

Title:

Representation in the audience democracy: new duties for the political representative?

Name: Annelien Schulte

Student number: s2090562

Supervisor: Thomas Fossen

Leiden University, Faculty of Humanities

Introduction

Communication via social media and other multimedia channels play a prominent role in the political arena. One look at the activities on media like Twitter of politicians and their frequent presence on television confirm this statement. Considering the fact that political preferences are shaped by the communication of political representatives via social media channels and television (Disch, 2011, 100), political representatives can potentially dominate and have great influence on people's opinions, ideas and their positions in society. The strategy of creating images and narratives, values and ideas in order to win popularity is more than ever part of the political game. Politicians posting stirring tweets, framing social groups and identities are part of the daily practice of modern politics. Simultaneously we see a shift to a society that Bernard Manin terms an 'audience democracy' (Manin, 1997, 211). It is characterised by the "personalisation of power" meaning that the personality and charismatic characteristics of politicians are more leading in elections than values of parties. Because voters base their choices more on the personality of politicians and less on stable values, voting behaviour is exposed to changes. Pollsters and media strategies have become an essential part of doing politics (Disch, 2019, 11). A second development we see in modern societies is the rise of unelected representatives. Individuals or NGO's claim to represent social groups without being appointed by those they claim to represent. An often used example is the U2 singer Bono who claims to represent the interests of the people in Africa. Without formal legitimacy, unelected representatives nevertheless may influence decision making processes on policies. These features of modern democratic societies stress the importance of the question concerning the duties and responsibilities of the political representative. They ask for a set of normative rules for democratic representation taking into account that the new communication strategies enlarge the capacity of the representative to influence people's opinions. Do we consider it representation when a representative shapes the opinion of the represented in such a way that it fits his own agenda? Do we consider it representation when he creates narratives to awake sentiments that may not have been prevalent before? Or is that no longer representation but rather manipulation and a form of dictatorship? In short, what are the duties and the role of the political representative in the audience democracy?

Hanna Pitkin, one of the most influential authors in the debate on political representation, has been thoroughly engaged in this question. For a long time the debate on political representation evolved around the following controversy: should a representative do exactly the same as what the represented would have done in a similar situation? Or should a representative be more free to act on the basis of his interpretation of what is best for his constituents? Pitkin argues a representative should represent both interests and wishes by *responsive* to the represented. The representative should act in the interest of his constituents and he should take the wishes of the represented into account. The representative should do this in a way the represented do not object to what is done in their name (Pitkin, 1967, 209). By being responsive to the represented, the representative makes the represented "making present again" (Pitkin,

1967, 8). According to Pitkin, making present again is the core definition of representation. Responsiveness as the answer to the question of the duties of the political representative has been both defended and criticized a lot. Also, her account gave rise to what is called the “standard account” of political representation. The standard account assumes people to have pre-existing interests and wishes. It implies that these interests and wishes exist a priori and that these can be expressed and are ready to be represented before representation takes place. For both Pitkin and the standard account, whether a representative has represented well or badly should be assessed along the line of the question whether the thing represented is made present again. Critique against Pitkin and the standard account of political representation comes from the constructivist turn in political representation. According to the constructivist turn, responsiveness requires people to have pre-existing interests and wishes. Constructivist authors claim that when we look at the political reality, we see that people do not have pre-existing and readily available interests and wishes. According to them, these interests become constructed in the process of representation. The construction takes place through a communicative, performative process and involves the creation of the characteristics, interests, wishes, identities of both representative and represented. To clarify the constructivist process of representation, let us look at an imaginary political debate on new legislation on agricultural policy. In this debate a politician claims to represent the interests of small ecological farmers. Elections are coming up and the representative wants to build up his reputation as the representative for small farmers. So he puts forward a narrative saying that the small farmers have interest x and y. Because of the representative’s action the farmers might be convinced of him being the right representative for them. Before the politician’s claim, the ecological farmers may not have had a clear and unified idea of their interests regarding this specific issue. But because of the convincing claim of the representative, they see themselves as having interests and consequently conceive that politician as their representative. In a nutshell, this is how the performative and communicative process of representation contribute the creation of the characteristics of the representative and represented. The act of representation creates something new.

This constructivist account of political representation is in line with the observation that in modern representative democracies the activity of shaping and influencing the public opinion has become a prominent part of doing politics. But beside its accurate description of political representation, what does the constructivist turn normatively claim about political representation? The constructivist turn stands for a normative challenge with regard to political representation. If there are no pre-existing people with interests etc., then how to judge whether a representative has represented well or badly? The rule of making present *again* does not work without pre-existing entities. What normative standard to handle when normatively judging representation? How to judge democratic representation when the normative basis is missing? Several constructivist authors have taken up this challenge and formulated a normative basis for democratic representation (Saward, Disch,). But how successful are these normative standards? Considering the fact the interests and opinions are constructed in the process of

political representation and considering the advanced media strategies of the political representatives, the representative potentially has the power to dominate people and undermine democracy. The constructivist normative standard should be able to address this question. In this thesis I will critically examine the normative account of the constructivist approach on political representation to judge if it succeeds in providing normative claims about the role of the political representative in a representative democracy. The research questions is as follows: what, if anything, does the constructivist account of political representation normatively claim about the duties of the political representative?

I will start my thesis with an elaboration of Hanna Pitkin's account of political representation and her answer to the question of the duties of the political representative: responsiveness. Since Pitkin's account is the political theory which the constructivist turn repudiates, this outlining will also help us understand the emergence of the constructivist turn. Further in this thesis, I will investigate two influential constructivist authors and their normative theory on democratic representation; Michael Saward and Lisa Disch. I will analyse both authors questioning what, if any, they normatively imply about the duties of the political representative. The first author I will address is Michael Saward. He is a fierce opponent of Pitkin's notion of responsiveness. As an alternative he provides an extensive elaboration of the constructivist process of representation by means of the 'representative claim'(Saward, 2010). His concept of the representative claim has been very influential and is often taken as the standard tool to analyse political representation. In this chapter I will also set out Saward's account of democratic legitimacy and critically analyse it along the lines of a critique by Lisa Disch. I will conclude that Saward's account fails to give clarity on the duties of the political representative. The second constructivist author who takes up the challenge of providing a normative standard for judging democratic legitimate representation is Lisa Disch. She formulates the normative standard for democratic representation in terms reflexivity: the degree in which a representative system encourages the contestation of the represented. I side with Disch's observation that Pitkin's account also contains a constructivist turn. This move by Pitkin is overlooked by Saward. I conclude that Disch's normative standard is only fit for judging representative systems hence does not provide us the specifications on the duties of the representative we were aiming for.

In the conclusion, I will reflect on the analysis and conclude that all three positions do not succeed in providing satisfying normative claims about the role and duties of the political representative in the modern audience democracy. The constructivist turn does not succeed in addressing the normative challenge of developing a full-fledged normative account of representation that does not rest on the assumption of pre-existing opinions and interests. Further, I will show that we have learned two more lessons from this investigation. First, we have seen that Pitkin, Saward and Disch conceive of political representation as the outcome of a constitutive process. This holistic approach is not fit to answer the question about the duties of the democratic representative within that process. Pitkin's responsiveness does formulate duties for the political representative but in the development of that argument she retreats

from the constructivist understanding of political representation. This deficiency of constructivism is particularly problematic when we want to use the constructivist account as a tool to reflect on the political practice as the constructivist turn aims for. Secondly, Pitkin, Saward and Disch surprisingly share an important condition for democratic representation: the capacity of the represented to judge and act. Despite the fact that this is not a direct answer to our research question it is an answer to the challenge that modern democracies pose. So here the three authors share a normative position with regard to the represented. The intensification of influence on the formation of ideas and opinions via social media, asks for the capacity of the represented to independently act and judge. The constructivist turn and Pitkin rightly direct a prominent place for this condition in their normative account. But in doing so they overlook the importance of clarity on the duties of the actors who professionalised the activity of influencing opinion formation: the political representative.

Chapter 1 Hanna Pitkin's making present again: responsiveness

In this chapter I will set out Hanna Pitkin's stance on the role and duties of the representative. In our investigation to the role of the democratic representative, Pitkin is an author we cannot ignore because her argument for the duties of the representative is very influential in the literature on political representation. Her core definition of representation as "making present *again*" (Pitkin, 1967, 8) is often conceived as the basic premise of the so called 'standard account' of democratic representation (Rehfeld 2006, 2-3). It is important to have a clear understanding of Pitkin's account and her influence on the standard account, because this is where the constructivist turn of political representation turns away from. To understand the core principles of the constructivist turn it is helpful to see from which basis it emerged. In this chapter I will provide a reading of Hanna Pitkin's account of political representation. I will give a short overview of her analysis of her four views of representation. The last view conceives of representation as an activity. This activity entails that the representative should promote the interests of his constituents and that he should be responsive to their wishes. He should act in the interests of his constituents in such a manner that they do not object to what is done in their name. This requires that the constituents have the capacity to judge and object. Pitkin applies this principle to governmental representation. For governmental representation counts that is representing when it acts in the interests of the represented and is responsive to their wishes. This is what Pitkin terms the condition of "responsiveness" (Pitkin, 1967, 233). However, as I will argue, representation in terms of responsiveness is too narrow to account for the full spectrum of political representation. Also, I will show Pitkin's core definition suggests an unidirectionality in the relationship between the representative and the represented that does not cohere with the political reality. At the end I will present the so called 'standard account' of political representation that emerged from Pitkin's concept of representation. However, Pitkin and the standard account should not be considered as identical. There are some important differences that

contribute to the breeding ground of the development of the debate on the normative challenges in the constructivist turn.

1.1 The Concept of Representation

In *The Concept of Representation* Hanna Pitkin carries out a conceptual analysis of the concept political representation. In this book Pitkin aims to clear the disagreements on the meaning of representation (Pitkin, 1967,6). She takes up the task to investigate all the varied ways in which the word representation is used in practice. To explain her methodology she sketches the analogy flash-bulb photographs. Each photo is taken from a different angle and every photo is a partial view of the thing photographed; representation. To understand the meaning of representation, Pitkin claims that we must investigate all these different angles and put all the photographs together (Pitkin, 1967, 11). As a starting point for this investigation, Pitkin looks for a “one-sentence definition of this meaning, broad enough to cover all its applications in various contexts”(Pitkin,1967,8). She formulates the following core definition of representation: “Representation, taken generally, means the making present of something which is nevertheless not present” (Pitkin, 1967, 8-9). In a nutshell, “*re-presentation*, a making present again” (Disch, 1967, 8). Keeping the core definition of representation in mind, Pitkin distinguishes four views of representation: formalistic views, symbolic representation, descriptive representation, representation as substantive acting for. All four the views are a partial view of representation and each view is used in different applications and contexts of political representation hence not interchangeable. Considering our goal to learn about the duties of the political representative, I will now discuss the four views to see “whether that view, its assumptions and implications, really fit the case to which he is trying to apply them.”(Pitkin, 1967:228). Our case is the activity and duty of the political representative. All the views are in some sense relevant for and applicable to politics but they are not interchangeable. I will start with the formalistic views of representation.

1.2 The four views of representation

The formalistic views of representation come in two forms: the authorisation view and the accountability view. Pitkin describes the authorisation view as involving the idea that the representative is someone who is authorized to act. (Pitkin, 1967, 38). He gained this position because of an process where the constituent transfers the right to act to the representative. The authorisation process is a formal process existing of an arrangement between the represented and the representative with binding rules. It is only after the transaction of the right to act that a representative comes in the position to act in the name of the represented. Whatever the presentative does after he is authorized counts as representation. An example to clarify representation as authorisation is the procedure of elections. Elections can be seen as

an authorisation process that places someone in the position with a right to act. Before the elections took place there is no case of representation because the transaction of the right to act from the represented to future the representative has not yet taken place. From the moment the representative is elected, everything the representative does counts as representation. So representation does not depend on what the representative does and what kind of activities he performs. When one asks what a representative should *do* to represent, the authorisation view cannot provide an answer. The second of the two formalistic views distinguished by Pitkin is the accountability view (Pitkin, 1967, 55). In this view, a representative is someone who is to be held accountable for his actions by the constituent. The call for justification by the constituent takes place after the representation. During the actual acting of the representative he is free to act, independently of the constituents. It is only afterwards that he is to be held accountable. This view faces the same problem as the authorisation view. Both the formalistic views cannot answer the question: what are the kinds of actions or what manner of acting is required for a representative to represent? To go back to the analogy of the flash-bulb photographs, the two formalistic views of representation focus on partial aspects of the concept of representation. To put it in Pitkin's words: both the formalistic views of representation are in their own plausible but they are "just two pieces in an incomplete jigsaw puzzle" (Pitkin, 1967:59). Both the perspectives are incomplete because they focus on the formal agreements of authorisation and accountability of representation. These views of representation might cover in some situations the meaning of what happens during political representation like we saw with elections. However, Pitkin argues, political representation involves more than the formal representation. She claims that when we speak of political representation in the daily practice we also refer to various kinds of activities like bargaining and making compromises (Pitkin, 1967: 212). The formalistic views of representation are not able to address what happens during representation, the activity of representation hence the activity of the representative. The formalistic perspectives do not inform us about the role and duties of representative.

We continue with two other views of representation: descriptive representation and symbolic representation. Pitkin continues the investigation by asking "what a presentative is and what he must be like to represent" (Pitkin, 1967, 59). This approach is what Pitkin calls representation as 'standing for'. The representative represents by virtue of a correspondence of characteristics or elements between the representative and the represented, says Pitkin (Pitkin, 1967, 61). Within the approach of 'standing for' she distinguishes two categories: descriptive representation and symbolic representation. The first of the two views of representation as 'standing for' is descriptive representation. Descriptive representation holds that representation is based on the correspondence, resemblance or reflection of the descriptive characteristics (Pitkin, 1967, 60). An example of descriptive representation is the composition of a government reflecting the composition of the society. A society may have the characteristic of having 30% of the population living in urban areas and 10% of the population living in agricultural regions. A representative government in the descriptive sense should have a parliament where 30 % of the members

lives in cities and 10 % of the parliament lives in the agricultural area. Descriptive representation is relevant for explaining political representation as the example of the composition of the parliament shows. But then again, it is not “the whole story about representation” (Pitkin, 1967, 91). The view of descriptive representation is not fit for the goal Pitkin and we have set: defining the activities of representative in political representation.

The second subcategory of ‘standing for’ distinguished by Pitkin is symbolic representation. Symbolic representation is based on the *idea* of a correspondence between the representative and the represented. This idea or belief is in a way shared and accepted. A symbol is the kind of representation that is purely based on an idea or belief (Pitkin, 1967, 92). An example of symbolic representation is a white flag symbolizing peace or ceasefire. The correspondence between the white flag and peace is by virtue of a belief in the idea of the correspondence. There are no rational reasons and no resembling characteristics yet there is a correspondence. Also symbolic representation cannot account for the activity of representation and tell us what a representative should *do*. So the two views of representation face the same problem: they cannot address the question of what a representative has to do when representing. However, representation as “standing for” does involve some form of activity: the activity of “making representations” (Pitkin, 1967, 90). Making representations is the kind of activity taking place when the representative gives information by representing something that is absent. Making representation is also the kind of activity in aesthetic representation. A painting is a representation of the artist’s view on the world. The artist himself makes the representation as he makes the painting. For Pitkin “making representations” is not crucial for political representation. Nevertheless, it is relevant to point out because the activity of making representations will return in the discussion of the constructivist turn.

The fourth and last view of representation contains the perspective on representation related to the question “What does a representative do? What constitutes the activity of representation?” (Pitkin, 1967, 59). The activity of representation, is termed the “substance or content” of the activity of representation also known as “substantive acting for” (Pitkin, 1967: 114). The substance of representation involves the activity of speaking for, acting for, looking after the interests of others. We have seen the core definition of representation: making present again. Here the thing represented is made present by the substantive activity. Because this view focusses purely on the activity it lends itself very well to address the question of what a representative should do when representing. “Only this concept supplies us with standards for judging the representative actions, for deciding whether he has represented well or ill” (Pitkin, 1967, 142). Let us now focus on what the activity of representation entails. After that, we can formulate the duties for the representative that follow from it. What exactly should a representative do to act for, speaking for, look after the interests of others? What kind of action is required for substantive acting for others? The literature on political representation knows a long lasting debate on the duties of the representative. “Should (must) a representative do what his constituents want, and be bound by mandates or instructions from them; or should (must) he be free to act as seems best to him in pursuit of their

welfare?” (Pitkin, 1967, 145). This controversy is called the mandate-independence controversy. Pitkin takes the mandate-independence debate as the starting point of the development of substantive acting for others. The mandate conception of representation understands representation to be representing wishes: should a representative do what his constituents want? The representative is bound by the mandate and the wishes of his constituents. The representative must act in accordance with the wishes of his constituents even when that is disadvantageous for their interests and welfare. On the other side of the controversy, the independence account of representation is concerned with the representation of interests: in pursuit of their welfare. The representative must promote the interests of his constituents. He is independent of his constituents in the sense that he is not restricted by the wishes of his constituents and that he is free to act according his interpretation of what is best for his constituents. The controversy seems unsolvable because it suggests that the promotion of interests conflict with the promotion of wishes. However, Pitkin states that “both sides are right” (Pitkin, 1967, 154). She reasons that when a representative has no freedom at all to act, then we do not consider his actions as representation. When a person acts for someone else and thereby carries out the instructions exactly as given to him by his constituents, then we do not consider him as a representative either. Rather as a puppet, Pitkin says (Pitkin, 1967, 153). So, she concludes, a representative must have some freedom to act independently of his constituents. On the other hand, if a representative would ignore the wishes of his constituents and act independently of them, then also we would not conceive that as representation. Then the alleged representative is not a representative, but just an individual acting and not taking anyone else into account. Also, the representative is not completely free because he is bound by restrictions imposed by the constituents. So the activity of representation entails both the independent promotion of interests and mandated action in representing wishes. This conclusion must also be understood as a deduction from the core definition of representation: making present again. Pitkin says that “the represented must be both present and not present” (Pitkin, 1967, 154). When the representative is independently acting, the represented is not acting or doing anything and thus is absent. When the representative is following the wishes of his constituents and acts like his constituents would have acted the wishes and the constituents are represent in the activity of representation. Thus, a representative must be free to act and promote the constituent’s interests and he must take the wishes into consideration. How to establish this?

The making present of both the interests and the wishes is possible by means of ‘responsiveness’. The representative must promote “the interests of the represented, ..., but in such a way that the represented does not object to what is done in his name” (Pitkin, 1967, 155). Most of the time the representative will succeed in doing this because, Pitkin argues, interests and wishes normally coincide. People will want what is in their interest. So when the representative acts for the interests of the constituents, they will agree. Moreover, it is the duty of the representative to act in the interests of his constituents when they do not have a will or wish about a certain issue (Pitkin, 1967, 163). The condition that the representative must act in a way responsive to the constituent’s wishes is what Pitkin terms ‘responsiveness’. Pitkin

defines responsive acting as “not actually and literally act in response to the principal’s wishes, but the principal’s wishes must be potentially there and potentially relevant” (Pitkin, 1967, 155). But, Pitkin emphasizes, it will not always be the case that interests and opinions coincide. The represented might object to the actions of his representative. When objection arises, the representative owes his constituents a rational explanation. He at least has to give an explanation or justification for the discrepancy. To summarize the activity of the representative in terms of responsiveness I refer to a quote by Pitkin:

"The representative must act independently: his action must involve discretion and judgment; he must be the one who acts. The represented must also be (conceived as) capable of independent action and judgment, not merely being taken care of. And, despite the resulting potential for conflict between representative and represented about what is to be done, that conflict must not normally take place. The representative must act in such a way that there is no conflict, or if it occurs an explanation is called for." (Pitkin, 1967, 209-210).

From this criterion of responsiveness follows an important condition. The representative must act in such a way that the represented does not object to what is done in his name. Hence it is an important condition that the represented are capable of judgment and action (Pitkin, 1967, 154). If not, conflict is not possible. Also, as Runciman notes, the capacity of the represented to object allows for him to be ‘present’ (Runciman, 2007, 95). So responsiveness makes the represented present again.

In short, we have seen that substantive acting for others requires that the representative to promote the interests of his constituents but in a way responsive to their objections. Responsiveness means that the wishes have to be taken seriously and taken into consideration. But the representative does not always has to act according the objections and obey them. Consequently, a more fundamental condition is that the constituents are capable of judgment and action. When conflict occurs and the representative acts against the wishes of the represented, the representative is obliged to give an explanation or justification for this actions. Here I demonstrated representation in conceptual terms, as a principal-agent relationship with one representative and one represented. I now turn to Pitkin’s discussion of the application of the substantive view of representation and responsiveness to political representation. This will lead us to the possibility of judging the political representative and the representative government.

1.3 Political representation and responsiveness

Pitkin argues that substantive acting for others is applicable to and very well fit for the meaning of political representation because “political representation is, in fact, representation, particularly in the sense of ‘acting for’”(Pitkin, 1967, 224). As we saw earlier, political reality mainly involves activities like bargaining, compromising and deliberation about the various interests and wishes (Pitkin, 1967, 212). Besides political representation as an substantive activity Pitkin conceives of political

representation as a “public institutionalised arrangement, What makes it representation is not any single action by any one participant, but the over-all structure and functioning of the system, the patterns emerging from the multiple activities of many people.” (Pitkin, 1967, 221-222). Substantive acting involves responsiveness hence the political representative, being the public system, must act in the interest of the public interests and be responsive to the public opinion. In *The Concept of Representation* Pitkin focusses on “representative government” as the form of political representation.

The conceptual argument for responsiveness formulated in terms of the principal-agent model of representation also counts for governmental representation. A representative government acts in the interests of the people and is responsive to the wishes of the people. In a representative government, the representative must always and continually be ready and able to respond: “a constant condition of responsiveness” (Pitkin 1967, 233). Also here counts the more fundamental condition that the people under a representative government must be able to judge and act hence be present in the representation. The people control the government by true action; *substantive action* (Pitkin, 1967, 230). It is representation when the people are present in governmental action, made present by the representative acting independently in the interests of the represented in a way responsive to their wishes and objections. “A representative government must not merely be in control, not merely promote the public interests, but must also be responsive to the people” (Pitkin, 1967, 232). To avoid that the representative has too much freedom, independence and initiative to act, the people need to be in control of their government. When we speak of governments in a representative democracy we refer to governments where the people have control over what the government does. “It seems to me that we showed a government to be representative not by demonstrating its control over its subjects but just the reverse, by demonstrating that its subjects have control over what it does” (Pitkin, 1967, 232).

The securing of the constant condition of responsiveness and the capacity of the citizens to judge and act requires institutions, according to Pitkin. Responsiveness must be ensured in a systematic, institutional and prevalent procedure. The institutionalisation of the conditions of the representative government takes place through free and fair elections. So, a representative government is representative only when there are elections to secure responsiveness. This is an important move in the analysis of Pitkin. She intertwines democracy and political representation. The criterion for political representation, responsiveness, is met by elections. This implies that Pitkin understands political representation by means of formal institutions, arrangement related to governmental representation. “Representative government is not defined by particular actions at a particular moment, but by long-term systematic arrangements- by institutions and the way in which they function.” (Pitkin, 1967, 234). Also it implies that only the elected representative can be democratic legitimate and that a representative is per definition a democratic legitimate representative. The pulling together of democracy and representation and the implications that follow from them receive criticism. Two of those critics are Andrew Rehfeld and Laura Montanaro. Andrew Rehfeld (2006) argues for a ‘general theory of political representation’

that includes also nondemocratic representatives. He points out that on the global stage, there many people who operate as representatives though are not elected. For example, in the United Nations where an individual represents the interests of his country but is not elected. Rehfeld argues that Pitkin's account of political representation cannot explain the non-elected form of representation because her account of political representation relies on institutions (that are supposed to secure democratic legitimate representation). Pitkin's conditions for representation are simultaneously the criteria for democratic legitimate representation. So a representative is only representative when it is also a democratic legitimate representative. And as Rehfeld shows, the political reality knows a distinction between the democratic representative, like the elected politicians, and the nondemocratic representative, the representative in the UN. "By simultaneously defining conditions by which someone becomes a political representative and the conditions for her legitimacy we are unable to explain the cases of illegitimate representation I illustrated above arise." (Rehfeld, 2006, 3). The second critic of Pitkin related to the claim that a representative is per definition a democratic legitimate representative is Laura Montanaro (2007). Also she argues that "We must broaden our understanding of representation so that we can recognize it when it occurs beyond government institutions and develop criteria that enable us to assess it" (Montanaro, 2007, 7). According to her, political representation includes also "self-appointed representatives" (Montanaro, 2007, 2). Similar to Rehfeld's nondemocratic representatives, self-appointed representatives are unelected representatives that effectively claim to represent. One of the examples Montanaro uses is the NGO Oxfam. Can't Oxfam be representative because it is an unelected institution? Like Rehfeld, Montanaro argues that nonelected representatives also can be representative.

I agree with both Rehfeld and Montanaro that Pitkin's notion of political representation is focused too much on political representation as a formal and electoral processes. Moreover, she is vague on this matter. On the one hand she writes that political representation is very broad and varied (Pitkin, 1967, 227-228). Also, posing representative government as one of the expressions of political representation suggest that there are more forms of political representation. However, she does not elaborate on those other forms. The absence of this elaboration gives me and her critics to think that she does not conceive of political representation any other than governmental representation. This presumption is strengthened by the comment she makes directly after the introduction of her definition of political representation as an institutionalised arrangement. She says that the institutionalised arrangement "is representation if the people (or a constituency) are present in *governmental* action." (Pitkin, 1967, 222). The broadening of political representation is also an important turn in the research question. We have arrived at the claim that the political representative should not only be understood as the elected representative but also as the unelected representative. The question that follow is how to distinguish between the democratic self-appointed representatives and nondemocratic self-appointed representatives without necessarily relying on elections. In the next two chapters we will look into this question along the lines of the constructivist

thinkers Michael Saward and Lisa Disch. Moreover, even when we understand political representation to entail both elected and nonelected representation, the question remains whether responsiveness as a normative standard succeeds. Critics, among them Samuel Hayat, argue that Pitkin's core definition of representation assumes pre-existing interests and wishes. Pitkin emphasizes that "the represented must be somehow logically prior" (Pitkin, 1967, 140). Hayat claims: "This definition rests upon the idea that *something* (the people, a social group or an institution) exists before its representation and that the act of representation is a certain way of making this something present *again*." (Hayat, 2019, 122). Responsiveness as the normative standard is the process that secures the presence of the pre-existing thing that was absent. The approach of representation in terms of presence is referred to by Young as the "metaphysics of presence" (Young, 2000, 126). Representation here is understood as a relationship in terms of the presence of the represented. I agree with Pitkin's critics that this does not rhyme with the political reality. In the introduction we observed that interests take shape in the communicative process of politics and are no pre-existing entities. Pitkin's metaphysics of presence does not cohere the political reality. Later in the discussion of Disch, we will elaborate more on this unidirectionality and learn that Pitkin also knows a constructivist turn.

To conclude, we have set out Pitkin's analysis of the four views of representation and their relevance to political representation. Only the fourth view can address the activity actually taking place in political representation: substantive acting for others. The normative standard for representation is responsiveness. A representative government should act in the interests of his constituents and be responsive to their wishes. This way the subjects are in control of their government. Acting in the interests of and being responsive to the constituents is required for the representative government as a public system but also counts for the individual representative within that system. What then is the role of the individual representative in this representative system? The acts of the individual representative take place in the institutionalised system of political representation and only within that system his actions, in the sense of acting for, count as political representation. So, according to Pitkin, the individual representative must act in the interests of his constituents in a manner responsive to them but it requires an embeddedness in an institutionalised system. But I sided with Refheld's and Montanaro's argument that political representation should cover a broader spectrum of activities also outside governmental institutions hence the criteria of responsiveness are not sufficient to answer the question of what the role and duties are of the political representative. Moreover, Pitkin's metaphysics of presence in her core definition and responsiveness assume pre-existing interests and wishes while in the political reality we see the contrary.

1.4 The standard account of political representation

Pitkin's work on representation is often taken as a standard for thinking about representation. Some of the premises and principles of Pitkin's account of representation form the basis of what is called 'the standard account' of representation (Rehfeld, 2006, 3). "Pitkin's work quickly became the point of departure for anyone writing on the topic, whether in political theory or elsewhere in the field, and has shaped the debate ever since it was published." (Rehfeld, 2006, 3). I will shortly give an overview of the standard account and of the elements it adopted from Pitkin. Authors like Rehfeld would consider this exercise as unnecessary because they argue that Hanna Pitkin's thinking *is* the standard account. But I think it is useful to isolate the assumptions adopted by the standard account, because it are these premises and principles that form the breeding ground from which the constructivist turn emerges. Moreover, it is relevant to make this distinction because later we will see that the reading of Pitkin as equal to the standard account leads to a simplification that overlooks important nuances made by Pitkin.

The standard account of representation is firstly and fundamentally grounded in the idea that something exists before the representation. Representation "echo's, reproduces or tracks"(Disch, 2019, 3) the pre-existing with pre-existing elements or characteristics. The representative must make these elements present by looking out for them and acting for them. This idea is strongly related to what Hayat terms "representation as composition": a legitimate government is a composition of elements that exist in the people (Hayat, 2019, 122). Here we see the core definition of representation by Pitkin at work: "*making present again... the making present in some sense of something which is nevertheless not present literally or in fact*" (Pitkin, 1967, 8-9). The second characteristic of the standard account of democratic representation is an unidirectional principal-agent relationship (Castiglione, Warren 2019, 21). This relationship is typically understood as an unidirectional relationship in terms of responsiveness. "The represented must be somehow logically prior; the representative must be responsive to him rather than the other way around."(Pitkin, 1967, 140). The standard account also contains the idea that the delegation of the authority to act takes place through the procedural standards of authorisation and accountability (Rehfeld, 2006, 3). This we also saw in the discussion of Pitkin's analysis of the representative government. The procedures are free and fair elections. Consequently, the conditions of the standard account of representation are simultaneously the conditions of normative legitimacy, as Rehfeld points out. The criteria of political representation are "simultaneously defining conditions by which someone becomes a political representative and the conditions for her legitimacy." (Rehfeld, 2006, 3). We can see some overlap in some of the principles and assumptions of Pitkin's analysis and the standard account of political representation. However, there are also important differences. Some of Pitkin's claims are overlooked or wrongly interpreted by understanding Pitkin as the standard account. Especially Rehfeld's reading misses nuances with regard to Pitkin's conception of political representation. The unidirectionality of Pitkin's conception of political representation is the elements that has been simplified a lot. The principles of representation as making present *again* is taken to be

the one and only core definition. That is partly true. But Rehfeld fixates so much on the unidirectionality of that definition that he does not pay attention to the nuances Pitkin makes when she switches from the discussion of representation in the conceptual form of a principal-agent relationship to *political* representation. Her discussion of the national unity very well shows that she sees that the relationship between representative and represented in political representation not purely as unidirectional. When discussing political representation, Pitkin addresses the question whether it is the representative's should pursue the particular interests of his constituents or should pursue the interests of the nation as a whole. Here she makes an important claim proving that she is not so tied to the unidirectionality of her core definition as the standard account is. Pitkin argues that "The national unity... is not merely presupposed by representation; it is also continually re-created by the representatives' activities" (Pitkin, 1967, 218). This move away from the unidirectional principal-agent relationship, is very important but systematically overlooked by the standard account. It also creates a contradiction in Pitkin's theory on representation. On the one hand, based on the core definition making present *again*, responsiveness requires pre-existing interests and wishes. On the other hand, we just saw in the previous quote that political representation does not requires pre-existing entities but that political representation contributes to the creation of the thing represented as in the example of the national unity. How should this be explained? There is a distinction between the construction of the thing represented and political representation itself as a construction. Pitkin argues for the latter with her constructivist idea of national unity. But she is also committed to the first claim, as a derivate from representation as making present *again*. In chapter three we will elaborate more on the tension between these two claims in Pitkin's account of political representation. In the following two chapters, we will see that the distinction between the 'standard account' reading of Pitkin and the nuanced reading of Pitkin is the dividing line along which the debate between Saward and Disch takes shape. In the next chapter we will discuss Michael Saward, a constructivist author who interprets and repudiates Pitkin along the lines of the standard account of political representation.

Chapter 2 The representative claim and democratic representation : a critique

In our search for normative claims about the role and responsibility of the political representative I have addressed Pitkin's approach on democratic legitimacy. Now we have arrived at the second stance in this debate: the constructivist turn in political representation by Michael Saward. His work in *The Representative Claim* provides an extensive elaboration of the constructivist process of political representation. We will need a clear understanding of the representative claim approach and its implications for democratically legitimate representation in order to address the research question.. Michael Saward expresses a break with the standard account of representation and with Hanna Pitkin in particular. I will first set out the goal of Saward's project of the representative claim. Secondly, I will

set out the elements and the working of the representative claim. Next, I will outline Saward's conception of democratically legitimate representation. After this discussion I will analyse what, if any, implications follow for the representative. Along the lines of a critique by Lisa Disch, I'll try to formulate normative claims about the role of the representative compatible with Saward's constructivism. I will conclude that they are not because Saward's argument for democratic representation contains an inconsistency that undermines his constructivist epistemology.

2.1 The representative claim

Michael Saward breaks with the standard account of political representation. He conceives of Hanna Pitkin's analysis as the essence of the standard account of representation. "Major gaps in Pitkin's reasoning are major gaps in thinking about this crucial concept more generally." (Saward, 2010, 10). He takes Pitkin to be claiming, that representation is a purely unidirectional model: the representative makes the represented present again through acting for the interests and wishes of the represented. It assumes activity only by the representative in acting for the pre-existing interests of the represented. Saward argues that this alleged unidirectionality "encourages us to ignore the subtle and deeper processes of *constructing* the represented or that which needs to be represented." (Saward, 2010, 10). Saward conceives of representation as a constructivist concept in two ways: representation is constitutive of the represented and representation itself is constituted. In its most basic form Saward explains representation as the following: "A represents B. But what B is as an electoral construction can be topic of debate. How to characterize B?". Saward continues "A must *portray* B, and adjust himself or herself to some *selective* version of B, an activity that goes to the very heart of political representation. A can only represent B by constructing a contestable "B" (Saward, 2010,16). Here we clearly see how the representative is constitutive of the represented. Also, this explanation of the political process contains the specific activity of making symbols. The representative makes a representation of himself and the constituents. We have seen this kind of representation in Pitkin's discussion of representation as standing for. Representation as 'standing for' knowing two categories: descriptive representation and symbolic representation. Descriptive and symbolic representation also consists of the same activity as Saward's political representation: making representations. Pitkin detects this kind of activity of representation in art and in how maps represents the reality. But Pitkin understands these views not as the right fit for the activity of political representation and relevant for democratic representation. Saward finds this problematic. He criticizes Pitkin for separating representation as active symbolic making and representation as substantive acting for, whereby only the latter is relevant for democratic representation. Saward understands symbolic, aesthetic and descriptive representation to be "at the very heart of political representation". The symbolic and substantive are not separable" (Saward, 2010, 13). So according to Saward, Pitkin ignores the constitutive and symbolic elements in representation because

she considers those views of representation to be irrelevant for political representation. Saward want to merge these two different categories of representation. What follows is the assumption that the represented as political subject and its identity, wishes and interests are not pre-existing to and independent of representation but representation constructs them.

Saward sides with the critique by Rehfeld that Pitkin's view of political representation is per definition a normative conception. Saward claims that "framing research into representation as primarily normative can also bear unduly restrictive consequences." (Saward, 2010: 15). Restrictive in the sense that Pitkin understands political representation only in the form of formal governmental institutions. According to Saward, political representation also involves representation outside these formal institutions like NGO's, head of a citizen initiatives, local sport clubs committee. By merging symbolic, aesthetic and descriptive representation with representation as substantive acting, Saward aims to enable a way of looking at political representation as something more than just formal representation and as constitutive.

To reformulation and broaden the definition of political representation, Saward introduces the analytical tool the "representative claim". The representative claim is the cornerstone of Saward's account of political representation. Saward is convinced that this new approach will enable us to address the current problems of political life, both descriptively and normatively. What does the representative claim consist of? Before I try to answer this question, I think it is important to emphasize that the representative claim is an event in the form of a claim that someone or something makes as opposed to representation as in terms of presence. *Representative* is not a characteristic that can be attached to a person or institution as a static fact but it is a designation for the process of claim-making. Now let us look into the representative claim. The standard form consists of five elements and is as follows: "A *maker* of representations puts forward a *subject* which stands for an *object* that is related to a *referent* and is offered to an *audience*" (Saward, 2010, 37). The subject is the representative and often coincides with the maker of the claim. The object is an idea or selective portrayal of a referent. For example: a famous actor (maker) portrays himself as an engaged father and as the right person (subject) to speak for teenagers in Europe who do not have access to education because of social-economic circumstances but who, according to the famous actor, want to go to school but cannot realise that on their own (object). He directs his claim to his fans in Europe (audience). The referent is the group of the flesh-and-blood European children out of which the maker made the selective portrayal, the object: those who want to go to school but cannot and need help. Representation is a continuous and dynamic process between these five elements. It is a circular process of making claims, accepting claims, rejecting and countering claims. I take the above mentioned example to demonstrate how the circular constitutive process could take place.

The famous actor presents himself as an engaged father. He creates a portrayal of himself as the subject standing for an object. The actor not only claims something about himself. He also makes a claim about the wishes, interests and identity of the teenagers who cannot go to school. He portrays the teenagers as having the wish to go to school but unable to realise that wish. As we have seen, this portrayal of the teenagers is the object and is put forward by the maker, the famous actor, of the claim. The famous actor might or might not be accepted by the possible constituency as representative and the portrayal of the group teenagers might or might not be accepted by them as constituency. Next, we have the object or the constituency, in this case the European school-deprived teenagers. The object is a selective portrayal of the referent. The referent is the group of flesh-and-blood teenagers who do not have access to education. The selective portrayal of this referent, made by the famous actor, is that they want to go to school and need help. This is the object hence the constituency. Saward divides the constituency in two groups: the intended constituency and the actual constituency (Saward, 2010, 49). The intended constituency is the group which the representative claims to represent. The actual constituency is the group of people who actually see or recognize themselves as represented. In the case of our example, the intended constituency is the group of teenagers who cannot go to school but want to, because that is the group the famous actor claims to speak for. But the question is whether the intended constituency becomes the actual constituency. Whether people are the intended or the actual constituency is dependent on if and how a constituency receives and accepts the claim. The first step for the teenagers as the intended constituency is that the teenagers can or cannot receive the claim. It might be possible, for example, that most of them do not have access to the channels used by the actor. If the intended constituency does not receive the claim, it cannot judge and as such cannot become the actual constituency. Secondly, when the intended constituency receives the claim, they can recognize it as such and reject or accept it. If they accept it because they recognize themselves in the claim, then that group is the actual constituency being represented by the representative. The object or intended constituency can also reject the famous actor as their representative. When the subject put forward by the famous actor is rejected, the actor might want to change his image and adapt. When they accept the claim, then the group of teenagers portrayed as by the actor comes into existence as a political subject. Being a political subject means being a group that recognizes itself as a unity. Of course, before the claim there were teenagers who could not go to school. But these teenagers might never recognized in themselves the wish to go to school (because no one in their environment encouraged them) and never realised that they could not handle that on their own. The claim might have induced a feeling or sentiment that was already there but had never been expressed that clearly nor awakened. Teenagers see and recognize themselves in that portrayal of the claim. And because of that they become an unity with a shared identity and common interest which can be expressed by them as one group, one political actor. "It is because the representative exists, because he represents (symbolic action), that the group that is represented and symbolised exists and that in return gives existence to its representative as the representative of a group" (Saward, 2010, 51).

Next, there is the audience. The audience, the European fans, may or may not have received the claim. If they receive the claim, they can also reject or accept it and make counterclaims about themselves as the audience. The fans may receive the claim but reject the famous actor as the representative for the teenagers or reject it because they do not regard themselves as the right audience. The fans may think ‘why not go to government on education of the European Union?’ The way the audience reacts to the claim also affects the approach of the actor and contributes to the images of the actor. And in his turn the actor influences the audience because the claim provokes the audience to give a reaction about itself as an audience. Next to the influence of the audience on the maker, the audience is also of great importance for the object, the teenagers. The audience can contribute to the degree in which the claim reaches the targeted teenagers and thus contributing to the acceptance or rejection of the claim. In short, we have seen how the process of political representation works. In the representative claim we clearly see a constitutive agency. The subject, object and audience become constituted in the process of making, rejecting and accepting a claim. I hope to have demonstrated somewhat simplified how the representative claim works and to have provided a basic understanding of the representation process. There are many more details and variations to consider, but for now I hope to have provided a basis to continue and tackle the normative question of democratically legitimate representation.

2.2 Democratic principles

This thesis is about democratic representation and the role and responsibilities of the representative in democratic representation. The elaboration of the representative claim learned us that Saward conceives of representation as a claim making process. Not as the reflection or composition of elements pre-existing in the thing represented. As we saw with Pitkin, representation is democratic when the representative make the interests and wishes of the people present. The constructivist turn questions these kinds pre-existing elements and simultaneously deprives itself of the normative criterion of representation: making present the elements of the thing prior to the representation. Now how to assess and determine good and democratic representation? Saward stands for a normative challenge. In the remaining part of this chapter we will investigate how he responds to this challenge and whether he succeeds in providing an alternative normative account. In this paragraph I will focus on the representative claim in relation to democratic principles. First I will deal with the question of what makes a claim convincing enough to be accepted as democratic? Secondly, when answering these questions we will discover that Saward relies on a set of democratically desirable principles. Lastly, I will examine how the democratic principles and the criteria in accordance with the principles can be assessed and how these relate to the representative claim and democratically legitimate representation.

Along the lines of Saward’s constructivism this means that we have to investigate this on the basis of the representative claim. So what makes a representative claim such that we accept it as democratic?

What gives a claim strength in the sense that we can be convinced of its representation being democratic? (Saward, 2009, 2). In the previous discussion we saw that it is the constituency who does or does not accept the claim. In the discussion about democratic principles and the representative claim, Saward speaks of representative claims having ‘democratic acceptability’ instead of a representative being democratic. The conventional answer to the question of the democratic strength of representation is based on elections. That is because elections enact democratic principles. (Saward, 2009, 4). If a representative claim meets one or more of these democratic principles, the acceptability of the claim as democratic increases. An important argument made by Saward in the article “Authorisation and Authenticity: Representation and the unelected” is that also representative claims made from non-elected positions can enact these principles desired for democracy: “non-elective representative claims can enact principles that also figure heavily with regard to elections ... Why do we sometimes listen to their claims? Often, it is because key principles that we understand as being core to elections can- in varied ways- be realised by unelected actors” (Saward, 2009, 8). So a representative claim derives its democratic acceptability from the degree in which it can enact democratic principles. The probability that the claim will be accepted as democratic is bigger. Saward lists a number of principles: choice, consent, identification, all-affectedness, control and accountability (Saward, 2009, 4). In elections we can see clearly how democratic principles like choice and consent are enacted. For non-elective representative claims it is not so clear how the claims enact the democratic principles.

To evaluate non-elective representative claims for their democratic acceptability Saward formulates three criteria with which he assesses unelected political representatives (Saward, 2009, 2). When the democratic principles have been enacted, the claim is democratically acceptable. Saward places the criteria in three different categories. The criteria can be tested along the lines of questions drawn up by Saward. The first category consists of the ‘connecting criteria’. These criteria focus on the positioning of the maker of the claim that connects him to democratic institutions. A position within such a democratic structure contributes to the democratic strength of a representative and its claim. The questions with which these criterion can be assessed are the following. “Does the claimant occupy an appropriate position in the line of democratic delegation? Is the claim acceptable because it is embedded in a larger democratic system? Locked into networks?” (Saward, 2009, 16-17) The second category of criteria are the ‘confirming criteria’. Here the focus is on the question whether constituencies do and can accept the claim in a way that gives the claims some democratic credibility. “Can the representative claim be tested in principles? Is the claim accepted, or provisionally acceptable?” (Saward, 2009, 18). The last of the three criteria are the ‘criteria of untaintedness’ and focus on claims which are deliberately independent of governmental institutions. Contrary to the connecting criteria, claims that meet the criteria of untaintedness derive their democratic strength from being independent of state or government institutions. (Saward 2008, 15-20)

Thus, these are the criteria against which a non-elective representative claim can be assessed for its democratic acceptability. With these criteria we are supposed to be able to detect the democratic principles which contribute to the democratic strength of claim and the degree of acceptability. Later we will see the importance of the act of acceptance of the representative claim by the constituency for the democratic legitimacy of a claim. At the beginning of this chapter we saw how a representative claim works in general. Since this thesis about democratic representation, we examined Saward's response to the normative challenge and questioned what a representative claim should look like to be accepted as democratic by its constituency and all the other observers of this claim. We have seen that Saward bases the democratic acceptability of a claim on democratically desirable principles. Elective representative claims are acceptable as democratic because elections enact democratic principles. The democratic acceptability of a non-elective representative claim can be evaluated by the three criteria. However, a representative claim being democratically acceptable does not automatically mean that the claim is indeed democratically legitimate. According to Saward, the democratic legitimacy of the representative claim depends on the actual acceptance by the constituency affected by the claim.

2.3 Democratic legitimacy: the constituency as the ultimate judge

Now that we have discussed political representation in terms of the representative claim and the matter of democratic principles, we can continue to the discussion on democratically legitimate representation. In this paragraph, I will set out Saward's account of democratically legitimate representation. Put simply, Saward argues that a representative claim is democratically legitimate when the claim is perceived as such by the constituency (Saward, 2010, 144). The constituency is the ultimate judge to determine democratic representation. Democratic legitimacy arises from an open-ended and continuous process. The judgment whether a claim or institution is democratically legitimate is always provisional. So legitimacy itself is constructed by the perception of those involved and is provisional and temporal. According to Saward, the citizen is the ultimate judge of democratic legitimacy and not the theorists who assesses representation against a normative standard. It is about whether the constituency judges a claim as democratic and not about whether a claim meets a priori criteria drawn up by the theorist. However, that does not imply that any accepted claim is democratically legitimate. The conditions in which the representative claim is judged are also relevant for the democratic legitimacy of representation. Saward summarises his account of democratic legitimacy as follows: "provisionally acceptable claims to democratic legitimacy across society are those for which there is evidence of sufficient acceptance of claims by appropriate constituencies under reasonable conditions of judgment" (Saward, 2010, 145). I will address three important elements of this definition: the appropriate constituency, evidence of acceptance, and reasonable conditions of judgment. Throughout the discussion of these three I will try to make a clear distinction between the role of the constituency as the

ultimate judge and the role of theorists as the observer who can observe and recognize a democratic claim. We will see that these two roles conflict.

It is the judgment of the constituency that ultimately counts for the democratic legitimacy of a representative claim. Who exactly are in that constituency? Saward argues that the judgment of the intended constituency and the actual constituency is defining. Saward calls this group the appropriate constituency (Saward, 2010, 148). The intended constituency is the group of citizens the maker of the claim aims to speak for. In case of the earlier used example the intended constituency is the group of teenagers in Europe who want to go to school but cannot. The actual constituency covers all the people who actually recognize themselves in the claim by the famous actor. The teenagers who recognize themselves as represented can cover a smaller group than the intended constituency. Instead of that all the European teenagers who do not have access to school feel represented, only South European teenagers recognize themselves in the claim. Then the actual constituency is smaller than the intended constituency. Also the actual constituency can be bigger than the intended. Not only European teenagers, but also dropouts in North America recognize themselves in the image put forward by the famous actor and feel represented by the famous actor. The intended plus the actual constituency is the group that should ultimately judge the democratic legitimacy of a representative claim.

Despite the given that the appropriate constituency is the ultimate judge for the assessment of democratic legitimacy, Saward still sees a role for the theorist in the process of establishing democratic representation. In order to recognize a representative claim as democratically legitimate, the observer has to assess whether it is the appropriate constituency that accepts the claim under reasonable conditions of judgment. It is important to emphasize that Saward conceives the role of the representative as purely interpretative. The theorists or observer could in no way theoretically establish the degree of democratic legitimacy of a representative claim before the claim has taken place. So what exactly does the theorist do; how might he assess the representative claim and the judgment of the constituency on democratic legitimacy? The observer has to carry out an interpretative investigation. It is the task of a theorist to interpret the acceptance of the appropriate constituency. How can the observer see if a claim is accepted? The accepting of a claim by the appropriate constituency is what Saward calls the 'acceptance act'. The theorist or observer has to look at the actual acceptance and analyse what is happening there.

Now we have arrived at the second element of the definition of democratic representation: reasonable conditions of judgment. In order to assess the legitimacy of a representative claim, the observer must look at the conditions under which the appropriate constituency judges a representative claim. Saward claims that these conditions are the conditions of an 'open society' (Saward, 2010, 154). An open society is a society where one has the freedom to criticise or support political claims and politicians, and where there is freedom for pluralism of values and ideas. Examples of institutions and practices that occur in such

an open society are free and fair elections, freedom of expression and alternative information sources. Saward claims that an open society is important firstly because it enables the appropriate constituency to be well informed in order to judge representative claims. Secondly, it facilitates and informs the observer to investigate the assessment of the representative claim (Saward, 2010, 155). To summarize, Saward understands democratic legitimacy as the acceptance of a claim by the appropriate constituency under reasonable conditions of judgment. For the observer to recognize a representative claim judged as democratically legitimate, he or she has to interpret which citizens exactly completed the acceptance act; is there sufficient evidence for the acceptance or rejection of a claim. The interpretation is also aimed at the conditions under which the representative claim is judged by the appropriate constituency and the judgment of the appropriate constituency is assessed by the observer. In this, Saward distinguishes two views on democratic legitimation. On one hand, the procedural temporal view of democratic legitimation that conceives of democratic legitimation as a “specifically situated state of affairs whereby an instance of representation is regarded as democratically acceptable by, or is not rejected by an appropriate constituency” (Saward, 2014, 733). On the other hand, there is the substantive snapshot view that approaches democratic legitimacy as “a specific normative standard derived from a context-independent theory of legitimacy...” (Saward, 2014, 733). When investigating an instance of democratically legitimate representation, Saward argues, we need to consider both views. So he incorporates the two views in his account of democratically legitimate representation: “democratic legitimation of representation concerns ongoing acceptance of representative claims by specific appropriate constituencies (the procedural-temporal) under certain conditions (the substantive snapshot)” (Saward, 2014, 733). These ‘certain conditions’ are the conditions of the open society according to which the theorists should assess democratic representation. The interpretative task of the theorists is to investigate these conditions of the open society that are derived from a context-independent theory of legitimacy. The procedural-temporal view of democratic representation is linked to the role of the constituency and the representative. They are the motors of the dynamic process of making, accepting and rejecting claims. Now that Saward’s account of democratic legitimacy has been set out, we can continue and address the main question of this chapter: what, if any, normative implications for the representative follow from Saward’s account of democratic legitimacy? So far we have discussed the general representative claim, democratic principles and democratic legitimacy. These are theoretical standpoints which we will use for our investigation.

2.4 Saward’s account of democratic representation: a critique

Lisa Disch also looked into the question of democratic legitimacy and the representative claim. In “The ‘Constructivist Turn’ in Democratic Representation: A Normative Dead-End?” she detects a severe problem in Saward’s argument for democratically legitimate representation. She argues that Saward’s

commitment to the criteria of the open society as the reasonable conditions of judgment causes a retreat from his constructivist epistemology that the citizen is the ultimate judge (Disch, 2015, 496). Lisa Disch rightly notes that Saward's commitment to the conditions of the open society is inconsistent with his procedural-temporal view of democratic legitimacy. She provides two reasons for this inconsistency. Firstly, the appropriate constituency is no longer the ultimate judge of the representative claim. When the constituency judges a claim as democratically legitimate and the conditions of the open society are not fulfilled, the judgment of the constituency is no longer sufficient for the determination of democratic representation. It is the judgment of the observing theorists that is decisive. In this case, the theorists will conclude that the criteria for reasonable conditions of judgment are not met and hence the judgement of the appropriate constituency is not decisive. Secondly, this means that the theorist assesses the representative claim and determines democratically legitimate representation on the basis of a context-independent standard. This is exactly the kind of approach to democratic legitimacy that Saward wanted to avoid. He wants democratic legitimacy to be dependent on the judgment of the constituency and not on the theorist. So, Disch concludes that Saward opposes his claim that the citizen is the ultimate judge by spelling out the conditions of the open society for the assessment by the theorist (Disch, 2015, 496). Thus Saward's account of democratic legitimacy is inconsistent with his constructivist epistemology. Disch concludes it is a normative dead-end (Disch, 2015, 487). However, I will argue that Saward's normative standard for democratic representation is not completely a normative-dead end. But only a normative dead-end with regard to implications for the representative.

I side with Disch's critique and here I will bolster her argument by pointing out another case of inconsistency between Saward's procedural-temporal view and the substantive snapshot view of democratic legitimacy. My critique is directed at the role of the democratic principles in the democratic acceptability of a representative claim. Earlier I have set out the relevance of democratic principles for the democratic strength of a claim. When a claim enacts democratic principles, the democratic acceptability of the representative claim increases. The presence of democratic principles in the claim can be assessed against the connecting criteria, confirming criteria and criteria of untaintedness. This implies that when a claim does not follow these democratic principles, it can suffer a decline in the degree of democratic acceptability and will not be accepted by the appropriate constituency, the ultimate judge of democratic legitimacy. In this sense, the democratic principles are important for the democratic acceptability and eventually for the democratic legitimacy of a claim. These democratic principles can be understood as an independent normative standard for the acceptability of a claim. However, the acceptance of the representative claim by the appropriate constituency is the ultimate and only judgment that determines the democratic legitimacy of the representative claim. How are to these two principles compatible? On the one hand, there are the context-independent democratic principles that contribute to the democratic degree of a claim. On the other, there is the idea that in the end only the judgement of the appropriate constituency determines the democratic legitimacy.

So let us for now assume that these democratic principles do not cause any problems with the constructivist epistemology and indeed contribute to the degree of democratic legitimacy of a claim. Do the democratic principles imply anything about the duties of the democratic political representative? Let us see if we can get clarity on this when we try to formulate a concrete normative claim, derived from one of the democratic principles, about the representative. For this investigation, I use the democratic principle of identification. Saward does not really elaborate on the details of the democratically desirable principles but the principles of identification roughly require the representative and represented to be identical in one kind of way. The identification can be present in identical interests, characteristics or composition. Elective representation claims can enact these principles but, Saward argues, it also has limits. Elected representatives always highlight selective aspects of its constituents. These representative claims focus only on partial identities, interest etc. This means that all the others parts of the constituents' identity and interests are not represented. Secondly, Saward also notes that our interests are constantly changing and an elected representative can, because of the periodical elections, not act according those changes. As such, the enactment of the principle of identification is limited (Saward, 2009, 5). The point Saward wants to make is that non-elected representatives can also enact the democratic principle of identification. The next question is how the unelected representative's claims should be assessed. As I have set out earlier, the non-elective representative claims can be assessed against three criteria. The democratic principles run through these criteria. How does the principle of identification run through the criteria? The democratic principle of identification works through the criteria of untaintedness. I will elaborate a bit more on the criteria of untaintedness to make clear how it is connected to the principle of identification. After this we can continue our attempt to formulate normative implications.

The criteria of untaintedness are directed at the position of the representative to see whether it is independent of electoral institutions. Being independent of the structure of electoral institutions means being free from the limits the electoral structure causes. Being untainted opens up possibilities to represent those constituents and interests that are excluded from elective representation. "It is not so untaintedness in itself we are interested in here, but rather representative claims which may invoke interests which, along the lines of my earlier discussion, are marginalised or excluded under the present structure or operation of electoral politics in a certain context" (Saward, 2009, 19). Saward draws up the criteria along the lines of questions which we saw in the earlier discussion. The first question here is: "is the claim acceptable precisely because it is untainted by formal election processes?". Also, "Is the claim acceptable precisely because it is untainted by virtue of disconnection from a state apparatus?" (Saward, 2009, 19). Saward's line of thought is that the state and its institutions are linked to electoral processes. Hence the state faces the same limits in representing its constituents as elections. Would-be representatives outside state institutions are very well able to represent the voices and interests that are misrepresented by the state. So now we know what the criteria of untaintedness contain, I will point out how the democratic principle of identification runs through these criteria. The criteria of untaintedness

demand that a claim is untainted by formal election processes and disconnected from a state apparatus. Only then the representative is able to represent the partial and specific interests or identity of the constituency. Here we see a link with the principle of identification, because the principle of identification also aims at the representation of specific interests. Secondly, when a representative claim meets the criteria of untaintedness, it avoids the caveat of elected or state representation with regard to identification; claiming to represent a very broad spectrum of interests and the inability to adjust in between elections. So here I have argued how the principle of identification runs through the criteria of untaintedness. This is relevant to recognize, because when we want to assess the democratic degree of a claim, in other words the enactment of the principle of identification, we need to know how the evaluative test runs and how the criteria can support our answer.

Does the principle of identification evaluated against the criteria of untaintedness give rise to any normative implications for the representative? One could argue that a representative should represent partial interests. Or at least, should be able to represent partial interests. Or that a democratically legitimate representative should in some sense be identical to its constituency. But this kind of context-independent criteria are exactly the kind of criteria Saward claims to avoid. They function as an independent normative standard on the basis of which representation claims can be judged. The acceptance act of the appropriate constituency is no longer decisive in the assessment of democratic legitimacy when the theorist judges the claim and conditions differently than the constituency. The observer or theorist looks at the list of criteria for the representative and assesses the representative claim from a theoretical perspective. The judgment of the constituency is subservient and no longer decisive. Thus, here we see that we can hold a similar critique, like the one against the ‘open society’ condition, also against Saward’s commitment to democratic principles. The context-independent democratic principles conflict with the constructivist epistemology. But I claim that Disch focusses too much on Saward’s commitment to the constructivist epistemology. As such, she conceives any commitment to context-independent criteria as an inconsistency. I argue that the inconsistency is not an inconsistency per definition between the procedural-temporal view and the substantive snapshot view as Disch suggests. It is not per se an inconsistency because of the ontological status of the conflicting criteria but because of the content of the criteria and in particular the norm that the citizen is the ultimate judge. The specific conditions of the democratic principles from the substantive-snapshot view undermine the very demanding claim in terms of the procedural-temporal view that the citizen is the ultimate judge and actually has to accept. Saward does not succeed in formulating normative criteria that do not conflict with the condition that the citizen is the ultimate judge. If the temporal-procedural normative criterion would be less demanding like the absence of objection, then the normative implications about the representative would be less problematic. Also, the substantive snapshot criteria on themselves do not normatively imply something for the representative. For example, an open society is a society where one has the freedom to criticise or support political claims and politicians, and where is freedom for

pluralism of values and ideas. I claim it is not possible to argue that the representative has a role to play in the securing of the conditions of the open society. If it would be the duty of the political representative to secure for example the freedom of speech, the activities of the representative would reach beyond what Saward understands by representation: a claim making process where constituencies accept or reject claims made by would-be representatives. So, it is not possible to derive consistent normative claims about the role of the representative because of the demanding claim that appropriate constituency has to be the ultimate judge.

In short, in this chapter I have set out Michael Saward's account of the representative claim. After that I have introduced Saward's standard for democratic representation along the lines of the democratic principles and elaborated on his dual account of democratically legitimate representation: the procedural-temporal view and the substantive-snapshot view. I asked the question: what, if any, normative implications for the representative follow from this argument for democratic representation? I sided with the critique of Lisa Disch that Saward's account of democratic legitimacy contains an inconsistency with regard to his dual view on democratic representation. I defended this position by providing a second case that proves the inconsistency in Saward's argument. My attempt to derive a normative claim for the representative resulted in either an insurmountable inconsistency with the temporal-procedural claim that the citizen is the ultimate judge. So Saward's account of democratic legitimacy normatively claims that the represented should be the ultimate judge. But this claim blocks the possibility of formulating normative claims about the representative. After this analysis of Saward's account of democratically legitimate representation, I conclude that he does not succeed in solving the normative challenge of providing a complete and convincing alternative normative standard. And in the current political state we need a consistent and complete account of democratic representation to avoid that the citizens turn into puppets of the representatives who have the freedom and the means to pursue their own interests.

Chapter 3 Lisa Disch: bridging the gap

The second constructivist author I address in this thesis is Lisa Disch. In the previous chapter I referred to her critique against Saward. Here I will elaborate on her position in the constructivist turn and on her response to the normative challenge faced by the constructivist turn. I think her analysis of the practice of politics in modern democracies is very accurate. Also, it is of interest to address Disch because her constructivist turn turns in a different direction than Saward's. In her reading of Pitkin, she demonstrates important nuances in the argumentation of Pitkin overlooked by Saward. As such, her normative standard is built on a different foundation than Saward, might overcome the problems faced by Saward. In this chapter I will start with the empirical findings that triggered Disch's constructivist position and the dilemma that follows from these observations. Next, I will demonstrate her reading of Pitkin and arguments for Pitkin's "own constructivist turn". This constructivist turn in Pitkin gives rise to what Disch terms a 'mobilization conception' of representation. The mobilization conception of representation demands an alternative normative standard to judge representation: reflexivity. Lastly, I will pose the question which if any normative implications about the duties of the representative follow from reflexivity. I will conclude that also Disch's normative standard cannot answer the research question.

3.1 The dilemma of democratic competence

The starting point of Lisa Disch's constructivism is the empirical observation that "citizen's capacity to form preferences depends on the self-interested communications of elites" (Disch, 2011: 101). Disch argues that this finding is incompatible with two democratic principles. The first principle is what Disch terms the "bedrock norm": the idea that democratic representation should take the preferences of the citizens as basis. It contains the idea that representatives should reflect or reproduce the interests and opinions of the represented. The empirical finding that preferences are context-dependent challenges the bedrock norm. The empirical description of the formation process of preferences does not see preferences as pre-existing entities but as constituted in the process of representation. So the empirical finding on preference formation counters the bedrock norm. The second democratic principle that does not cohere with the empirical observation stems from the discourse theory of democracy. This theory distinguishes between two types of doing politics. The first type of doing politics consists of non-coercive and rational communicative action and of non-coercive and rational education. (Disch, 2011, 101). On the other hand there is strategic action and manipulation, which is linked with situations where power is at stake and to unexpressed motives pursuing their for own advantages at the expense of the others. According to Disch, empirical research also shows that political communication involves both types of doing politics: education and manipulation. "elite discourse serves at once to inform potential voters and to recruit them into winning majority" (Disch, 2011: 101). Now we have arrived at a problem

that Disch terms the ‘dilemma of democratic competence’. The preference formation of citizens depends on the communication put forward by politicians. Manipulation is intrinsic to political communication hence the capacity of people to form preferences at the same time makes them vulnerable to manipulation. This is a dilemma because the discourse theorists have the democratic intuition that in a representative democracy preferences must be formed deliberatively. Where power and manipulation is at stake, discourse theorists argue, preferences are not formed deliberatively and thus the representation of those preferences is undemocratic. The empirical findings show that manipulation indeed at stake. If the two democratic principles of responsiveness and the education/manipulation distinction cannot be applied to the reality of politics then what is the normative standard for democratic representation? Disch needs a new normative standard. To arrive at a normative standard, we first need to master Disch’s mobilization conception of political representation. This elaboration takes us back to Pitkin and the reading of Pitkin’s conception political representation by Disch.

3.2 Pitkin’s ‘own constructivist turn’

To understand Disch’s argument we start with what Disch terms ‘Pitkin’s own constructivist turn’ (Disch, 2011, 107). According to Disch, many readers of Pitkin including Saward, overlook two constructivist elements in Pitkin’s conception of political representation. What does this ‘constructivist turn’ entail? The first element of the constructivist turn by Pitkin is that she rejects the dyadic principal-agent model of representation. Disch refers to the part in *The Concept of Representation* where Pitkin puts aside the dyadic model of representation. Pitkin uses the principal-agent model to conceptually explain her view of political representation as substantive acting for. However, in the political reality we see that a political representative never represents a single individual, but almost always represents a constituency consisting of many more people with various interests and opinions (Pitkin 1967, 214). Pitkin asks herself the question whether her conceptual argument for representation formulated in terms of the principal-agent relationship can be applied to the political reality. Can a constituency, being an unorganized group, even have definite and representable interests to act for and wishes to be responsive to, she wonders (Pitkin, 1967, 215). The answer is ‘no’, because in Disch’s words, “legislators respond to too great a complexity and plurality of determinants, for citizen preferences to be a driving force in legislative decisions” (Disch, 2011, 106). So both Disch and Pitkin state that the principal-agent model of representation cannot be applied because political representation is not a one-to-one relationship between the representative and his constituents. As such “It is a mistake to approach political representation too directly from the individual-representation analogies” (Pitkin, 1967, 211). Consequently, Disch concludes that she and Pitkin reject the dyadic model for political representation. The rejection of the dyadic model of representation is the first constructivist move by Pitkin.

If political representation is not a principal-agent relationship, what then is political representation? The second constructivist move by Pitkin relates to her conception of political representation. Pitkin conceives of political representation as a system or a process. “Political representation is primarily a public, institutionalized arrangement involving many people and groups, and operating in the complex ways of large-scale social arrangements” (Pitkin, 1967, 221). This arrangement emerges from an overall political system of “multiple activities of many people” (Pitkin, 1967, 222). Political representation is not established in a single action, in a one-to-one relationship as the principal-agent model prescribes. In this structural conception of political representation we see what Disch calls the second element of “Pitkin’s own constructivist turn”. Political representation is a construction in the sense that it is constituted by various political activities of many people. Disch emphasizes the condition for legitimate representation: the process is representative if the represented have the ability “to object to what is done in their name” and they do not object (Disch, 2011, 107). Disch refers to this criterion as the non-objection criterion. It requires that the represented is “capable of action and judgment, but in such a way that he does not object to what is done in his name” (Pitkin, 1967, 155). Next to the non-objection criterion, Disch adds another condition: the represented should be capable of judgment and action (Disch, 2011, 107). This is what she terms the ‘judgment clause’. Disch introduces the judgment clause to ensure that the represented are capable of judgment and objection. The judgment clause precedes the non-objection criterion.

Disch reads a radical element in Pitkin’s conception of political representation. Radical in the sense that representation mobilizes constituencies. Earlier we saw that Pitkin argues that political representation involves acting for an unorganized group with various interests and wishes. How can such a diverse group have representable interests? Pitkin gives an answer: “politics entails the reconciliation of conflicting claims” (Pitkin, 1967, 218). Out of the conflicting claims politics creates a compromise, a compromise which can be represented. For example, the interests and opinions of the national unity are created through the process of political representation: “the national unity is also continually re-created by the representatives’ activities” (Pitkin, 1967, 218). Here we recognize the constructivist elements in Pitkin emphasized by Disch. Representation contributes to what it represents. Disch formulates this constructivist turn in terms of mobilization because she conceives representation as calling “forth a constituency by depicting it as a collective with a shared aim” (Disch, 2011, 107). She terms this view on representation the ‘mobilization conception of representation’. Disch adds one more constructivist feature to the mobilization conception of representation by claiming that representation is performative: “representing is an activity that produces ontological effects while seeming merely to follow from an existing state of affairs” (Disch, 2011, 107-108). Representations create an image of the constituency. Because of that image constituencies conceive of themselves as one group united in that image. And as such the group becomes an actual group due to the activity of representation. I think Disch rightly points to the differences between Pitkin’s elaboration of representation as a one-to-one relationship and

representation as a political process. In his critique on Pitkin, Saward does not demonstrate that he has taken into consideration Pitkin's distinction between representation in terms of the conceptual principal-agent model and representation as political representation. He seems not to have read Pitkin's chapter 'Political Representation' where she critically reflects on her own work and concludes that political representation is not a dyadic model. It is surprising that this refutation of the dyadic model by Pitkin is completely overlooked by Saward. Consequently, Saward also neglects Pitkin's understanding of political representation as an institutionalized arrangement. Instead, he focuses only on the abstract formulation of representation as acting for. He reduces her specific analysis of *political* representation to the one-to-one principal-agent model of representation. Saward argues "My main argument is that this unidirectional approach is unnecessarily limiting. It encourages us to ignore the subtle and deeper processes of constructing the represented..." (Saward, 2010, 10). Also, he claims that Pitkin represents the constitutive aspects of representation as insignificant for democratic representation and political representation in general (Saward, 2010, 12-13). Saward's reading of Pitkin clearly opposes Disch's constructivist interpretation of Pitkin. In my opinion, Disch rightly interprets Pitkin's concept of representation as constructivist. Saward has not taken any of this constructivist turn into consideration. Saward's own words can be held against him. It is not Pitkin who encourages us to ignore the constitutive aspects of representation. It is Saward himself who encourages us to ignore the 'constructivist turn' of Pitkin.

Until this point Disch and Pitkin are on the same page. But when addressing the normative question of representation, Disch blames Pitkin for retreating from the mobilization conception of representation and returning to the unidirectional understanding of representation. Disch argues that this retreat is caused by what Disch terms the 'etymological protocol': re-presentation, making present again (Disch, 2011, 109). Pitkin argues that "as the 're' in 'representation' seems to suggest, and as I have argued in rejecting the fascist model of representation, the represented must somehow be logically prior: the representative must be responsive to him rather than the other way around" (Pitkin, 1967, 140). Disch criticizes Pitkin for returning to the two democratic principles we saw at the beginning of this chapter and that do not cohere with the empirical findings: the bedrock norm of representation and the distinction between education and manipulation. So according to Disch, the etymological protocol causes Pitkin's retreat from constructivist turn. Representation as making present again must reflect or reproduce the represented. If it does not, it is not democratic representation. Disch proposes an alternative interpretation of "re-presentation". She reasons that representation can also be defined as an activity of *making* present and not *making present again*. Representation is not a reflection but "an activity that creates its own reference points" (Disch, 2011, 109). The 're' in 'representation' can also be an iterative 're' of repetition. When representation is understood in the iterative sense, representation does not have to reflect something and as such it is not bound by the unidirectionality of responsiveness. Representation as making present rhymes with the empirical findings that citizen's preferences are

formed by their context and representatives because here representation makes the represented present by a creative activity and not by a reflection of something prior. By repudiating Pitkin's etymological protocol, Disch stands for a normative challenge that is in line with representation in the iterative sense and that does not require pre-existing preferences and interests. The standard normative account of congruence between the representative and represented in terms of preferences does not do the job here, because congruence assumes that there are pre-existing preferences/ interests that should be represented by the representatives. Empirical findings show that political representation is both orientated to recruiting supporters by both education as well as and changing the voters' ideas and beliefs by anticipating on emotions. If this is how political representation occurs, is manipulation in representation inevitable? Is it possible to distinguish between political communication and political elites manipulating the people?

3.3 Encouraging contestation

According to Disch, the criterium for democratic representation is reflexivity. Considering the fact that Disch conceives of political representation as an institutionalized arrangement, reflexivity is the capacity of a system (Disch, 2011, 111). Representation processes not only take place within governmental institutions but also throughout society in, for example, interests groups and media. So reflexivity as the standard for democratic representation also applies to non-elected representation. What criteria should a representation process meet in order to be reflexive? A representation process is reflexive when it encourages contestation. Disch understands contestation to include three elements. First, representation is always contestable because no representative can completely and absolutely represent a people. Secondly, the represented must have the communicative means and means of action to contest the representing body. Lastly, the different kinds of political communication in society, media, opinion shapers, political parties etc, must be in competition with each other to lower the risk that a representative group dominates society. Next to the encouragement of contestation, reflexive representation requires an institutional arrangement that is able to constantly take into account the objections (Disch, 2011, 111).

Disch sketches a constitutional design for reflexivity from which she extracts three principles (Disch, 2011, 111-112). The first principle entails that reflexive institutions are interlocking so that decisions made by one institution effect the others. Consequently, the involved institutions review the decisions or actions which will result in . Secondly, reflexive institutions broaden the scope of conflict. By broadening the scope of conflict, more and more participants take part in the debate and can judge and object. That triggers reconsideration and results in an outcome that is prone to be well reasoned. Thirdly, any statement of the popular will can always be contested by anyone, because in the constitutional design all positions have equal right to call for reconsideration.. The three principle ensure that no one is privileged and that everyone can object.

3.5. Reflexivity and the duties of the political representative

Now we are familiar with Disch's conception of representation and her normative standard, we can focus on the research question of this thesis. We have also seen that her normative standard for political representation is primarily fit for judging representation as a process. However, we are interested in the specific duties of the representative in that process. What does the normative standard of reflexivity imply for the role and duties of the political representative? Before we attempt to answer this question, we need to take a step back and ask ourselves a deeper rooted question: is Disch's normative standard consistent with the constructivist epistemology? We have come across this question before in the critique against Saward. The critique of an inconsistent epistemology now needs to be held against Disch's normative standard. Is Disch's argument for reflexivity also subjected to the argument that the democratic norm is inconsistent with the constructivist epistemology? I argue it is not. Disch's normative standard of reflexivity is not susceptible to the critique of inconsistency with regard to the constructivist epistemology for two reasons.

Basically, Disch's account of democratic representation strives to the same idea as Saward's account: for democratic representation the judgment of the represented is decisive. We saw that Saward's democratic norm entails that the represented actually accepts or rejects. But Disch's aim is more modest. Her account does not require the actual acceptance of the represented but only that the represented are able to object and do object when they disagree with what is done in their name. To ensure this Disch relies on the normative standard of reflexivity. Different than Saward's reliance on the conditions of the open society that undermine the ultimate judgment of represented, the standard of reflexivity does not undermine the capability of the represented to judge and act. If we conceive of Disch's account of democratic representation in terms of Saward's dual view on democratic legitimacy, we can see how Disch succeeds in being consistent where Saward fails. The non-objection criterion can be understood as the procedural-temporal view on democratic legitimacy. Reflexivity as the context-independent substantive-snapshot view. The principles that follow from reflexivity, interlocking institutions, broadening the scope of conflict and the equal right to call for consideration are in that sense independent criteria. But they do not undermine the non-objection criterion. The criteria of reflexivity do not interfere with the capacity of the represented to object and act. That the assessment of the conditions require a theoretical investigation by a theorist, does not harm the non-objection criterion because the non-objection criterion does not imply the actual and ultimate acceptance only by the represented. As such, the judgment of the theorist is compatible with the non-objection criterion. We have seen that with Saward that the judgment of the theorist on the basis on independent criteria undermine his own claim that the represented is the ultimate judge. So the criteria of the procedural-temporal view and the substantive-snapshot view are consistent. The second argument for the consistency of Disch's normative standard relies on an argument made by Disch in her article "The 'Constructivist Turn' in Democratic Representation: A Normative Dead-End?". In this article she formulates the critique against Saward

concerning his commitment to the context-independent conditions of the open society. “Ultimately, Saward does retreat from his constructivist epistemology by spelling out independent criteria of legitimacy. But he need not have”. He need not have, Disch argues, because the solution for the inconsistency between the context-independent conditions and the role of the represented is already present in his construction of the representative claim: the citizen standpoint. What is the citizen standpoint? To understand the citizen standpoint we shortly go back to Saward’s representative claim and his account of democratic representation. “A *maker* of representations puts forward a *subject* which stands for an *object* that is related to a *referent* and is offered to an *audience*”(Saward, 2010, 37). The citizen standpoint is a standpoint from which both the citizen and the observer can perform a critical analysis. This analysis contains an empirical and critical investigation of the images of the objects put forward by the claim makes. The citizen standpoint also investigates which images or ideas succeed and have effect on policy outcomes, and what resources are used when putting forward the images. From the citizen standpoint the observer can pay “detailed attention to the conditions under which the claims are made, received and assessed” (Saward, 2010, 147). This empirical approach assesses the power relations that condition the representative claim. From this standpoint it is possible to judge a representative claim and to judge whether the claim has been accepted by the appropriate constituency and, most importantly, whether it has been accepted under reasonable conditions of judgment. From the critical empirical citizen standpoint, the conditions of judgment can be assessed by the citizens themselves. There is no need for an assessment by a theorist that might overrule the judgment of the represented, the involved citizens. So the assessment of the conditions of the ‘open society’ is compatible with the constructivist epistemology. The critical analysis from the citizen standpoint shows that the substantive-snapshot criteria do not undermine the procedural-temporal view of democratic legitimacy. The procedural-temporal view and the substantive-snapshot view of democratic legitimacy do not conflict. To conclude, at least Disch’s normative standard of reflexivity is a consistent account of democratic representation. It’s conditions do no undermine each other. Whether Disch’s normative standard is compelling will depend on whether it address the normative question of the role of the representative. What, if any, normative implications follow from reflexivity for the role and duty of the representative? In other words, we are addressing the question whether the principles of reflexivity can be applied to and formed in accordance with the role and duties of the representative.

We have seen three principles that follow from reflexivity; interlocking institutions, institutions that broaden the scope of conflict, and institutions that do not give one position an advantage over the other when contesting the public will. Let us address the principles one by one to critically analyse if they can normatively imply something about the role and duties of the political representative. The first principle of interlocking institutions is formulated specifically in terms of institutions so that it has no implications for the role of the representative. The second principle, broaden the scope of conflict, is also a dead end. Claiming that the representative should broaden the scope of conflict does not secure democratic

representation. For example, broadening the scope of conflict might be part of a political strategy in the game for more support. So broadening the conflict is not an action that distinguishes democratic representation from non-democratic representation. For the third principle of reflexivity, institutions that do not give one position an advantage over the other when contesting the public will, the same argument applies as for the first principle: it is only applicable to the design of an institution. So it is not possible to discern a role for the representative in those institutions. Also, securing that any statement of the popular will can be called into question by anyone, is not a task that can be dictated to the representative, I say. Having the responsibility for equality amongst the people falls outside the limits of what understand when speaking about representation. In short, these three principles cannot be applied to the representative because all principles approach representation as a process whereby political representation emerges from the ongoing dynamic between the represented and the representative. However, there seems to be one exception. There is one comment by Disch that hints at a specific duty of the representative. We saw that reflexivity required more than only the encouragement of contestation. It also requires an infrastructure in which "... representatives must have regular, structured ways of taking objections into account". This claim counts "For a system as for an individual"(Disch, 2011, 111). In the case of a governmentally representative body, Disch argues that "reflexivity would require provision for a formal response that at least registers ... popular challenges" (Disch, 2011, 111). In other words, she says that representatives, both in the sense of bodies and individuals, must at least constantly receive the objections and take them into account but not necessarily obey them. This sounds very familiar to what Pitkin means by 'responsiveness' : "the representative must always and continually be ready and able to respond" (Pitkin, 1967, 22). Responsiveness also involves that the representative owes his constituency an explanation when he does not act according their objections. Disch requires a same sort of responsiveness. The representative must be responsive towards the objections of his constituency.

Does Disch hint at an unidirectionality here which she so fiercely rejected earlier on? Should the representative be responsive to the represented and not the other way around? It might seem like it, but I argue that this does not bring us back to the unidirectionality of the 'bedrock norm'. Moreover, I think we should understand her responsiveness an attempt to introduce reciprocity rather than unidirectionality. Disch's responsiveness only requires "regular, structured ways of taking objections into account." (Disch, 2011, 111). These structured ways contribute to the capacity of the represented to judge and act. It puts the represented in a position in which it is able to defend itself against the subjection of the representative claims put forward by the representatives. So with responsiveness Disch wants to establish a balanced representation process where the represented and the representatives mutually influence each other. The effect is not unidirectionality but reciprocity. The representative influences the represented in the opinion formation process. The represented has the capacity to influence the representative. So Disch's normative standard of reflexivity implies that it is the role of

the representative to take objections into account without reliance on the bedrock norm. However, this condition contains an ambiguity with regard to its application on the individual representative. On the one hand, she says that both the individual and the system should have a structured ways of taking objections into account. On the other hand she says “In the case of unofficial or “self-appointed” representatives, reflexivity is difficult to mandate but could be observed in the representative’s response to challenges to his or her reputation...” (Disch, 2011, 111). Now reflexivity seems to have become a descriptive tool rather than a normative standard. Disch says here that we can observe reflexivity but not mandate it. Also, what kind of structures for considering objections should we think of in the case of a ‘self-appointed’ individual representative? The point of the ‘self-appointed’ representative is that he is not bound by formal institutions and organizations. Disch does not give an answer to that question and even if we had an answer, it would be “difficult to mandate”. We can conclude that reflexivity as the normative standard for democratic representation gives us no definite answer on the role and duties of the representative in democratic representation.

In short, we became familiar with Disch’s constructivist approach that bridges the alleged gap between Pitkin and Saward. Also, Disch criticizes Pitkin for her fallback on the unidirectionality of the etymological protocol ‘making present *again*’. As an alternative, Disch proposes to understand representation as *making* present. This alternative protocol asks for an alternative normative standard. Reflexivity as the normative standard for democratic representation proposed by Disch, is consistent with the constructivist epistemology but the principles of reflexivity are only applicable for judging representation as a process. As such they do not provide us any claims on the role of the representative within the representative process. There is one exception. Disch does leave us with one ambiguous duty for the representative: responsiveness towards objections.

Conclusion

We discussed three different positions on democratic representation and investigated each one of them to analyse what, if anything, they normatively imply for the duties of the political representative. We saw that Pitkin argues that the representative must be responsive to his constituents. He should perform in such a way that the represented does not object to what is done in his name. However, her argument is not the definite answer to the question of the duties of the representative. The problem with her account is that it cannot account for political representation outside formal and governmental institutions. That is problematic because, as Rehfeld and Montanaro showed, we need to be able to address the political reality outside governmental institutions. The constructivist turn in political representation is able to address all the forms of political representation. Next we investigated Saward’s constructivist position. Saward criticizes Pitkin for what he takes to be, ‘her unidirectional approach on representation’. Saward argues that political representation itself is constructed and that political representation contributes to

the creation of what it represents. Saward understands political representation in terms of the 'representative claim' that also enables the analysis of political representation outside governmental institutions. However, Saward's dual account of democratic representation fails to provide normative claims about the duty and the role of the representative, because the assessment of the conditions of the open society undermine the role of the citizen as the ultimate judge. Thirdly, we saw that Disch embraces Saward's constructivist view and the representative claim. We also learned that Disch's reading of Pitkin is much more accurate than Saward's and that Disch does not reduce Pitkin's account of representation to the standard account of representation. Disch recognizes in a constructivist turn in Pitkin's account and she sides with Pitkin's conception of political representation as the product of an over-all structure. Still, Disch takes her commitment to the constructivist conception of representation a step further than Pitkin and repudiates Pitkin's etymological protocol of making present *again*. The new etymological protocol asks for a new normative standard. Disch continues along the line of Pitkin's non-objection criterion and develops a normative standard in terms of encouragement of contestation via institutions. Consequently her normative standard is only applicable to political representation as a process, hence is not suited to provide normative implications for the representative within that process. I conclude that the three positions do not provide us with satisfying information on the role and the duties of the representative in modern audience democracy.

There are two more lessons to be drawn from this analysis. They explain the absence of an answer and show that Pitkin, Saward and Disch share important common grounds. Firstly, I argue that all three authors on a fundamental level share the same basic approach to representation. Pitkin, Saward and Disch conceive of political representation not as a dyadic relationship but as a construction that arises from an over-all structure. We saw that Pitkin defines representation as an institutionalized arrangement. The over-all structure and functioning of that arrangement is what it makes representative. Political representation consists of "the patterns emerging from the multiple activities of many people" (Pitkin, 1967, 221-222). Disch shares this idea with Pitkin. Likewise, Saward claims that "representation is in large measure a product of representative claims" (Saward, 2010, 18). Thus, the three authors share the basal assumption that political representation is the product of an interactive process whether or not structured by (in)formal institutions. So Saward is wrong in posing such a strong opposition between Pitkin and the constructivist turn while in fact they have a common ground. This conclusion has important consequences. It forces us to look critically into the research question: what, if any, normative implications follow from the constructivist account of political representation concerning the duties of the representative? The formulation of the question suggests that at least there is something meaningful to say about an individual element in the process political of representation. But we just concluded that Pitkin, Disch and Saward conceive of political representation as the product of a whole process. Pitkin's conceptual argument in terms of the principal-agent relationship, formulates responsiveness for the individual. But this conceptual formulation cannot be applied to political representation. That leaves us

with the other two constructivist approaches. For Saward and Disch counts, if normative claims can be derived, the claims are only applicable to political representation as a whole and to institutionalised representation, but not to the individual parts the process consists of. It could be argued that our research question is formulated in such a way that from the very beginning it was deemed to get a negative answer. However, this is not the case. I argue that the account of political representation as a construction lacks the capability to provide a normative account that can address the question of the duties for the democratic representative. Besides the fact that this account is incomplete, the constructivist turn fails its own ambition to develop an useful theory in line with the political reality. Amongst other constructivist authors, Saward claims that the goal of the constructivist turn is “to enable the theory to be useful, to illuminate what is going on around us.” (Saward, 2010, 33). In this regards, it fails because it cannot provide us with the tools to judge the representative acts performed in the daily practice.

Next to the finding that Pitkin, Saward and Disch fundamentally share the same constructivist approach to political representation, there is a second finding. The second finding I derive from the analysis in this thesis is that all three accounts of democratic representation see a prominent role for the condition that the represented must be capable to judge and act. As we have seen, Pitkin was the first who formulated the non-objection criterion. The representative must promote the interests of the represented but in such a way that the represented “do not object to what is done in their name.” (Pitkin, 1967, 155). This condition runs parallel to another more fundamental condition: the represented must be capable of action and judgment. Consider the following example demonstrated by Pitkin: if we think of the represented as a helpless child and incapable of action, as being taken care of, then we will not speak of representation (Pitkin, 1967, 155). Disch complements this line of thought and adds the ‘judgment clause’: the condition of the represented being capable of action. Without the fulfilment of the judgment clause, the wishes and objections cannot be taken into consideration. Both Pitkin and Disch argue that there must be a structure that secures the constant possibility for the objections to be taken into consideration. Also Saward’s account of democratic representation includes the condition that the represented should be able of action and judgment. He takes it a step further and argues that democratic representation does not just require the absence of objections but actual “evidence of sufficient acceptance of claim” (Saward, 2010, 145). He says that “Pitkin’s non-objection principle is an important root of this point” (Saward, 2014, 733). Saward’s condition is more demanding compared to Pitkin and Disch in the sense that it not only requires the possibility or encouragement of objection, but also requires actual objection or acceptance. Similarly, Disch also takes the non-objection criterion further than Pitkin but not as demanding as Saward. She argues that the institutional design should not only make the capacity to act possible but should also actively encourage it. I conclude that Disch’s and Saward’s conditions for the capacity of the represented are derivatives from Pitkin’s nonobjection criterion. Thus they share the idea that democratic representation depends on the capacity of the represented to act and object. Their arguments for democratic representation provide a clear vision on

the role of represented in the process of representation but not on the representative. If the question had been: ‘What, if anything, does the constructivist account of political representation normatively claim about the *represented*?’ we would have had an answer. But, I conclude, that for our research question ‘What, if anything, does the constructivist account of political representation normatively claim about the duties of the political *representative*?’ we do not get such clear answers. Is this problematic? On the one hand I would call this problematic, because the constructivist turn does not give a full account of democratic representation that we can use when judging daily practices of political representation where representatives have an important role in the spotlights. The constructivist turn itself argued that the theory of political representation should be less remote from the political reality. It does not succeed in fully responding to the normative challenge. On the other hand, I think the general effect of the constructivist turn as we discussed here is the strengthening of the position of the represented. That is crucial in modern ‘audience democracies’ where social media and other multimedia are used by potential representatives to influence the ideas and opinions of potential supporters. The capacity of the represented to judge and act is now extra important. But in the attempt to strengthen the position of the represented, the constructivist turn overlooks the importance of clarity on the duties of the actors who professionalised the activity of influencing opinion formation: the political representative.

References

- Castiglione, D. and Warren, M. (2019), 'Rethinking democratic representation: eight theoretical issues and a postscript' in *The constructivist turn in political representation* ed. Disch, L., van de Sande, M. Urbinati, N., Edinburgh: Edinburgh University Press Ltd., pp. 21-47.
- Disch, L. (2011), 'Toward a Mobilization Conception of Democratic Representation', *The American Political Science Review* vol. 105: 1, pp. 100-114.
- Disch, L. (2015), 'The "Constructivist Turn" in Democratic Representation: a normative dead end?', *Constellations* vol. 22: 4, pp. 487-499.
- Disch, L. (2019), 'Introduction: the end of representative politics?' in *The constructivist turn in political representation* ed. Disch, L., van de Sande, M. Urbinati, N., Edinburgh: Edinburgh University Press Ltd., pp. 1-18
- Hayat, S. (2019), 'Representation as proposition: democratic representation after the constructivist turn' in *The constructivist turn in political representation* ed. Disch, L., van de Sande, M. Urbinati, N. Edinburgh: Edinburgh University Press Ltd., pp. 121-140.
- Manin, B. (1997), *The Principles of Representative Government*, New York: Cambridge University Press.
- Montanaro, L. (2017), *Who elected Oxfam?* Cambridge: Cambridge University Press.
- Pitkin, H. (1967), *The Concept Of Representation*, California: University of California Press.
- Rehfeld, A. (2006), 'Towards a General Theory of Political Representation', *The Journal of Politics* vol. 68: 1, pp. 1-21.
- Runciman, D. (2007), 'The Paradox of Political Representation', *The Journal of Political Philosophy* vol. 15: 1, pp. 93-114.
- Saward, M. (2009), 'Authorisation and Authenticity: Representation and the Unelected', *The Journal of Political Philosophy* vol. 17: 1, pp. 1-22.
- Saward, Michael (2010), *The Representative claim*, Oxford: Oxford University Press.
- Saward, M. (2014), 'Shape-Shifting Representation', *American Political Science Review* vol. 108: 4, pp. 723-736.
- Young, M. (2000), *Inclusion and Democracy*, Oxford: Oxford University Press.