

Powers of Will and Opinion: Nadia Urbinati and the Constructivist Turn*

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Abstract:

This paper examines the constructivist turn in political representation from the perspective of Nadia Urbinati's diarchic model of democracy. To properly assess the significance of Urbinati's work, it is necessary to situate diarchy within constructivism. While constructivism aims to create new representation spaces for the excluded and marginalized, this endeavour faces challenges in allegations of elitism and manipulation. This paper compares democracy as diarchy with two prominent constructivist approaches, Saward's claim-making, and Laclau's hegemonic representation, and it suggests that both fail to address these allegations because they see procedures as external to democratic will formation. This paper concludes that Urbinati's understanding of how procedures are inherent to democracy provides a valuable synthesis of proceduralism and constructivism, thus providing a novel way of thinking about democratic legitimacy within the constructivist turn.

Keywords: Diarchy; Representation; Constructivist turn; Manipulation; Elitism; Ernesto Laclau; Michael Saward; Nadia Urbinati

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Democratic theorists have always been suspicious of representation, seeing it as alien or contradictory to democracy. Furthermore, the feeling of the crisis of democracy experienced by many citizens of liberal democratic societies seems to give credence to this suspicion. Recent protest movements from Occupy to Gilets Jaunes, the rise of populist parties and movements, and the world of fake news and conspiracy theories are all linked to tension between the interests of citizens and the actions of political representatives. The slogan “We have a vote, but we do not have a voice!” captures the powerlessness experienced by citizens dissatisfied with their political representa-

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tives, who are considered to be acting “not as agents of the people but simply instead of them.”¹ We seem to find ourselves in a predicament whereby citizens and most democratic theorists agree (surprisingly, for some) in their critique of representation.

However, in recent decades, theorists of the so-called representative turn have argued against this consensus. These theorists view the relationship between democracy and representation differently. In their views, representative democracy is not the second-best solution after direct democracy – not an imperfect substitute for direct democracy made necessary by the size and populousness of modern nation-states, but rather it is the only true democracy. The idea of the representative turn was developed further by the so-called constructivist turn, according to which representation does not merely mimic an existing political reality but also takes part in creating it. In other words, the constructivist turn claims that the represented, understood as a political unity, does not have an independent existence prior to its representation.² Nadia Urbinati’s theory of representative democracy as a diarchy is generally considered a vital contribution to the representative turn.³ However, this paper argues that, for an adequate appreciation of Urbinati’s contribution to democratic thought, her diarchic model must be situated within the constructivist turn.

This paper suggests that the inclusion of Urbinati’s theory of representative democracy as diarchy in the constructivist turn can shift the discussion about the democratic nature of representation from questions of political ontology (How does representation constitute a relationship between representatives and the represented?) to normative questions (How can the legitimacy of representation within the constructivist turn be evaluated?). Although the ontological and normative questions cannot be separated, this paper claims that constructivists should pay more attention to the latter. This paper also suggests that the diarchic model has much to offer to constructivism because it provides, in the form of procedures, a much-needed

1 Pitkin, H. F., Representation and Democracy: An Uneasy Alliance. *Scandinavian Political Studies*, 27, 2004, No. 3, p. 339.

2 However, the claim that the represented does not have independent existence vis-à-vis an act of representation does not imply that an act of representation creates the represented from scratch. On the contrary, a representative is always constrained by the (cultural, economic, personal, etc.) context in which she is situated. See e.g., Saward, M., *The Representative Claim*. Oxford, Oxford University Press 2010, pp. 70–73; Disch, L., The “Constructivist Turn” in Democratic Representation: A Normative Dead-End? *Constellations*, 22, 2015, No. 4, p. 490.

3 See e.g., Näsström, S., Where is the representative turn going? *European Journal of Political Theory*, 10, 2011, No. 4, pp. 501–510; Mottlová, M., Representative Turn: New Way of Thinking about the Relationship between Representation and Democracy. In: Biba, J. – Znoj, M. (eds.), *A Crisis of Democracy and Representation. Filosofický časopis – Philosophical Journal (Special Issue)*, 2017, No. 1, pp. 113–121.

normative benchmark inherent to democracy. This is especially pertinent to the potential of constructivism to be accused of elitism and manipulation. To support these claims, the paper compares Urbinati's diarchy to two prominent constructivist approaches – Michael Saward's representation as claim-making and Ernesto Laclau's hegemonic conception of representation.

This paper is structured in accordance with this task. The first part focuses on the distinction between the representative and the constructivist turn, as well as their respective contributions and challenges to democratic theory. The following section introduces the concept of representative democracy as diarchy and situates it within the constructivist turn. The final two sections then compare diarchy to Saward's representation as claim-making and Laclau's hegemonic representation regarding concerns of elitism and manipulation.

From the Representative to the Constructivist Turn

The theorists of the representative turn argue that democracy is inherently representative and that the democratization of democracy does not entail the implementation of direct democracy but rather the improvement of existing representative practices and the development of new ones. This has been met with some scepticism by many political theorists, among others. The reasons for this can be found primarily in the recent democratic theory impasse, consisting of identifying representative democracy with minimalist democracy. The minimalist theory of democracy originated from Schumpeter's dictum that democracy is a rule-bound competitive struggle among elites for the people's vote.⁴ From the minimalist point of view, democracy is "a form of leadership, and not self-rule of the people; it is a representative government, with democratic elements. Democracy means selection of rulers by the people (right to vote), as well as the open competition for public offices (right to candidate)."⁵ The minimalist conception of democracy became hegemonic for a significant part of Cold War political science. However, it was criticized later – among others – by participatory democrats for its elitism and effective exclusion of the majority of the population from participation in political decision-making.⁶ Participatory theorists then found a panacea for democracy's malaise in participation, ensuring, among other things,

4 Schumpeter, J. A., *Capitalism, Socialism and Democracy*. London, Routledge 2003 (1942), p. 269.

5 Körösnéyi, A., Political Representation in Leader Democracy. *Government and Opposition*, 40, 2005, No. 3, p. 377.

6 See e.g., Pateman, C., *Participation and Democratic Theory*. Cambridge, Cambridge University Press 1976; Barber, B., *Strong Democracy: Participatory Politics for a New Age*. Berkeley, University of California Press 1984.

citizens' immediate and unmediated presence in political decision-making. As a consequence of this approach, participation (immediate and unmediated presence) became pitted against representation (seen as deferred and mediated presence).

However, proponents of representative democracy have argued against participatory and direct democrats, claiming that representative democracy's temporality makes democracy more democratic by changing the nature of democratic decision-making. While direct democracy tends to translate the people's will into political decisions immediately, making the popular will coterminous with the majority's will, representative democracy's decision-making procedures enable the inclusion of as many people and views as possible (i.e., articulate via their representatives and speech). In other words, representation provides space for citizens' participation and presence in political decision-making not only via electing, but also via deliberating, judging, and therefore creating space for "a radical chastening of political authority".⁷ This means not only that the identification of representative democracy with minimalist democracy is untenable but, above all, that representation and participation are not opposites. To put it another way, representation includes participation. In the words of David Plotke, "The opposite of representation is not participation. The opposite of representation is exclusion. And the opposite of participation is abstention."⁸

The constructivist perspective on representation adds another layer to the previous arguments, suggesting that representation is constitutive. Democracy is impossible without representation, since acts of representation constitute constituency, groups, and their identities and interests.⁹ The constructivist notion of representation thus contrasts mandate representation, which assumes that people delegate their power to a representative government. The measure of the legitimacy of the delegation is people's consent based on the government's exercise of people's interests existing prior to representation.¹⁰

7 Kateb, G., The Moral Distinctiveness of Representative Democracy. *Ethics*, 91, 1981, No. 3, p. 358.

8 Plotke, D., Representation is Democracy. *Constellations*, 4, 1997, No. 1, p. 19.

9 Theorists of the constructivist turn derive the representative's constitutive function from a variety of theoretical sources ranging from linguistics to anthropology. What they all have in common, however, is a rejection of the pluralist notion that social or interest groups coalesce spontaneously based on shared interests. See Disch, L., *Making Constituencies: Representation as Mobilization in Mass Democracy*. Chicago, University of Chicago Press 2021, pp. 18–34. For a list of various theoretical sources of the constructivist turn see Disch, L., Introduction: the end of representative politics? In: Disch, L. – Sande, M. – Urbinati, N. (eds.), *The Constructivist Turn in Political Representation*. Edinburgh, Edinburgh University Press 2019, pp. 5–9.

10 Sintomer, Y., The Meanings of Political Representation: Uses and Misuses of a Notion. *Raisons politiques*, 50, 2013, No. 2, pp. VIII–IX.

The ontology of representation introduced by the constructivists brings many impulses for developing democratic theory and practice. It overcomes the curse of primordial groupism;¹¹ it understands the dynamics of representation as activity and performance; and it opens up new spaces for democratic representation outside traditional representational channels in the form of, for example, non-electoral representation and representation beyond the nation-state. This ability of representatives to articulate the interests of the represented and to constitute new political subjects proves especially important in hierarchical societies, as it can give voice to the previously excluded and marginalized.¹²

However, the incompatibility of constructivism with the traditional understanding of representation's legitimacy in terms of congruence,¹³ responsiveness,¹⁴ and even electoral accountability¹⁵ suggests the possibility that constructivism has a normative or legitimacy deficit in two areas. Firstly, there are concerns about constructivism's elitism because the constitutive or performative role of representatives may create a power imbalance between them and the represented. It should not be overlooked that, from the point of view of post-Schumpeterian democratic elitism, the active element in democracy are political elites providing democracy's supply side, with people remaining passive or reactive. Secondly, it raises the question of the difference between representation and manipulation. Concerns of manipulation are particularly troubling for the constructivist understanding of representation because representation articulates the will of the represented, denying any measure of manipulation based on the preexisting authentic will of the constituency. However, the manipulation concept remains rather understudied and unclear in political theory as it has many conflicting definitions.¹⁶ Yet many views of manipulation agree that it is a form of power disrupting the autonomy of the manipulated. For example, Robert E. Goodin suggests that one of the critical features of manipulation is that it is "*undermining resistance*".¹⁷ Therefore, part and parcel of manipulation, distinguish-

11 Brubaker, R., *Ethnicity without Groups*. Cambridge, Harvard University Press 2006.

12 Hayward, C. R., Making interests: On representation and democratic legitimacy. In: Shapiro, I. – et al. (eds.), *Political Representation*. Cambridge, Cambridge University Press 2009, p. 124.

13 Disch, L., Beyond congruence. In: Bühlmann, M. – Fivaz, J. (eds.), *Political Representation: Roles, representatives, and the represented*. London, Routledge 2016, pp. 85–98.

14 Disch, L., *Making Constituencies*.

15 Saward, M., *The Representative Claim*.

16 Noggle, R., Manipulation in politics. In: *Oxford Research Encyclopedia of Politics*. Oxford, Oxford University Press 2021. Available online at www.oxfordreference.com/doi/10.1093/acrefore/9780190228637.013.2012 [cit. 29. 5. 2023].

17 Goodin, R. E., *Manipulatory politics*. New Haven, Yale University Press 1980, p. 8. Italics in original. Goodin further elaborates on the concept of manipulation, claiming that manipulation

ing it from democratic representation and various examples of the use of rhetoric within democracy, is the ability of manipulators to undermine citizens' capacity to question and chasten their representatives.¹⁸

Representative Democracy as Diarchy and Its Constructive Dimension

Nadia Urbinati's work is best known for her procedural theory of democracy and her theory of representative democracy as a diarchy, which stems from her view of democratic proceduralism. Although a full discussion of Urbinati's view of proceduralism is not possible here, it is important to recall some key points. Urbinati's conception of proceduralism diverges from the traditional notion of proceduralism, which understands it as an electoral mechanism that ensures the aggregation of individual interests,¹⁹ the selection of political leaders,²⁰ and the nonviolent resolution of conflict among citizens.²¹ Building on the proceduralist conception of democracy developed by Hans Kelsen²² and Norberto Bobbio,²³ Urbinati claims that democratic proceduralism provides all three of the above. However, in addition to them, Urbinati emphasizes that the fundamental democratic value embedded in proceduralism is equal freedom. The requirement of equal political freedom makes procedural democracy demanding because it involves the equal opportunity to participate in political decision-making for all citizens. The ability of citizens to participate equally and effectively in political decision-making

involves "power exercised (1) deceptively and (2) against the putative will of its object". This elaboration, however, falls into the trap of "preexisting will". *Ibid.*, pp. 8 and 23.

- 18 See e.g., Ball, T., *Manipulation: As Old as Democracy Itself (and Sometimes Dangerous)*. In: Le Cheminant, W. – Parish, J. M. (eds.), *Manipulating Democracy*. Abingdon, Routledge 2011, pp. 41–58. It should also be noted that the concerns of elitism and manipulation should not be seen as separate, but rather as different sides of the same coin, as both involve a power imbalance. Constructivism can be criticized for elitism and the danger of manipulation by several strands of democratic theory, the most prominent of which is deliberative democracy. See e.g., Bohman, J. F., *Emancipation and Rhetoric: The Perlocutions and Illocutions of the Social Critic*. *Philosophy and Rhetoric*, 21, 1988, No. 3, pp. 185–204. For a discussion more sympathetic to the representative turn see Castiglione, D., *Democratic representation and its normative principles*. In: Cotta, M. – Russo F. (eds.), *Research Handbook on Political Representation*. Cheltenham, Edward Elgar Publishing 2021, pp. 26–29. At the same time, some constructivists arguably understate the dangers of manipulation. For example, Disch argues that "manipulation as it is commonly understood presents a misplaced worry". Disch, L., *Making Constituencies*, p. 91.
- 19 Downs, A., *An Economic Theory of Democracy*. New York, Harper 1957.
- 20 Schumpeter, J. A., *Capitalism, Socialism and Democracy*.
- 21 Przeworski, A., *Minimalist conception of democracy: A defense*. In: Hacker-Cordón, C. – Shapiro, I. (eds.), *Democracy's value*. Cambridge, Cambridge University Press 1999, pp. 23–55.
- 22 Kelsen, H., *The Essence and Value of Democracy*. Plymouth, Rowman & Littlefield Publishers 2013, pp. 27–34.
- 23 Bobbio, N., *The Future of Democracy: A Defence of the Rules of the Game*. Cambridge, Polity Press 1987, pp. 24–26.

requires not only political procedures but also the creation of social conditions ensuring that their voices will be heard.²⁴

According to Urbinati, the normative basis of proceduralism, in the form of equal political freedom, indicates democracy's unified history. Urbinati claims that modern democracy shares with ancient democracy the same normative values embedded in principles of *isonomia*, *isegoria*, and *parrhesia*. While the principle of *isonomia* expressed equality before the law and, therefore, equal political power in the form of the vote in the assembly, *isegoria* and *parrhesia* provided everyone with the right to speak at the assembly and the right to criticize public authority. These principles have been preserved in modern democracy, incarnated in two powers that sovereign citizens of democratic states possess. Urbinati distinguishes between the powers of "will" and of "opinion". The term "will" refers to political decisions made in the representative institutions of the state (e.g., parliaments and governments), with this power originating in the citizens' votes in elections. In addition to the power of will, citizens in a democracy have the power of opinion or judgment. "Opinion" designates an informal network of communication between citizens. Although it has no direct authority (it does not translate directly into political decisions), opinion influences political decision-making in various ways. Opinion ensures that the function of representation cannot be limited to specific political institutions (elected or not) but is extended to the whole range of social movements, organizations, and individual citizens. The sphere of opinion makes citizens more than mere voters and creates a buffer zone that allows them to judge and deliberate about political power while also protecting them from that power. The interplay of will and opinion thus creates the diarchic figure of modern democracy. "The conceptualization of modern democracy as diarchy makes two claims: that 'will' and 'opinion' are the two powers of the democratic sovereign, and that they are different and should remain distinct, although in need of constant communication."²⁵

The need for constant communication between will and opinion means that representation is not unidirectional but bidirectional or circular. However, the circularity of representation also means that representation is not mimetic and does not represent preexisting identities and interests but testifies to representation's constructive dimension. According to Urbinati, political representation is a dynamic interaction process between the repre-

24 Saffon, M. P. – Urbinati, N., Procedural Democracy, the Bulwark of Equal Liberty. *Political Theory*, 41, 2013, No. 3, pp. 441–481.

25 Urbinati, N., *Democracy Disfigured: Opinion, Truth, and the People*. Cambridge, Harvard University Press 2014, p. 22.

sentative and the represented that translates the social into the political. It does not “make a preexisting entity ...visible; rather, it is a form of political existence created by the actors themselves.”²⁶ This process, among other things, “facilitates the formation of political groups and identities.”²⁷

Representation as Claim-Making

As suggested above, theorists of the constructivist turn may face two criticisms: elitism and a lack of clarity in the distinction between representation and manipulation. The following discussion will focus on whether the diarchic model (and its procedural base), conceived as part of the constructivist approach, offers a way to avoid these risks. The analysis will be conducted by comparing the diarchic model with Saward’s and Laclau’s notions of representation. We will begin with Saward’s theory of representation as claim-making.

Michael Saward’s theory of representation as claim-making is one of the most important contributions to the constructivist turn. Saward argues that representation is an ongoing “process of making and receiving, accepting and rejecting claims.”²⁸ A representative claim consists of five elements: the maker (the author of a claim), the subject (the person or entity standing for the claim), the object (the depiction of the constituency represented), the referent (the actual constituency, group, or entity on which the representation is based), and the audience (the recipients of the claim). While some elements may overlap (maker and subject, referent and audience), the critical point is that the object and the referent are not and cannot be identical. The object is the image, the idea of the referent (constituency) that a representative claims to represent. “Representing is the depicting of a constituency *as this or that*, as requiring this or that, as having this or that set of interests.”²⁹ The would-be representative may therefore describe the constituency as, for example, hard-working people, and the constituency or audience decides whether or not to approve of this image. Each representative claim thus consists of two claims: one concerning the portrayal of the represented, the other concerning the adequacy of the would-be representative (subject) to the claim and the given constituency.

26 Urbinati, N., *Representative Democracy: Principles and Genealogy*. Chicago, University of Chicago Press 2006, p. 24.

27 *Ibid.*, p. 37. For a historical perspective on representation “as a means of unifying a large and diverse population” see also Urbinati, N., *Democracy Disfigured*, pp. 135–136.

28 Saward, M., *The Representative Claim*, p. 36.

29 *Ibid.*, p. 71. Italics in the original.

This conceptualization of representation allows Saward to make two statements pertaining to the nature of democratic legitimacy. Firstly, the democratic legitimacy of a representative claim should be judged by “the constituency and not the theorist or other observer.”³⁰ The second statement concerns the embodiment of claims within institutions entitled to decision-making. Saward suggests that elective claims are not “as secure or accepted” as many believe and that in the case of non-elective claims, suffrage may be external to representation.³¹ Both of these statements seem troubling, for many reasons. Firstly, claim-making is not inherently democratic; making claims and having them approved by people is possible even in non-democratic regimes. From this perspective, suffrage and electoral accountability serve as a yardstick separating democracy from authoritarianism. The weakening of electoral accountability also strengthens the suspicions about the inherent elitism of Saward’s theory, given that electoral accountability has recently been deemed ineffective and naïve by the self-proclaimed democratic realists.³²

Secondly, the rejection of the role of political theorists and other observers also leads to the question of the criteria that citizens use to judge individual claims, for it is possible to ask whether the non-existence of such criteria brings to the fore the question of the difference between representation and manipulation. The potential non-existence of such criteria assigns the legitimacy of claims to their success (i.e., acceptance by the audience) and raises the question of the difference between a successful and a legitimate claim. The success of a claim is premised on factors regarding the representative (e.g., their eloquence, charisma, and material resources) and factors regarding the nature of the claim itself (its plausibility and proximity to the represented). A claim-maker utters a claim in a specific context (e.g., the traditions, cultural norms, and economic and social conditions of the constituency) and is constrained by it. Although claim-making involves a constitutive dimension, it does not create the represented from scratch. Therefore, claim-making involves rather the strategic adaptation, amendment, or adjustment of a claim to resonate within the given context and constituency. However, this strategic adaptation of claims and strategic performance of representatives (eloquence and charisma) raises concerns about the possibility of manipulation, which can undermine citizens’ capacity to

30 *Ibid.*, p. 145.

31 *Ibid.*, pp. 92–109 and 138. See also Urbinati, N., Representative constructivism’s conundrum. In: Disch, L. – Sande, M. – Urbinati, N. (eds.), *The Constructivist Turn in Political Representation*, p. 186.

32 See e.g., Achen, C. H. – Bartels, L. M., *Democracy for Realists: Why Elections Do Not Produce Responsive Government*. Princeton, Princeton University Press 2016.

resist these claims. To conclude, the non-electoral nature of representation and the potential to strategically manipulate claims has led some critics to suggest that Saward confuses instances of “feeling represented” with actually “being represented.”³³

Saward’s conception of the democratic legitimacy of representative claims uses two complementary strategies to face this criticism.³⁴ Since Saward conceives representation as an event and not as a state of being represented, democratic legitimacy can be seen as merely provisional; therefore, representative claims can be considered only provisionally accepted. The acceptance of claims differs significantly depending on the context and the constituency, from fair elections in the case of electoral representation to nonobjection criteria in less formal settings.³⁵ Thus, the first strategy focuses on the systemic conditions necessary for the constituency to assess the legitimacy of the claims. Saward speaks of “reasonable conditions of judgment,” which he categorizes under the heading of open society.³⁶ These conditions should involve a structure of opportunities, practices, and institutions corresponding to Dahl’s polyarchy.³⁷

Saward refers to the second strategy as the “citizen standpoint.” The citizen standpoint is not to be confused with any assessment of the claim by citizens. As Lisa Disch points out, “a standpoint is an epistemological and political achievement that does not exist spontaneously but develops out of the activism of political movements together with the critical theories and transformative empirical research to which they give rise.”³⁸ Assessing claims from a citizen standpoint should not involve political theorists inquiring about whether the constituency was correct in taking the claim in question, but rather critically examining the power relations and discursive and institutional context in which the constituency approved the claim. However, Saward later developed his conception of democratic legitimacy by distinguishing two approaches to democratic legitimacy: “the procedural-temporal view” and “the substantive snapshot view”. The procedural temporal view perceives democratic legitimacy as a state of affairs in which

33 Severs, E., Representation as claims-making. Quid responsiveness? *Representation*, 46, 2020, No. 4, p. 411.

34 Saward distinguishes between legitimate claims and democratically legitimate claims. Democratically legitimate claims differ from “merely” legitimate claims in the subject approving them. While in the case of democratic claims, it is the appropriate constituency, in the case of legitimate claims it is the appropriate audience. In the following, I address only the issue of democratically legitimate claims. See Saward, M., *The Representative Claim*, pp. 145–151.

35 *Ibid.*, pp. 151–153.

36 *Ibid.*, pp. 145, 154–159.

37 *Ibid.*, p. 155.

38 Disch, L., The “Constructivist Turn” in Democratic Representation, p. 493.

a given representation is democratically accepted by the appropriate constituency. The substantive snapshot view regards the legitimacy of democratic representation in a more de-contextual fashion based on “a specific normative standard derived from a context-independent theory of legitimacy.” According to Saward, the democratic legitimation of representation is a combination of both approaches. “Democratic legitimation of representation concerns the ongoing acceptance of representative claims by specific appropriate constituencies (the procedural-temporal) under certain conditions (the substantive snapshot).”³⁹

While the two strategies discussed above are arguably complementary and may reduce (but not eliminate) the risk of manipulation, the issue of non-electoral representation remains unresolved. Saward is correct in claiming that non-electoral representation can often be a legitimate expression of a constituency’s will. However, the disconnection of representation from suffrage and the institutional frame remains somewhat troubling. Urbinati argues that the potential for the division between democratic representation and suffrage stems from the way claim-making operates within the dichotomy of democracy as a spontaneous formation of collective subjects and institutions as instruments of external regulation of democracy. This dichotomy, according to her, guides Saward to make representation as claim-making primarily an expression of judgment.⁴⁰ This causes at least two problems. Firstly, claim-making in the sphere of opinion is an expression of civil rights and individual liberties, especially of freedom of association, but its relationship to democratic empowerment is problematic. While democratic empowerment may or may not occur in claim-making in the sphere of opinion, the connection between democratic empowerment and elections is stronger. In other words, the democratic citizen’s power in the diarchy is manifested not only in the making, approving, or rejecting of claims but also in the sphere of law-making and decision-making in democratic institutions. The second problem concerns the question of democratic equality. It must be acknowledged that the relationship between elections and claim-making

39 Saward, M., Shape-Shifting Representation. *American Political Science Review*, 108, 2014, No. 4, p. 733. Disch argues that this formulation of democratic legitimacy contradicts Saward’s previous notion of the citizen standpoint. Disch suggests that Saward’s emphasis on de-contextual norms of judgment abandons his previous emphasis that representative claims should be judged primarily by citizens, not political theorists. I suggest that Disch’s position is problematic because it implicitly assumes that judging on the basis of decontextualized norms is the exclusive domain of political theorists. In other words, I believe that Disch postulates too sharp a distinction between citizens and political theorists. See Disch, L., The “Constructivist Turn” in Democratic Representation, pp. 495–496.

40 Urbinati, N., Representative constructivism’s conundrum, p. 185.

and equality is problematic since both contain complex power relations involving leadership and hierarchy. As Bernard Manin has shown, elections are Janus-faced: aristocratic because of the principle of distinction and egalitarian because of the majority principle at the same time.⁴¹ Indeed, reducing voters to the same countable units (one head, one vote) makes social, economic, and other inequalities irrelevant, even though only for the moment of vote counting. However, claim-making offers no similar instrument to equalize citizens' power, as the success or efficacy of claims (both elective and non-elective) depend on various aspects, including the performative capacity of the would-be representative, along with their material resources (to name just a few), which, in contrast to the equalizing power of ballots, inevitably lead to an uneven distribution in any society. This creates unmatched power imbalances between representatives and those represented, which testify to remaining traces of elitism. The inability of non-elective claim-making to provide citizens with equality beyond the freedom of speech and association proves challenging to democracy, as a "democratic form of representation does not merely require popular control of government. It requires that such activity of popular control is conducted on equal terms."⁴²

Saward's conception of representation as claim-making thus faces a paradox. It aspires to amplify citizens' voices by broadening the representation sphere to include forms of representation beyond elections and nation-states. However, in the case of non-electoral representation, this goal was achieved at the cost of the disfigurement of democracy – that is, by undermining a specific form of citizens' ability to participate equally in political decision-making (i.e., voting). In terms of ancient democracy, Saward's non-electoral conception provides citizens with *isegoria* and *parrhesia*, but not with *isonomia*. The reason for this, as Urbinati suggests, can be found in Saward's loosening of the bond between democracy and procedures. Saward sees procedures as being primarily inherent to the sphere of opinion, where they ensure the rights of assembly and freedom of speech as necessary prerequisites of spontaneous will formation (i.e., democracy). However, he undermines their role in the sphere of will, seeing democratic institutions as external constraints on the latter. Saward, with this gesture, does not annul the diarchic model but – in Nadia Urbinati's parlance – disfigures it by creating an imbalance between the spheres of will and opinion.

41 Manin, B., *The Principles of Representative Government*. Cambridge, Cambridge University Press 1997.

42 Näsström, S., Democratic Representation Beyond Election. *Constellations*, 20, 2015, No. 1, p. 10.

Representation as a Hegemonic Operation

The work of Ernesto Laclau is best known for elaborating the Gramscian concept of hegemony as a general theory of politics. The notion of representation gradually became central to Laclau's concept of politics,⁴³ and it also became central to his conception of democracy and populism when Laclau claimed that representative democracy is "*the only possible* democracy."⁴⁴ Laclau rejected the notion of representation as a transmission of an already existing will and pointed out the iterability present in every act of representation.⁴⁵ Each act of representation (i.e., repetition) changes the represented because representation always occurs in a different context. The representative has to incorporate the represented will into the network of references defining the site where the representation takes place, thereby necessarily transforming it. This transformation is then reflected in the identity of the represented, which in turn affects the representative's identity. Representation is thus a two-way process: "a movement from represented to representative, and a correlative one from representative to represented."⁴⁶

Laclau refines his notion of representation through two specifications. The first concerns the relationship between the identity of the represented and the effect of representation. Where the will of the represented is fully constituted, the representative's role, their ability to manoeuvre and transform the will of the represented, is limited. Conversely, where the will or identity of the represented is weakly constituted, the representative's agency becomes critical. The corollary is that the broader the group and the weaker group's identity, the more critical representation will be for the group's unity and identity. However, in such a case, the group's unity was formed at the expense of the representation's particular content (i.e., the interest of the represented), which can only be vague and indeterminate. The second specification is a consequence of the first. As the bond between the representative and the represented in the case of the indeterminate or heterogeneous will of the represented cannot be established on their interests' congruence, it must be established differently. Laclau makes clear that the bond is created via identification with the leader (representative), and as such, this identification involves emotional investment.⁴⁷ In other words, the hollow-

43 Disch, L., *Making Constituencies*, p. 123.

44 Laclau, E., Democracy and the Question of Power. *Constellations*, 8, 2001, No. 1, p. 13. Italics in original.

45 Derrida, J., Signature Event Context. In: *Limited Inc.* Evanston, Northwestern University Press 1988, pp. 1–25.

46 Laclau, E., *On Populist Reason*. London, Verso 2005, p. 158.

47 *Ibid.*, p. 110.

ness of the group's shared will is supplanted by passions understood as collective affects providing the group's identity.⁴⁸

The emotional bond created between the representative and the represented based on the performance of the representative (i.e., the leader) situates Laclau's theory of representation on the terrain of symbolic representation. The latter is often considered undemocratic and associated with fascism, and as such, has – in the words of Hanna Pitkin – “little or nothing to do with accurate reflection of popular will, or with enacting laws desired by the people.”⁴⁹ This statement questions the democratic credentials of Laclau's theory of representation and the distinction between representation and manipulation. To defend the democratic nature of his conception of representation, Laclau constructs a theoretical argument pointing to the democratic nature of the hegemonic operation.

Laclau presents his argument as polemics with Claude Lefort's notion of democracy as an empty place of power. Lefort argues that the defining feature of modern democracy, distinguishing it from the *ancien régime*, is the fact that the place of power remains empty (i.e., unoccupied definitively). Whereas in the *ancien régime*, the place of power was continuously occupied by the mortal and immortal body of the ruler, in democracy the place of power is “subject to the procedures of periodical redistribution,”⁵⁰ i.e., to periodic elections, which constitute and institutionalize the conflict over the temporary occupation of power. However, according to Laclau, Lefort operates with the occupied-empty dichotomy and overlooks that any democracy at the symbolic level involves restrictions on the character of the entity that can occupy the place of power. Laclau, therefore, questions the nature of democracy differently. “For Lefort, the place of power in democracies is empty. For me, the question poses itself differently: it is a question of producing emptiness out of the operation of hegemonic logics. For me, emptiness is a type of identity not a structural location.”⁵¹

Laclau draws upon the work of Antonio Gramsci to develop his concept of hegemony. Gramsci believed that the Italian working class could only have succeeded in its revolutionary aspirations had it achieved hegemony – that is, in case it became representative of the Italian nation and articulated other subaltern groups' interests. According to Laclau, hegemonic logic involves an operation in which concrete particularity (e.g., the working class) becomes

48 For the concept of passions as different from emotions see Mouffe, Ch., *Towards a Green Democratic Revolution: Left Populism and the Power of Affects*. London, Verso 2022, p. 36.

49 Pitkin, H. F., *The Concept of Representation*. Berkeley, University of California Press 1972, p. 160.

50 Lefort, C., *Democracy and Political Theory*. Cambridge, Polity Press 1988, p. 17.

51 Laclau, E., *On Populist Reason*, p. 166.

representative of the whole community (e.g., the Italian nation). In this operation, representation plays a key role. As discussed above, the fact that particularity begins to represent the universality of the community means that it loses its original (particular) meaning and becomes a “tendentially empty signifier”.⁵² Hence, this means that the hegemonic force seeking to occupy the empty place of power must present itself as an embodiment of the empty universality transcending it. The empty place of power is thus not occupiable by any entity, as Lefort thought, but only by “a particularity which, because it has succeeded, through a hegemonic struggle, in becoming the empty signifier of the community, has a legitimate claim to occupy that place.”⁵³

Similarly to Saward, Laclau’s conclusion suggests the identity of a successful and legitimate representative claim. He claims that the fact that hegemonic power has successfully managed to occupy the empty place testifies to the legitimacy of the occupation. This conclusion seems problematic, especially considering that Laclau stays on the terrain of symbolic representation. Laclau would, however, object by emphasizing two points. Firstly, the reasons or sources of validity of the occupation’s legitimacy do not precede representation but “are constituted *through* representation.”⁵⁴ Secondly, Laclau would point out that based on his conception of signification, the relation between the representative and the represented is inherently catachrestic.⁵⁵ Catachresis as a misnomer makes the ultimate suture between the representative and the represented ontologically impossible, thus providing room for contestation and two-way adjustment of the representational relationship.

Whether or not we accept Laclau’s ontological claim, his almost complete silence about the conditions and presuppositions under which such a contestation occurs is problematic. Laclau follows Chantal Mouffe in her disjunction of democratic and liberal traditions. He quotes Mouffe approvingly when she claims that “on one side we have the liberal tradition constituted by the rule of law, the defence of human rights, and the respect of individual liberty, on the other the democratic tradition whose main ideas are those of equality, identity between governing and governed and popular sovereignty. There is no necessary relation between those two distinct traditions but only a contingent historical articulation.”⁵⁶

52 Laclau, E., *Emacipation(s)*. London, Verso 1996, pp. 36–46.

53 Laclau, E., *On Populist Reason*, p. 170.

54 *Ibid.*, p. 160. Italics in original.

55 Laclau, E., *The Rhetorical Foundations of Society*. London, Verso 2014, pp. 79–100.

56 Mouffe, Ch., *The Democratic Paradox*. London, Verso 2000, pp. 2–3. See also Laclau, E., *On Populist Reason*, p. 167.

The relationship between liberalism and democracy is ambiguous (not only because both are essentially contested concepts) and is also beyond the scope of this text. Nevertheless, it is worth noting that Laclau, by advocating for democracy conceived as an “identity between governing and governed”, excludes from democracy’s realm individual rights and individual liberty as liberal aliens. Yet, from the procedural view, these are part and parcel of the democratic tradition. As mentioned above, according to Urbinati, the core value of proceduralism is equal liberty, which includes the ability of citizens to participate equally in political decision-making and to chasten the holders of power freely. These citizens’ capacities are expressed not only in the principles of *isonomia*, *isegoria*, and *parrhesia* but are also embodied in the diarchic nature of democracy, in the necessity of mutual communication and contestation between will and opinion. This requires – among other things – the existence and guarantee of rights and freedoms such as freedom of speech and association, which are democracy’s *condiciones sine quibus non*. Again, according to Urbinati, these rights stem from the very nature of democracy and should not be seen as mere contingent liberal add-ons.⁵⁷

The exclusion of these rights from the democratic tradition – similarly to Saward’s case – poses problems of elitism and manipulation. Laclau, following Mouffe, included (political) equality in the democratic tradition. However, it remains unclear how this equality should be achieved and exercised, given the inequality of power between representatives and those represented, especially in marginal and vaguely constituted sectors. From the procedural point of view, it is essential to stress the value of equality because citizens should enjoy their rights and freedoms but they should also enjoy them equally. Instead of procedures and mechanisms ensuring equality, Laclau offers a hegemony constructed around a leader who, as an empty signifier, becomes the bearer of a vague narrative that unifies broad popular strata. This way, Laclau also debilitates the sphere of opinion, which he conceives as a sphere of vague narratives and emotional appeals used by leaders to craft unity and agreement. This view impoverished opinion because it is not only a sphere of consensus but also a sphere of disagreement and “collective argument that needs a legal and procedural order”.⁵⁸ In Nadia Urbinati’s parlance, Laclau, while not wholly abolishing the diarchic nature of democracy, arguably disfigures representative democracy by subordinating the realm

57 Urbinati suggests that democracy and liberalism are consubstantial and that it also makes the notion “liberal democracy” a pleonasm and “illiberal democracy” a contradiction in terms. See Urbinati, N., *Me the People: How Populism Transforms Democracy*. Cambridge, Harvard University Press 2019, p. 10.

58 Urbinati, N., *Democracy Disfigured*, p. 23.

of opinion to the realm of will. Laclau aims to create a substantial majority to construct a subject capable of taking power at the state level and therefore does not renounce institutional, electoral, and party politics. To achieve this task, he reduces opinion down to a vague unifying narrative. This narrative does not aim to communicate with and chasten decision-making within state institutions, as in the diarchic model, but was turned into a device for strengthening political leaders, not necessarily people's power to control them.

Laclau's conception of hegemonic representation thus runs into similar troubles as Saward's approach. Both Laclau's and Saward's objectives are to give voice to previously marginalized groups and, on top of that, to create a powerful popular subject capable of asserting its demands. They both see representation as a performance depicting the constituency. Laclau, similarly to Saward, postulates a dichotomy between authentic popular will (democracy) and procedures as democracy's external constraint. Furthermore, they both tend to disfigure democratic diarchy – however, each in a different direction. While Saward's non-electoral representation locates the center of democracy in the sphere of opinion, Laclau subordinates opinion to the sphere of will. Unlike Saward, Laclau aims to gain power at the state level, and therefore he is not concerned primarily with raising issues and galvanizing audiences. In contradistinction to Saward, Laclau debilitates pluralism and its guarantees in favour of a unifying discourse needed to gain power. Nevertheless, they both face allegations of elitism and manipulation, which their respective approaches cannot address.

Conclusion: The Constructivist Turn and the Value of Democratic Procedures

The paper examined the constructivist turn from the perspective of Nadia Urbinati's diarchic model of democracy. It suggested that situating diarchy within the constructivist turn leads to the appropriate evaluation of its significance and also benefits constructivism. Proponents of constructivism aim to use their representation models to "democratize democracy" by creating new spaces and ways of enabling the excluded to be represented and heard. However, constructivism faces several challenges resulting from parting with mandate representation. Among these are allegations of elitism and manipulation in the performative acts of representatives. The paper, therefore, compared democracy as diarchy with two prominent constructivist approaches: Saward's claim-making and Laclau's hegemonic representation.

Although Laclau's and Saward's approaches differ in many ways, this paper suggests that they both – each in a different way – fail to answer both

allegations satisfactorily. First, both approaches have difficulty distinguishing between successful and legitimate representation, confirming concerns about the possibility of manipulation. Second, both approaches limit or hollow out the ability of citizens to participate on equal terms in political decision-making, affirming concerns about elitism. This paper, following Urbinati, argues that the root cause of these problems can be found in both approaches' view of procedures as external constraints on the spontaneous formation of democratic will. This paper thus concludes that Urbinati's approach is an appropriate complement and elaboration of constructivism. Diarchy is, on the one hand, due to its attention to the interplay between will and opinion, sensitive to the plurality of spaces and forms of representation, and on the other hand, it understands procedures and their normative value as inherent to democracy. This paper, therefore, suggests that diarchy can provide democratic citizens and theorists with a much-needed synthesis of proceduralism and constructivism, thus opening new paths to rethinking democratic legitimacy within the constructivist turn.