DEMOCRACY HAS ALWAYS BEEN THE IDEA and the practice that has most intrigued me. That is only more so now, in what might be thought of as the Age of Democracy, when the foundations of democracy are being thrown open as at few previous moments. With the dramatic upsurge of new democracies in diverse contexts — South Africa to the former Soviet Union — basic questions in democratic theory and practice are being confronted anew: How should political representation be understood? What is at stake in the choice between different democratic structures countries might adopt? How much can institutions shape a country’s formal politics and political culture?

At the same time, assumptions about democratic structures long taken for granted in the United States now face pressure along several fronts. Issues centered on democracy today dominate the Supreme Court’s docket. Some challenges stem from the way the Voting Rights Act, first enacted in 1965, has been reshaping the political process in the enduring struggle to reconcile majority rule with respect for the interests of political minorities. Others arise from the role of money in politics, or the renaissance of direct democracy in states like California and Colorado.

Yet somewhat mysteriously, law schools historically have not taught courses in the legal structures that
create democracy. In my view, there is too little appreciation of the extent to which the democracy we experience is a product of particular choices of institutional structures and legal rules. Our ability to imagine other possibilities is also stunted by the taken-for-grantedness of our current legal structures. One way I’ve tried to encourage more systematic and creative thought about democracy is through a recent casebook, the first of its kind, entitled The Law of Democracy: Legal Structure of the Political Process (1998).

In my academic scholarship, I’ve tried to disregard the purported line between theoretical and empirical work and instead explore democracy through approaches that unite the two. As an alternative to the traditional American system of electing officials from territorial districts, I’ve endorsed alternatives, like cumulative voting, after examining how these systems actually work in the few places in the United States where they now exist. In writing about regulation of risks in the environmental, health, and safety fields, I’ve examined the reasons experts and lay people evaluate risks so differently. From developing an understanding of those differences, I’ve proposed policymaking structures that would better deal with these conflicts. In the highly charged area of race and politics, I’ve tried to demand that polarized debates contend with knowledge about the way electoral institutions operate in practice. I’ve written on the cultural consequences of public policies, and on what public-law thought might learn from scholarship in private-law fields.

In all these efforts, I’ve remained intrigued with what an ongoing cultural, legal, and political achievement democracy is, and I’ve tried to convey to students how contingent and constantly changing understandings of democracy are and ought to be. In other disciplines, a world-weary cynicism all too often passes for intellectual sophistication. One of the wonderful qualities of those drawn to law, be they students or academics, is the high level of passionate engagement with important moral and political issues.

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“Rick Pildes epitomizes the best aspect of law faculties—the ability to bring different academic disciplines to bear on practical legal problems. He has co-written articles with philosophers (Elizabeth Anderson) and political scientists (Harold Niemi), and he has written an astute analysis of Bernard Grofman's technical statistical work on voting rights litigation. This capacity to appreciate and use both the humanities and quantitative social science is a welcome antidote to the babel that afflicts the research university, where different disciplines are often mutually unintelligible, even when they are analyzing the same problem of human society.

“All of Rick's different academic interests are unified by his commitment to understanding real-world legal problems. It is an occupational hazard of interdisciplinary legal research that its practitioners too often become uninterested—and even disdainful of—the practical world of legal controversy. But Rick has entirely avoided this danger: he embraces the world of legislation and litigation with zeal. Rick has served as a court-appointed expert in Detroit-area vote dilution litigation, and he has journeyed to an Alabama county to study how proportional representation has been used as a remedy in a voting rights case. His research on the boundaries of electoral districts has been prominently cited and discussed by the U.S. Supreme Court, and his casebook on the law of democracy (co-written with Pamela Karlan and Samuel Issacharoff) goes beyond appellate opinions to include congressional testimony and agency findings. To my mind, Rick's commitment to academic theory and the nitty-gritty of litigation shows that, even in an increasingly specialized world of academic research, it is still possible to be a public intellectual engaged with both action and ideas.”