What Constitutes Legitimate Democratic Representation?

Civil Society and Non-Electoral Forms of Representation*

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In the past decade, civil society organizations have gained great prominence at all levels of governance from the local to global. At the local level, NGOs and other types of advocacy organizations are now an established presence in the domestic field of democratic politics and have expanded upon the traditional understanding of lobbying to include this new group of public interests organizations. At the global and regional levels, advocacy networks play a very active role promoting campaigns and rallying transnational constituencies around different causes ranging from human rights to environmental issues. As they gain greater visibility and assume new responsibilities, some concerns have been raised around the democratic credentials of civil society organizations. It is thus common to hear objections from elected officials, corporations or governments concerning the unrepresentative and unaccountable status of NGOs, complains about NGOs’ freedom from scrutiny over formal accountability mechanisms to which other organizations are subject to, as well as skepticisms about the alleged contributions that non-governmental actors truly make to the agenda of democratization of domestic and global institutions.

The tension between electorally authorized and self-authorized actors was not such a relevant issue before the third democratizing wave; on the contrary, there was widespread agreement that the work of many human rights networks constituted a great contribution to the agenda of democratization of many countries that were subject to authoritarian rule. But now that democratically elected governments are in office and free elections are regularly held in an unprecedented number of nation-states, the claims of many of those organizations to “represent” certain constituencies or causes are being challenged, particularly by political parties and legislatures who feel that they hold the monopoly over what constitutes legitimate democratic representation. After all, they argue, they had to test their claims in a competitive electoral struggle. Why should representatives that were rightfully authorized by the people in free elections listen or take into account the claims of a cadre of self-appointed civic leaders? Let NGOs stand for election, their argument goes, to see if their claims get them into office.

Similar arguments are made in reference to the status and legitimacy of those NGOs and networks that operate in the global arena and that conceive off themselves as part of a
transnational civil society reflecting the concerns of an alleged global citizenry. Certainly, at the global level the democratic status of all actors is a more contested issue given the absence of electorally appointed political authorities. Not only transnational NGOs but also transnational corporations and intergovernmental institutions are struggling to establish themselves as legitimate global actors (Uhlin 2008:1). For some, however, the basis for the legitimacy and accountability of business and intergovernmental institutions seem to be better established than that of global civil society organizations. After all, the former have clearly defined stakeholders to account to: owners/shareholders and governments respectively (Brown 2008:33). Many intergovernmental institutions can also justify their democratic claims by tracing their linkages to elected authorities: they act as spokespersons of democratically elected administrations who selected them to represent their nations’ interests. Global NGOs cannot claim any direct or indirect connection to electoral accountability nor can they claim (in most cases) any formal linkage to a specific constituency, making it thus more difficult for them to establish their democratic credentials.

Many questions are consequently raised to challenge the representativeness and legitimacy of civil society organizations. Who do these actors represent? To whom are accountable? Are they capable of democratic representation? Of course the answer to the questions will depend heavily on how we understand or define “democratic representation.” The standard definition of democratic representation is a very straightforward one: one becomes a democratic representative when there is a process of electoral authorization by a clearly delimited territorial constituency. If we take this model at face value, then only a reduced number of organizations and institutions can claim democratic legitimacy: legislatures and parties.

Are elections the only plausible criterion for determining the democratic legitimacy of an actor or organization? Does electoral representation exhaust the concept of democratic representation? Is a non-electoral conception of democratic representation plausible? These are some of the questions that this paper will address. It will do so by challenging the election-centered model of democratic representation that usually provides the conceptual foundation to question the representative status of NGOs and other civil
society actors.

The argument is not meant to downplay the significance of elections and electoral politics. Elections are a crucial and indispensable feature of democracy yet they do not exhaust the notion of democratic representation. The concept of democratic representation is a complex practice that involves many actors and arenas, formal as well as informal, electoral and non-electoral, which a narrow election-centered approach cannot adequately grasp. By directly tackling the notion that “electoral representation equals democratic representation” the paper will be able to provide a more general assessment of the democratic credentials of all non-governmental actors, whether they operate within the confines of a nation state or in the global arena.

The paper is divided as follows: Section I criticizes election-centered approaches to representation arguing that there are legitimate non-electoral forms of democratic representation and that they provide an indispensable complement to electoral mechanisms. Section II introduces the idea of mediated politics as an alternative conceptual framework to understand the dynamics of democratic representation. Section III focuses on the debate about the democratic status and credentials of advocacy NGOs arguing that inherited notions of political accountability are inadequate as a conceptual tool to evaluate the complex scenario of mediated politics in which democratic representation takes place.

I. Electoral and Democratic Representation

I have argued elsewhere that elections cannot be considered the quintessential institution of democratic representation (Peruzzotti 2006; 2008). Democratic representation is a much more complex business than election-centered approaches are willing to concede. The practice of democratic representation goes beyond the mere celebration of regular and free elections; it is a continuous and complex process that involves a plurality of actors and arenas. Undoubtedly, elections are a key mechanism of democratic
representation for it serves to establish a representative government (Manin 1997). Elections play an indispensable role in selecting and organizing elites, a role which is particularly emphasized by the Schumpeterian inspired models of democratic representation that have dominated the debate on the subject in recent years (Urbinati & Warren 2008:388; Peruzzotti 2006).

A significant part of the recent academic production about representative government is framed within such a purely electoral understanding of democracy. This election-centered model of representation is characterized by first, by a static and formal rendering of representation that --by highlighting the act of electoral delegation that opens up or closes a representative period-- leaves aside the crucial aspect of what goes on during the exercise of representation; second, the representative bond is described in terms of a one to one personal relationship between an isolated voter (the principal) and her representative (the agent). The result is the elaboration of an abstract model that revolves around the axis "individual citizen-representative" that is completely oblivious to the associational dimension of citizenship. In such rendering of representation, the contribution of civil society (as a multiplicity of organized constituencies that make representative claims) to democracy is simply ignored.

Furthermore, even the authors that defend an election-centered model of representation acknowledge than elections (while good for selecting public officials) are a poor mechanism to ensure governmental responsiveness. There are several arguments that stress the structural limitation of elections as accountability mechanisms. Among the best known ones are the ones that three authors that strongly contributed to the election-centered approach to representation advanced in a collaborative contribution. In *Democracy, Accountability and Representation*, Bernard Manin, Adam Przeworski and Susan Stokes present four arguments regarding the inadequacy of elections of tools for citizen's to control representative governments. The first argument maintains that the vote is a blunt instrument of control for it does not serve to effectively signal which particular governmental decisions or which particular agency is being targeted: “one cannot control a thousand targets—they argue-- with only one instrument.” (Manin, Przeworski and Stokes, 1999:50) Voters, consequently, have very limited power in shaping the
outcome of most governmental policies due to the inadequate nature of voting as a signaling mechanism. The second argument focuses on the aggregative and decentralized nature of electoral mechanisms that prevent voters from acting in a coordinated fashion. Isolated voters thus cannot act collectively as a single and organized constituency. The third argument is that elections can provide at best a retrospective type of sanction: what voters can do to punish an administration that throughout of its representative tenure behaved in an irresponsible manner is not to reelect it. One is left wondering to what extent this "retrospective sanction" is really a sanction given that only occurs once the activity of representing has ended. The last argument refers to the profound asymmetries of information that exist between represented and representatives which prevent voters from making an adequate evaluation of governmental performance (Przeworski, Manin & Stokes 1999).

Good democratic representation requires other actors and mechanisms to ensure the proper expression of interests and ideas. The complexity, plurality, intensity of interests and viewpoints that are present in society cannot be adequately grasped if we limit the communication between society and state to electoral mechanisms. Democratic representation requires more fine-grained signaling mechanisms than elections to provide representative institutions with a more adequate understanding of the multiplicity of specific issues and demands that different groups have on a multiplicity of subjects, of their different intensity, as well as their particular distribution along society. The analysis of democratic representation should move beyond an exclusive focus on elections to analyze the multiple ways through which different constituencies seek to influence representative institutions and the public at large. It is this dimension of constituent politics what is absent in most electoral approaches to representation. If democratic representation implies a specific type of relation between certain constituency and its representative, the analysis should take into account the multiple political processes that feed and recreate channels of communication between represented and representatives.

A relational approach to representation (Plotke 1997:24) implies treating both sides of the representative equation as relevant to the practice of democratic representation. Obviously, elections constitute a crucial channel of communication between citizens and
the political system but it would be erroneous to merely restrict the analysis of
democratic representation to elections alone. The image of the citizen as an individual
voter is inadequate for assessing the contribution of the citizenry to the practice of
democratic representation: citizens are also members of specific constituencies that are
organized around specific claims and that are part of a larger field of organizational
mediations that play an active role in democracy. Thus there are multiple alternative ways
through which citizens (organized as a particular constituency or as constituency
entrepreneurs) seek to influence governmental decisions besides voting. It is thus
necessary to include those initiatives into the analysis of representative government to
determine to which extent those actions are effective at generating democratic
responsiveness.

A relational approach to democratic representation assumes both active representatives
and constituents. Participation is not the opposite of representation but its complement.
Thus it is necessary to focus on other non-electoral forms of participation that contribute
to the practice of democratic participation. There is a rich and extensive literature that
focuses on the contribution of participation to democratic representation. From different
perspectives, many authors have shown how specific actors and forms of associational
activity contribute to the workings of democratic representation. At the same time, there
are also important disagreements concerning which type of participation is the most
relevant one and on the particular input that each of those forms provide to democracy.
The field of participation studies finds competing theoretical models that postulate a
general positive correlation between participation and democratic representation but that
they disagree over which forms of intervention and what type of associative forms are the
most relevant ones to democracy. One can distinguish three main orientations or
theoretical models on participation, each focusing the role that a particular form of civic
engagement has for democracy: the social capital, the public sphere and the pressure
group politics models.

The social capital model focuses on the contribution of pre-political forms of association
and socialization to representative democracy. The public sphere model instead
emphasizes the creative role of social movements that fundamentally address public
opinion through agenda-setting in the public sphere. The literature on interest groups politics (including the particular subtype of public interest groups or NGOs) instead focus on the lobbying activities of formal and professionalized organizations. The literature have tended to see those models as competing theories and thus a large part of the debate on participation and democratic representation revolved around the question of which of those models was the most adequate one to account for civil society’s contribution to democratic representation. Rather, I will argue that they are partial rather than competing theories of participation. All three models shed light on the role of specific forms of interventions and social actors in the democratic process yet they are unable to provide an overall assessment of how those forms of civic engagement relate with other social actors and fields. What it is required is a more encompassing theory of democratic participation that focuses on the field of mediated politics that all those types of participation contribute to reproduce to be able to have a broader and more sophisticated understanding of the concept of democratic representation. In this perspective, each of the models of civic engagement are to be understood as describing the nature and role of a specific participatory layer that is placed within a broader field of associational mediations. The concept of mediated politics then highlights the dense field of constitutive politics that fill in the gap that stands between the isolated voter and representative institutions that is at the base of many electoral despicion of the dynamics of representation. Against the image of a personalized relationship between an isolated agent (the voter) and her principal (the representative) that is behind many election-centered models, the concept of mediated politics focuses on the contribution of a multiplicity of organizations to the practice of democratic representation. The field of mediated politics encompasses a plurality of associational forms, initiatives and types of politicization which express different forms of interventions by which specific constituencies try to influence the political process. A comprehensive approach to democratic representation must focus on both electoral and constituent politics. In this rendering of democratic representation all actors --electoral and non-electoral-- are viewed as legitimate actors that contribute, each in different ways, to reproduce and strengthen democratic representation.
II. The Mirror and the Creative Dimension of Democratic Representation

The field of mediated politics can be understood as the terrain where a multifaceted and complex economy of claim-making takes place. In this view, the dynamics of democratic representation are viewed as entailing an ongoing and dynamic process of claim-making. Constituencies are not viewed as permanent, fixed groups that express immutable interests or values, rather they can also be temporal and fluid groups that participate along with a broad range of other organizations in an ongoing process of making and receiving claims. The process of claim-making is not circumscribed to the electoral calendar nor ends after an electoral verdict is reached (Saward 2008:4). Constituencies can be organized around territorial, functional, or normative criteria. Some express very specific economic interests (private interest organizations), others a territorially delimited community (a neighborhood association) or abstract ideals (a human rights NGO).

In such an economy of claim-making, two different sorts of representative claims can be distinguished:

a) On the one hand, claims that seek to express or reflect an existing interest or identity; this dimension of representation is guided by a mirror-logic: good representative institutions should properly reflect the structure of interests and opinions that prevails in society at certain time

b) On the other hand, claims that are abstract and normative and that might not necessarily reflect existing constituencies. This is the creative side of the practice of democratic representation and expresses itself in initiatives that challenge a dominant configuration of interests and identities, hoping to bring about new ones.

The first type of political process is oriented to court and reflect existing constituencies, the second one to challenge existing ones by constituting new constituencies. Both dimensions are present in civil society and electoral politics although with different emphasis. Electoral party politics tend to privilege a mirroring logic; advocacy networks and social movements by the creative one. The pressures of electoral competition create incentives for parties and candidates to court existing constituencies, to best reflect their
concerns and demands, and not to alienate significant groups of the electorate. Parties organize around programmatic agendas and are the expression of particular ideological positions. However, many authors argue that such role of parties has been greatly diminished in the past decades. There has been a general shift from ideological to catch-all-organizations that resulted in a party logic that privileged the mirror dimension of representation over the transformative one (Kirchheimer 1969, Manin 1997). Turn into machineries for electoral competition, parties attempt to aggregate and accommodate as many demands as possible, trying to alienate the less possible number of voters. Electorally competitive parties align themselves in the center of the ideological spectrum, leaving the "extremes" to a small cadre of ideological (and electorally ineffective) group of party organizations. The effect of such transformation is that parties have lost their capacity to generate strong ideological links with their constituencies (Manin 1997; Schmitter 2001). As Philippe Schmitter argues, parties still fulfill a large number of functions, yet they no longer seem able to provide a strong focus of normative identification (Schmitter 2001). The ideological vacuum left by parties has been filled by certain civic actors such as social movements, advocacy networks, and NGOs. They are in many cases the ones that carry out a normatively based politics that is the best expression of the creative impulse of democratic representation. A significant part of civil society politics revolves around the creative dimension of democratic representation. The politics of many public interest NGOs, social movements aim at challenging the existing boundaries of the political sphere; questioning specific aspects of a society's identity or structure of interests and constituting, through claim-making, prior-inexistent constituencies. Unconcerned by the restrictions of electoral competition, they can behave in ways that parties could not afford, upholding unpopular positions or adopting an intransigent stand on certain issues. A theory of democratic representation that only focuses on electoral politics will inevitably turn of blind eye to such a transformative dimension of the practice of representation.

III. The Democratic Legitimacy of Advocacy Organizations

Some organizations like advocacy NGOs thus act as “constituency entrepreneurs.”
Through their claims they hope to bring about a new constituency or to empower and organize voiceless groups. For that reason, the classical relationship that democratic theory postulates between constituent and representative is inadequate to account for the political activities of this sort of actor. For in many occasions, advocacy NGOs speak on behalf of constituencies that do not yet exist. Consequently, they make representative claims without having received any formal authorization from the alleged constituency they claim to represent. Following Warren Nyamugasira, one could argue that some advocacy organizations engage in *interim representation* in the sense that the organization speaks for a constituency that is not yet present --because it is disempowered and lack consciousness of itself as a constituency-- temporarily filling such void while acting as a spoke-person of that would-be constituency. As Nyamugasira argues, the role of the NGO thus be to organize such a constituency and role superflous. In this particular case, the success of a claimant can only be properly evaluated over a certain time-span for it usually requires a sustained campaign or struggle to bring awareness regarding new concerns, identities or interests. It would wrong to ignore this temporal dimension for no process of identification or recognition is immediate.

The sort of creative politics that characterized many advocacy organizations is at odds with the standard account of political accountability which is predicated on the notion that representatives are responsive to constituents who have previously delegated their power to them. Many advocacy organizations act as *self-appointed representatives* for they that they have not received any formal authorization to represent them from the alleged group they claim to stand for. The electoral notion of political accountability loses its meaning in the absence of a process of formal authorization from a principal to an agent. Does that mean then that the criticisms that are labeled against the unrepresentative and unaccountable nature of NGOs are correct? Are those challenges to their democratic legitimacy valid?

The standard notion of political accountability is an inadequate yardstick to evaluate the democratic status of NGOs for it is too closely tied to an electoral understanding of democratic representation. If we were to force all advocacy organizations to be politically accountable to existing constituencies or only to grant democratic legitimacy only to
those groups who fit this formal authorization model, then the creative edge of the practice of democratic representation would be lost. The electoral notion of political accountability is certainly useful to evaluate the mirror dimension of democratic representation but it is of not much help in assessing the status of actors that are organized around a transformative agenda. A politically accountable civil society is not necessarily better for democratic representation for the latter requires the reenergizing force of non-electoral creative politics to shake up and renew its agenda on a regular basis (Saward 2008:21).

Consequently, efforts to increase the political accountability of NGOs are misguided for they are extrapolating a criteria of accountability that is inadequate to evaluate advocacy initiatives. Solutions should rather aim at preserving the conditions that make the emergence this creative impulse possible. Some of the current debate on upward accountability reflects this concern. For many, the accountability of NGOs to donors might, under certain circumstances, compromised the former's political agenda for the pressures of the philanthropic market forces organizations to shift or alter their priorities and political goals in order to be competitive in their fund-raising efforts. Fund-raising success might come at the price of compromising their political autonomy by redirecting their work to activities that reflect the political agenda of others be it private foundations, international organizations or governments. In brief, the concept of political accountability that we apply to electoral actors is an inadequate yardstick to evaluate those organizations that are part engaged in the creative self-constitution of new actors and voices.

To argue that the inherited notion of political accountability might be inadequate for certain type of civic actors does not mean endorsing the position that they are to remain completely unaccountable organizations. There are forms of accountability that NGOs have to subject themselves to. To begin with, all organizations have to obey existing laws and regulations so there is a measure of legal accountability. Organizations cannot engage in illegal activities nor do can they violate constitutional guarantees or rights without risking being subject to judicial sanctions. So some dimension of the notion of legal accountability applies as to them. This is not to say that civic organizations should be subject to the demanding constitutional, legal and administrative constraints that are
applied to state officials.

The fact that in the case of many advocacy organizations one cannot trace a direct link between the organization and a specific constituency (as in the case of other organizations like private interest groups or membership organizations) actually forces them to work harder to establish their legitimacy. Other actors such as corporations, international organizations, private interest groups, membership voluntary associations, etc. can establish their representativeness more easily: the number of members can give an idea of the support that a voluntary association has in society. In the case of a lobby organization that claims to represent the interests of the financial sector, one can see if the most relevant financial institutions are affiliated to it. The same is the case with corporations, where one can frequently identify who their owners or stockholders are. The democratic credentials of an advocacy organization might be more difficult to prove if there is not a clearly defined constituency being represented. Those sorts of actors are obliged to establish their legitimacy on different grounds. Usually they do it through discourse, testing their arguments and ideas in a public debate or through their activities and behavior. It is the force of their arguments, their track record in certain area, the expertise they have accumulated on certain issues and not their ability to effectively mirror certain groups, what provides the source of their legitimacy and credibility.

Advocacy organizations and other type of actors organized around a transformative agenda rely fundamentally on symbolic capital; thus building a reputation and living to uphold it is perhaps their most demanding task. The fact that they are not politically accountable to the citizenry as elected representatives are does not mean that they are oblivious to public beliefs and sentiments. Given that those organizations fundamentally operate in a domestic and/or transnational public sphere they inevitably have to accumulate and maintain a significant stock of symbolic resources that will establish them as credible spokespersons. It is thus in their best interest to uphold high standards of behavior and to have a good track record which might help them to establish a solid reputation among their peers and to the public at large (Brown 2008; Grant & Keohane 2005:37).

Perhaps, there is a need to rethink political accountability by moving beyond the principal
agent metaphor to better make sense of the complex reality of the practice of democratic representation in contemporary societies. The notion of political accountability based on the idea of a power relationship between a principal who has rights to superior authority and is willing to delegate her power to an agent (Mulgan 2000) is an inadequate concept to account for a complex, plural, and decentralized scenario in which different types of claims and of claimants interact in manifold ways with one another. Rather than viewing it as a personalized one-to-one relationship in which a principal demands accountability to her agent, we should rethink the term to refer to a more abstract situation of general responsiveness that is achieved thanks to establishment of a broad and plural field of mediated politics. In this rendering, political accountability no longer refers to a one-to-one interaction between a principal and an agent but implies a decentralized scenario, a plurality of constituencies, and a multiplicity of types of interactions of those constituencies with one another as well as with the formal sites of decision-making. The greater the scope and broadness of such field of mediated politics, the more likely to accomplish greater political responsiveness to a larger plurality of claimants.

Concluding Remarks

Good democratic representation requires electoral as well as non-electoral forms of representation. Both forms of politics are indispensable to democratic representation. It is misleading to uphold the electoral notion of representation as the only valid yardstick for measuring the democratic legitimacy of an organization. Non-electoral forms of representation are as legitimate and necessary to the practice of democratic representation as electoral ones. As Michael Saward eloquently put it,

“…electoral politics requires non-electoral action to shake up and re-set its agenda on a regular basis—as new claims to authenticity challenge the products of established processes of authorization. We might say that democracies need a series of mini refoundings… and that some of the refoundings need the relative absence of constraint that some non-electoral modes of representation foster.” (Saward 2008:22)

A proper understanding of representation needs to include such a creative dimension of democratic politics. Democratic representation cannot be reduced exclusively to a
mirroring function nor we should think of constituencies as singular, territorial, fixed and permanent. Rather constituencies are multiple, territorial and transnational, fluid, and temporary. A central aspect of the practice of democratic representation is to discursively construct new constituencies, to bring new issues and to create novel voices (Saward 2008). Such a process of claim-making takes place in a multilevel scenario of mediated politics in which the boundaries between the domestic, the regional and the global are becoming increasingly blurred. It is thus necessary to move beyond the standard account of territorially based electoral representation to properly account for such complex scenario. The challenge for democratic theory is to replace inherited notions of democratic legitimacy and political accountability with a new conceptual framework that could help us to better understand the complex contemporary landscape in which the practice of democratic representation takes place. That would allow us to shift the debate from a sterile discussion on whether non-governmental actors are legitimate or not to focus on the specific ways that electoral and non-electoral, territorial and non-territorial, global and domestic forms of representation can complement one another

**References**


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