It does not collapse every professional, adjudicative, or executive judgment into a referendum.

The same caution applies to constitutional law. Constitutions can be understood as higher-order law through which a people constitutes offices, rights, jurisdictions, and amendment procedures. A comprehensive theory of democratic constitutional authorship would be larger than the present work. For current purposes, an existing constitutional order is both a constraint and an inherited institutional environment. A Straight-Up implementation may initially operate within that environment while leaving constitutional change to the procedures the environment recognizes. The question of whether those procedures themselves fully realize democratic ownership is genuine, but it need not be answered before the theory can analyze ordinary legislative alienation.

1.6 From popular sovereignty to the legislative decision

Modern democratic states routinely describe the people as sovereign. Constitutions are promulgated in the people's name; officials claim authority from popular consent; elections are treated as the mechanism through which public power is authorized. Yet "popular sovereignty" can refer to very different relations.

At its thinnest, it may mean that rulers are selected through competitive elections. At a thicker level, it may include civil liberties, public deliberation, accountability, responsiveness, and the capacity to replace governments. It may also refer to constituent power: the authority of a people to establish or transform the constitutional order. These are important meanings. None automatically establishes that ordinary citizens retain the final legislative decision-right between elections.

The problem is visible in the gap between *source* and *exercise*. The people may be named as the source of all legitimate power while the exercise of legislative authority is vested in representatives for a fixed term. Electoral authorization then performs a conceptual transformation: the voter's act of selection is treated as the voter's exercise of sovereignty, even though the legal vote on subsequent statutes belongs to the officeholder.

This is not a semantic trick invented by bad-faith defenders of oligarchy. It is a major achievement of representative constitutionalism. Elections can make rulers removable, create incentives for responsiveness, permit organized opposition, and support peaceful transfers of power. Theories of representation have developed sophisticated accounts of authorization, accountability, responsiveness, judgment, descriptive presence, claim-making, and the continuing relationship between representatives and represented (Pitkin 1967; Mansbridge 2003; Rehfeld 2006, 2009; Urbinati 2006). The present theory does not deny these achievements.

It isolates a residual question: after all the democratic qualities of representation have been specified, who possesses the legally or institutionally effective vote on the law?

That question cannot be answered by saying that representatives are elected. Election explains how they acquire office. It does not establish that the represented retain ownership of each legislative decision. Nor can it be answered solely by demonstrating policy congruence. A representative who votes exactly as most constituents prefer may be perfectly responsive while still holding independent legal authority. Conversely, a genuinely delegated vote could be democratically owned even when the public decision is substantively unwise.

The theory therefore distinguishes democratic *selection* from democratic *ownership*. Selection is one possible method for appointing people who perform political labor. Ownership concerns whether the underlying decision-right remains with the public or is transferred to the appointee for a protected term.

1.7 Influence, consultation, representation, and sovereignty

The central conceptual distinction can be stated through four relations.

Influence is the capacity to affect another actor's judgment or conduct. Citizens influence government through speech, protest, voting, donations, organizing, lobbying, expertise, media, social status, and economic power. Influence is necessarily unequal. Attempts to equalize every source of persuasion would be both impossible and incompatible with many basic freedoms.

Consultation is an institutional opportunity to be heard before another actor decides. Public hearings, comment periods, advisory referendums, citizen assemblies, polling, and stakeholder processes can improve decisions and widen inclusion. Consultation can be meaningful without transferring the decision-right.

Representation is a broad relation in which one actor stands, speaks, or acts for others before a relevant audience. Pitkin's classic analysis showed that representation cannot be reduced to a single mechanism; later work has expanded the concept beyond elections and formal authorization (Pitkin 1967; Rehfeld 2006; Dovi 2024). Representation can be descriptive, symbolic, substantive, promissory, anticipatory, surrogate, gyroscopic, or claim-based. It may be democratic, nondemocratic, formal, or informal.

Sovereignty, as used here, is the continuing possession of the final decision-right within a defined domain. It concerns the actor whose authorized choice counts when disagreement remains. The sovereignty at issue is neither metaphysical omnipotence nor freedom from all external constraint. It is jurisdictionally bounded legislative authority.

These relations can coexist. A sovereign voter may be influenced by experts, consulted through group deliberation, and represented by a delegate who performs work. The democratic question is whether those supporting relations displace the voter as the source and recoverable owner of the final vote.

This distinction reveals why many participatory reforms can deepen democracy without eliminating legislative alienation. A citizens' assembly may improve deliberation while remaining advisory. A referendum may give voters final authority on selected questions while leaving the ordinary agenda and drafting process with representatives. Participatory budgeting may transfer a bounded allocation decision while leaving the surrounding fiscal system untouched. These reforms should be evaluated for what they do, not dismissed for failing to do everything. But the conceptual category of sovereignty should not be diluted merely because influence, consultation, and representation are valuable.

1.8 Ownership as control, recoverability, and non-alienation

The language of ownership is chosen because conventional democratic vocabulary often makes decisive transfers of authority difficult to see. The public is said to "have a voice," to be "represented," to "hold leaders accountable," or to "participate" in government. Each phrase can describe an important democratic good. None necessarily identifies who controls the decision.

Ownership, used carefully, directs attention to a bundle of control relations. In the legislative context, democratic ownership minimally includes:

- equal standing over the decision among recognized members;

- access to cast a direct vote when the member chooses;
- the capacity to authorize another person to exercise that vote;
- knowledge of the scope and current status of the authorization;
- the capacity to withdraw or override the authorization before the decision is final;
- verifiability of the recorded disposition of the vote;
- a consequential connection between the collective tally and the public act; and
- collective authority to revise the procedures and infrastructure through which these relations operate.

This is not a claim that every member must exercise every incident continuously. An owner can retain control while employing agents and leaving many decisions to them. The relevant distinction is between *delegation* and *alienation*. Delegation assigns the exercise of a function while preserving the source's authority to define, monitor, and revoke the assignment. Alienation transfers the decision-right into an institutionally independent domain.

The analogy to ownership is thus deliberately anti-proprietary in one respect: legislative sovereignty is not legitimately saleable or permanently transferable. The individual may entrust its exercise, but cannot be required to surrender the underlying standing that makes the person a political equal. The collective may establish offices, but those offices should not become independent owners of the public's authority.

Rousseau's insistence that sovereignty cannot be represented is the most famous precursor to this claim, although his general-will framework and his doubts about representation require separate analysis (Rousseau 1997 [1762], II.1, III.15). Locke also retained an ultimate popular authority beyond the ordinary legislature, holding that legislative power could revert to the community when trust was forfeited (Locke 1988 [1689], §149). Straight-Up departs from both by asking how recoverability can be institutionalized continuously rather than reserved for periodic assembly, constitutional rupture, or revolution.

1.9 A preliminary definition of legislative alienation

The concept that organizes the larger work is *legislative alienation*.

In its preliminary form, legislative alienation is the institutional separation of persons subject to law from the final decision-right through which ordinary law is made in their name. The separation becomes alienation when the decision-right is vested in another actor who may exercise it independently for a protected period, while the subject retains only indirect means of influence, retrospective sanction, or replacement.

Several qualifications are essential.

First, legislative alienation is not identical to dissatisfaction. A voter may agree with every statute and remain alienated from the authority that enacted them. The concept concerns a relation of control, not a psychological state.

Second, legislative alienation is not identical to corruption. A conscientious representative can exercise alienated authority; a corrupt delegate may exercise authority that remains formally recoverable. Corruption describes misuse. Alienation describes the location and recoverability of the decision-right.

Third, legislative alienation is not identical to policy distance. Congruence between public opinion and legislative behavior may reduce the consequences of alienation without changing the relation itself. The officeholder still owns the legal vote.

Fourth, legislative alienation is not the same as division of labor. A person may research, draft, negotiate, administer, or cast a vote on another's behalf without acquiring independent sovereignty. The distinction between authority and labor is therefore foundational. The need for specialization does not logically entail the transfer of ownership.

Fifth, legislative alienation is not cured by the periodic right to choose a new owner. Elections can make alienated authority accountable and temporary. They do not necessarily make it unalienated. A tenant's ability to choose among landlords would not make the tenant the owner; the analogy is imperfect, but it exposes the conceptual gap between selection and control.

The full theory developed in later chapters will compare legislative alienation to Marxian alienation, principal-agent problems, representation, non-domination, and institutional theories of autonomy. For now, the concept serves as a diagnostic category. It identifies a political relation that can persist beneath liberal rights, competitive elections, responsible government, and substantial policy responsiveness.

1.10 Problems and issues

The Straight-Up vocabulary distinguishes *problems* from *issues*. The distinction is stipulative and project-specific; it is not a claim about ordinary English.

An **issue** is a substantive question on which public power may be exercised. Health care, immigration, taxation, abortion, labor law, criminal sentencing, climate policy, education, defense, and public investment are issues in this sense. They concern what the law should say or what government should do.

A **problem** concerns the architecture through which public power is exercised. The campaign problem, delegation problem, participation-burden problem, information problem, agenda problem, capture problem, scaling problem, and correction problem are problems because they concern who controls lawmaking and how control can be made usable.

The distinction is analytic rather than ontological. A single subject can be framed either way. Campaign finance is an issue when citizens debate a contribution limit; it is part of the campaign problem when theorists examine how the need to win and finance elections shapes the ownership of legislative office. Voting rights are an issue when a polity determines eligibility rules; the unequal treatment of people already recognized as voters is a structural problem of equal standing. Administrative law is an issue when the legislature decides a regulatory mandate; it is an architectural problem when delegated authority becomes effectively unaccountable.

The project further narrows the term *Straight-Up problem*. Many grave defects of a constitutional order are structural in the ordinary sense but are not obstacles to the initial transfer of legislative authority. Malapportionment, the Senate, the Electoral College, federalism, judicial review, and territorial status may, or may not, be unjust or undemocratic. If changing them requires the very legislative authority the project seeks first to place under voter control, they are downstream questions for the sovereign public rather than prerequisites to the creation of voter sovereignty.

This narrowness is strategic and theoretical. It prevents the theory from becoming a demand that every constitutional defect be solved before the public may acquire lawmaking power. It also preserves the difference between a theory of legislative ownership and a complete theory of the state.

The distinction can be summarized as follows:

- Issues ask what a sovereign public should decide.
- Problems ask whether the public possesses a workable institution through which to decide.
- Straight-Up problems are the minimum architectural obstacles that must be addressed for public legislative sovereignty to become operational.

1.11 Issue-neutrality and the limits of neutrality

The theory is *issue-neutral* but not value-neutral. It does not prescribe capitalism, socialism, a welfare-state settlement, a minimal state, a national identity, a religious doctrine, or a comprehensive social program. It does not imply that a legitimate government must enact more law or less law, regulate more or regulate less, tax more or tax less. Repeal itself is a legislative act. The quantity and content of law are questions for the sovereign public.

This issue-neutrality resembles, but is not identical to, Rawls's distinction between a political conception and a comprehensive doctrine. Rawls sought a freestanding conception of justice that could be affirmed from within diverse reasonable worldviews (Rawls 2005). The present theory is narrower. It does not offer a complete political conception of justice. It isolates one relation of authority: equal standing in the ownership of legislative decisions.

The theory's neutrality therefore has clear limits.

It is not neutral in the choice between voter sovereignty and independent rule by a legislative class. It is not neutral about whether recognized voters possess equal standing. It is not neutral about whether delegation is recoverable. It is not neutral about whether a founder, party, officeholder, or software provider permanently owns the institution's rules. These are not downstream issues under the theory; they define the democratic relation itself.

Nor can the theory remain neutral when a sovereign public abolishes the conditions of equal sovereignty. A majority that permanently transforms some recognized voters into political subordinates violates the theory even if the decision was produced through a majoritarian procedure. The theory can name the contradiction without claiming an infallible mechanism that makes such conduct impossible.

Issue-neutrality should therefore be understood as *substantive policy neutrality within a defined constitutional question*. The theory specifies who should own legislative authority and certain minimum relations required to preserve that ownership. It leaves the uses of authority to political contest within the constitutional and jurisdictional environment in which the system operates.

1.12 Ownership of authority versus permissible uses of power

A theory of political authority can ask at least two distinct normative questions:

1. Who may legitimately decide?
2. What may a legitimate decision-maker permissibly do?

The Democratic Ownership of Law addresses the first question directly and the second only where it bears on the continued existence of equal legislative sovereignty.

This limited scope should not be mistaken for the claim that democratic procedure makes every outcome just. Constitutional rights, due process, legal equality, minority protections, jurisdictional limits, and independent adjudication may all constrain legislative action. The initial Straight-Up design works within an existing constitutional order rather than replacing that order with a project-authored code of permissible legislation (Democracy, Straight-Up! Project 2026a, 2026b).

The theory does not settle whether people convicted of felonies should vote, whether noncitizens should participate in municipal elections, what status Puerto Rico should possess, or how every conflict among speech, privacy, equality, property, bodily autonomy, security, and religion should be resolved. These are genuine questions of political membership and justice. To decide them, one needs arguments beyond the four structural parameters of the Straight-Up System.

At the same time, democratic ownership has internal implications. A decision that abolishes the equal standing of recognized members contradicts the norm that authorizes the democratic decision in the first place. Christiano's theory of public equality similarly argues that the principle grounding democratic authority also limits that authority when public equality is overtly denied (Christiano 2008). Straight-Up reaches a related boundary through the concept of ownership: a collective cannot preserve equal democratic ownership by converting some current owners into permanent subjects of the others.

No institutional arrangement can make contradiction logically impossible. Entrenched rights, courts, supermajorities, federalism, and amendment procedures can raise barriers and distribute judgment. Each arrangement still requires interpretation and enforcement by some actor. The later argument for democratic corrigibility will address this problem directly. At this stage, the important point is one of scope: the theory can distinguish ownership from use without pretending they are unrelated.

1.13 The demos and jurisdiction as inherited but contestable inputs

Every democratic theory confronts the boundary problem: who belongs to the people entitled to participate, and over which decisions may that people rule? The all-affected, all-subjected, citizenship, residence, nationality, and territorial principles generate different answers and difficult counterexamples (Näsström 2011; Song 2012). No voting procedure can determine its own electorate without already presupposing a decision rule and a decision-making body.

The Democratic Ownership of Law does not solve the boundary problem in Chapter One. It treats the recognized electorate and jurisdiction as inputs that must be made explicit, legally or institutionally grounded, consistently administered, and open to challenge. An initial implementation may inherit the electorate established by existing law while leaving the members free to debate and lawfully revise its boundaries.

This stance is intentionally modest. The agency argument developed later may create a presumption in favor of including those persistently subjected to a legal order. It does not, by itself, resolve overlapping jurisdictions, migration, age, capacity, citizenship, territorial autonomy, or the political standing of future generations. Those questions require a fuller theory of membership.

The distinction between membership and equal standing remains firm. The theory may be agnostic about whether a person should be admitted to the electorate while insisting that people already recognized as members cannot be assigned permanently inferior legislative authority within the institution. A rule defining the demos and a rule stratifying the demos are analytically distinct, even when both can be morally contested.

Jurisdiction is equally important. Legislative sovereignty is always sovereignty *over something*: a defined set of decisions, territory, organization, or public function. A municipal body cannot legitimately claim a national defense power merely because its internal voting procedure is democratic. A national majority cannot automatically govern the internal affairs of another people. Democratic ownership must therefore be bounded by a theory of legal competence, even if that theory is inherited provisionally rather than derived from first principles.

1.14 What the theory does not attempt

The limited object of the theory can be clarified by stating what the work does not attempt to establish.

It is not a complete philosophy of life. It does not address the nature of consciousness, ultimate value, religion, personal virtue, beauty, or the meaning of existence.

It is not a comprehensive theory of justice. It does not provide a distributive principle, a full catalogue of rights, or a ranking of every public value.

It is not a policy platform. It does not instruct voters how to decide health care, immigration, labor, taxation, criminal law, climate, education, or defense.

It is not a theory that all public acts should be decided by plebiscite. Adjudication, administration, investigation, drafting, expertise, negotiation, and emergency response require differentiated institutions and professional labor.

It is not an argument that representation is intrinsically illegitimate. Representation can communicate, advise, advocate, coordinate, symbolize, negotiate, and perform delegated work. The theory objects to representation only where it becomes the independent ownership of another person's legislative authority.

It is not a demand for equal political labor. People will differ in attention, expertise, motivation, and time. Equality concerns final standing, not identical participation.

It is not a claim that human beings will become unusually virtuous under a Straight-Up system. Voters may remain self-interested, prejudiced, inattentive, persuadable, generous, cooperative, inconsistent, and fallible.

It is not a claim that changing the legislative relation automatically repairs every institution of the state. The Senate, Electoral College, courts, executive, administrative agencies, and federal structure remain available for downstream reconsideration by a public that acquires legislative authority.

It is not a promise of political closure. A sovereign public can make mistakes and can attack the conditions of its own sovereignty. The theory seeks recoverability and correction, not an impossible guarantee against contradiction.

These denials do not weaken the theory. They protect its object from inflation. A theory that claims to solve every political problem becomes impossible to test and easy to dismiss. The Democratic Ownership of Law makes a narrower and more radical claim: the ownership of legislative authority is a distinct object of political justice, and representative constitutionalism has not exhausted the institutional possibilities for organizing it.

1.15 Method: conceptual reconstruction joined to institutional analysis

The argument proceeds through four forms of inquiry.

First, it is **conceptual**. It distinguishes selection from ownership, influence from decision, delegation from alienation, legislative authority from legislative labor, and problems from issues. These distinctions are not verbal decorations. They identify institutional relations that can be observed and compared.

Second, it is **normative**. It asks what follows from equal standing among agents who live under collectively enforced rules. Later chapters will place this argument in conversation with autonomy, dignity, public equality, non-domination, self-determination, and social-contract traditions.

Third, it is **institutional**. A principle of popular sovereignty is empty unless translated into decision procedures, delegation rules, information systems, verification, appeal, succession, and control of infrastructure. The theory therefore moves between political philosophy and institutional design.

Fourth, it is **empirical and falsifiable where its claims concern behavior**. The moral claim that equal standing should not be converted into permanent legislative subordination is not tested in the same way as the prediction that small groups will sustain participation or that revocable delegation will reduce durable capture. The project's research program distinguishes four kinds of claim:

- **Established claims**, supported by definition, observation, or existing evidence;
- **Structural claims**, which follow if a specified mechanism functions as described;

- **Design requirements**, which identify capacities that must be built before a system can responsibly exercise power; and
- **Empirical hypotheses**, which concern behavior under the combined institutional conditions and require implementation (Democracy, Straight-Up! Project 2026b).

Maintaining these categories is essential. A normative right cannot substitute for a secure voting mechanism. A plausible mechanism cannot be described as an observed success. A risk cannot be treated as proof of impossibility merely because no implementation has yet generated evidence.

The work is also reconstructive in a historical sense. It will read canonical and contemporary theorists for the problems they were attempting to solve, not merely for statements that can be recruited as allies or condemned as errors. Rousseau's hostility to representation, Madison's institutional caution, Marx's account of alienation, Mill's developmental theory, Habermas's democratic authorship, and contemporary defenses of representation each identify real constraints. The question is whether the conceptual vocabulary of political theory has adequately isolated the alienation of the legislative decision-right.

1.16 A provisional formulation of the theory

The object of the theory can now be stated provisionally.

Human societies govern through authoritative rules that constrain and enable the agency of their members. The creation of those rules requires extensive labor, expertise, organization, delegation, administration, and judgment. None of those necessities establishes that the people performing the work should independently own the final legislative decision.

Democratic ownership of law exists when recognized political equals retain an equal, consequential, and recoverable decision-right over the legislation made in their name, while distributing the labor of governing through institutions that remain transparent, bounded, and revocable. Legislative alienation exists when that decision-right is transferred to a separately empowered actor or class, leaving the public with influence, consultation, retrospective accountability, or periodic selection but without continuing control of the legislative act.

The theory is neutral among substantive policy programs but not neutral about this relation of authority. It does not define every legitimate use of power, solve the boundary problem, abolish representation, or promise correct outcomes. It identifies a prior democratic question that those debates often presuppose:

Who possesses the authority whose exercise becomes law?

The chapters that follow will ask whether equal political agency grounds a right to retain that authority; how representative government came to stand in for self-government; why theories of alienation have insufficiently isolated legislative power; how institutions shape the capacities of citizens; and what architecture could distribute the work of governing without recreating a class that owns the government's final legislative voice.

The working thesis of the book is therefore concise:

Choosing who will govern you is not, by itself, self-government. Self-government requires institutions through which the governed retain democratic ownership of the authority to make law.

References for Chapter One

- Christiano, Thomas. 2004. “The Authority of Democracy.” *Journal of Political Philosophy* 12 (3): 266–290.
- Christiano, Thomas. 2008. *The Constitution of Equality: Democratic Authority and Its Limits*. Oxford: Oxford University Press.
- Democracy, Straight-Up! Project. 2026a. *The Straight-Up Philosophy*. Working website text, August 2026.
- Democracy, Straight-Up! Project. 2026b. *The Straight-Up System: A General Institutional Architecture for Organized Self-Rule at Scale*. Version 1.0, August 2026.
- Democracy, Straight-Up! Project. 2026c. “My Freedom, My Vote! Direct Legislation as a Right.” Unpublished working essay.
- Dovi, Suzanne. 2024. “Political Representation.” In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta and Uri Nodelman. Stanford University.
- Habermas, Jürgen. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Translated by William Rehg. Cambridge, MA: MIT Press.
- Honoré, A. M. 1961. “Ownership.” In *Oxford Essays in Jurisprudence*, edited by A. G. Guest, 107–147. Oxford: Oxford University Press.
- Kahn, Paul W., and Kiel Brennan-Marquez. 2014. “Statutes and Democratic Self-Authorship.” *William & Mary Law Review* 56 (1): 115–184.
- Locke, John. 1988 [1689]. *Two Treatises of Government*. Edited by Peter Laslett. Cambridge: Cambridge University Press.
- Madison, James. 1788a. “Federalist No. 51.” In *The Federalist*.
- Madison, James. 1788b. “Federalist No. 48.” In *The Federalist*.
- Manin, Bernard. 1997. *The Principles of Representative Government*. Cambridge: Cambridge University Press.
- Mansbridge, Jane. 2003. “Rethinking Representation.” *American Political Science Review* 97 (4): 515–528.
<https://doi.org/10.1017/S0003055403000856>.
- Näsström, Sofia. 2011. “The Challenge of the All-Affected Principle.” *Political Studies* 59 (1): 116–134.
<https://doi.org/10.1111/j.1467-9248.2010.00845.x>.
- Pitkin, Hanna Fenichel. 1967. *The Concept of Representation*. Berkeley: University of California Press.
- Rawls, John. 2005. *Political Liberalism*. Expanded edition. New York: Columbia University Press.
- Rehfeld, Andrew. 2006. “Towards a General Theory of Political Representation.” *Journal of Politics* 68 (1): 1–21.
<https://doi.org/10.1111/j.1468-2508.2006.00365.x>.
- Rehfeld, Andrew. 2009. “Representation Rethought: On Trustees, Delegates, and Gyroscopes in the Study of Political Representation and Democracy.” *American Political Science Review* 103 (2): 214–230.
- Rousseau, Jean-Jacques. 1997 [1762]. *The Social Contract and Other Later Political Writings*. Edited and translated by Victor Gourevitch. Cambridge: Cambridge University Press.
- Song, Sarah. 2012. “The Boundary Problem in Democratic Theory: Why the Demos Should Be Bounded by the State.” *International Theory* 4 (1): 39–68.
- United States Constitution. 1787. Articles I and V.
- Urbinati, Nadia. 2006. *Representative Democracy: Principles and Genealogy*. Chicago: University of Chicago Press.
- Waldron, Jeremy. 1999. *The Dignity of Legislation*. Cambridge: Cambridge University Press.
- Waldron, Jeremy. 2006. “The Core of the Case Against Judicial Review.” *Yale Law Journal* 115 (6): 1346–1406.