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## The wider canvas: representation and democracy in state and society

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## CHAPTER 3

# **THE WIDER CANVAS: REPRESENTATION AND DEMOCRACY IN STATE AND SOCIETY**

**MICHAEL SAWARD**

The future of democracy will hinge in part on what practices we think of as representative, and how they might be, or become, democratic. Claims and practices of diverse actors, from NGOs to celebrity activists to spiritual leaders, and new devices of governance such as participatory budgets and citizens juries, are challenging received ideas of democratic representation. Elected national legislatures remain vital parts of this picture, as the contributions of Wessels and Beetham in this volume (chapters four and six) make clear. But there is a practical broadening and diversifying of representative claims and practices that has an impact on our very ideas of democratic representation. The core task of this chapter is to scan and interrogate key tensions that extending the idea of representation brings into focus.

The key argument I offer here is built around the following points:

1. *Representative democracy* as we know it is (presented as) state-based, or ‘statal’;
2. But it does not exhaust *democratic representation* which is found, unevenly, through civil society;
3. A key factor behind points 1 and 2 is that concepts which dominant approaches to democratic representation tie to the state – not least legitimate authority – are not in fact confined to statal institutions and practices;

4. The comparatively *settled* world of representative practices in the state, and the comparatively *unsettled* world of representative practices in civil society, are linked through various parallels, dependencies, continuities, exchanges and mergings;
5. Critics and advocates may stipulate that representative democracy is solely concerned with the narrow canvas – statal representative democracy. But material and theoretical developments now push us to recognise that this stipulative choice can only be made from *within* a wider canvas of practices denoted by the idea of societal democratic representation.

The accounts of representative democracy and democratic representation informing the argument are depicted in their sparest form in Figure 1<sup>1</sup>. *Representative democracy* is conceived as positioned within a field defined by *democratic representation*. These two are in turn located within a yet wider field of *political representation*. Setting aside for present purposes cases that fall outside the first two of these domains, I note seven ways in which representation varies across the representative democracy/democratic representation divide: (1) institutional presence, (2) mode of exist and voice, (3) mode of authority, (4) conception of territory, (5) criteria of legitimacy, (6) core mode of representation, and (7) topography of power. Each of these seven nodes expresses a continuum of practices, a point represented by the lines linking A-a, B-b etc., and the broken rather than hard lines around the inner circle.

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<sup>1</sup> A version of Figure 1 appeared in M. Saward, *The representative claim*, and is reproduced here with the kind permission of Oxford University Press.

**Figure 1: Fields of representation**

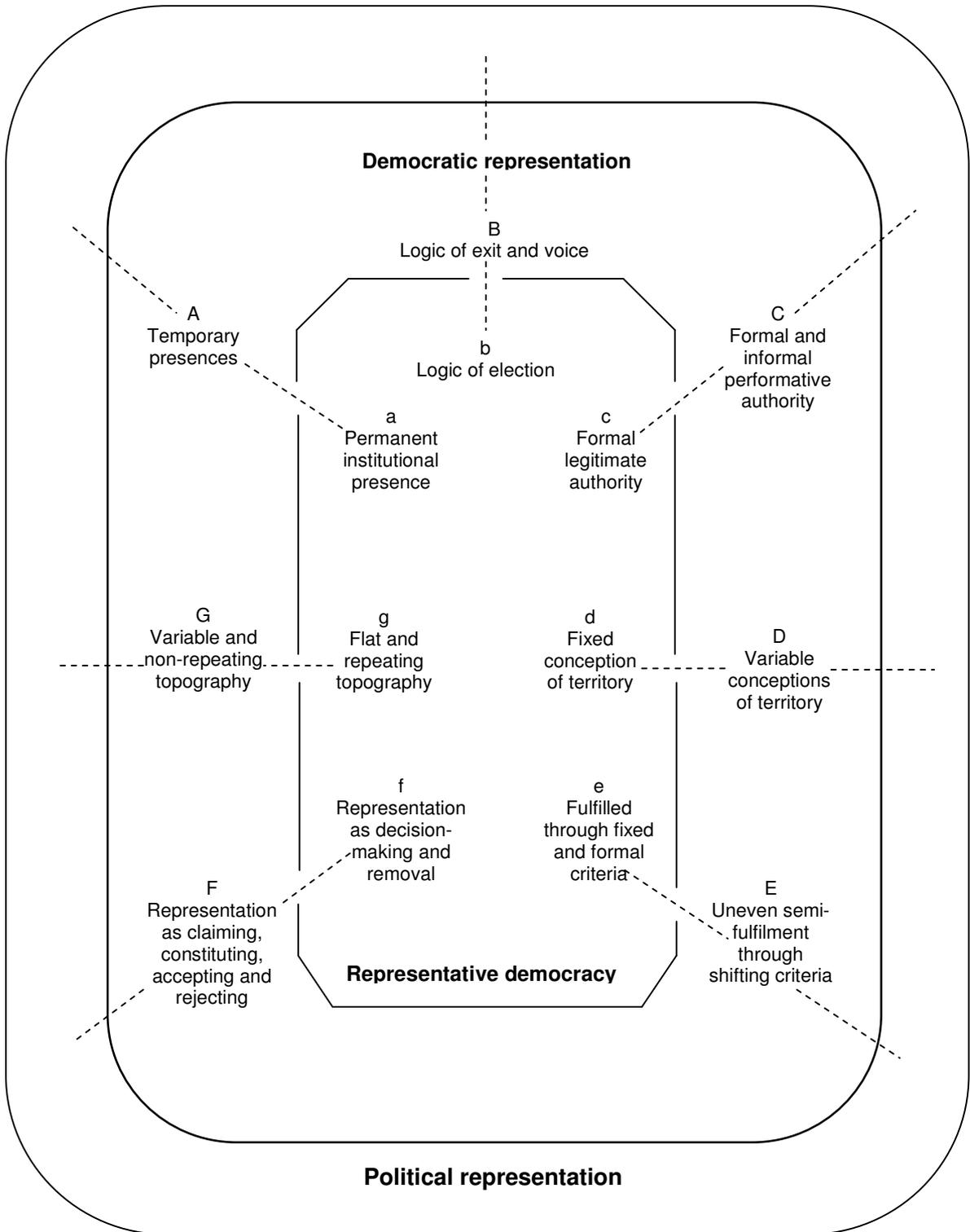


Figure 1 is an attempt to capture the sense that political representation is increasingly a broad and highly diverse phenomenon in terms of form, scope and quality. At this level of abstraction, democratic representation is depicted as one type of political representation, and representative democracy as one (familiar, persistent and crucial) type of democratic representation. Distinctions are drawn between the three nested fields *in order to* stress their deep interdependence. Democratic representation is a diffuse, uneven and often unsettled field of political practices. Representative democracy, as a centralised state system, is both continuous with and altered by developments in the wider unsettled field of democratic and political representation in which it is located. The key point is that representative democracy does not exhaust democratic representation. Democratic representation ought not to be understood as confined to a set of state institutions, but rather understood more broadly (and indeed more complexly) as a quality which may be more or less present in a wider set of diffuse locations and (especially) practices. Representative democracy can only be chosen (normatively) or selected as a focus (analytically) from within a field defined by the wider canvas of societal democratic representation.<sup>2</sup>

To help us to fix our thoughts around these abstract categories, let me offer some brief examples (I discuss further examples in the course of the chapter). Non-state democratic representation may occur in and around various interest and pressure groups, the workplace or the corporation, social movements both old and new, and in clubs, societies and advocacy groups in local communities. A number of notable observers, working in different traditions of democratic theory, have discussed these and other examples (e.g. Bachrach 1967, Barber 1984, Hirst 1994 and 1997, and Pateman 1970). Note that factors other than the seven nodes of variation included in Figure 1 (and discussed in more detail below) could have been included; together these seven are intended to make up a self-evidently important set of nodes of variation. Figure 1 illustrates an array of important factors, but it is not comprehensive.

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<sup>2</sup> I borrow some of this terminology from a brief discussion of different conceptions of liberalism by Michael Walzer (1992).

These perspectives make a difference to our understanding of representative democracy and its possible futures when compared to more conventional approaches to representation and democracy – as I hope to show. I will develop these comments further, focusing on features A-G in Figure 1. But I first focus on work that is especially germane to factor C – the question of the locus of legitimate political authority – by exploring aspects of legitimacy and authority in the writings of Max Weber and David Easton. I seek to build on their influential efforts, in part by taking up threads which they introduce but do not themselves pursue, in order to help us to recognise the credibility of disparate claims to legitimate authority beyond the state itself, and what this can mean for our views of democratic representation.

### ***Successful Claims?***

In ‘Politics as a Vocation’, Max Weber famously defined the modern state as ‘a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory’ (Weber 1991 [1921]). Normally this is taken to mean that the modern state *possesses* such a monopoly, both by definition and in fact. But the ‘successfully’ in Weber’s definition is highly suggestive, in ways that Weber himself arguably did not fully pursue. He implies strongly that such claims just *are* successful, or fulfilled :

... At the present time, the right to use physical force *is ascribed* to other institutions or to individuals only to the extent to which the state permits it. The state *is* considered the sole source of the right to use violence’ (1991,78; 1921), emphasis added).

It is clear, however, that *claims*, *ascriptions* and *considerations* are open-ended in terms of their consequences. We can usefully retrieve a sense of the dynamics of the claim – the performance and the generation of the view that such a monopoly exists, the generation of images and narratives that foster the ascriptions and the considerations. Part of what needs to be generated is a sense of legitimacy (which Weber makes clear means ‘considered to be

legitimate'). We need to draw out the instability of the claim, the importance of practices which can convince audiences of the claim's reasonableness or veracity, and what this may imply about the character and locale of claims to legitimate authority.

It is some degree of success in the practice of *claiming* rather than the *possession* of the attribute of legitimate authority that distinguishes the state, in the Weberian view. There is a tight link between claiming legitimacy, on the one hand, and claiming to be a (democratic) representative, on the other. However, such practices of claiming are much more widespread than state forms (Saward 2009). In claiming authority over others, one claims the right to speak for, or to stand for, those others, for some set of interests. Such claims can be highly varied and ubiquitous throughout and across societies. The range of broader societal claims is not exhausted in reactive counter-claims to the state's; they may be partial claims over some areas of policy, or some issues, or some smaller part of the territory, for example. In short, the representative claim is a claim and not a fact; it is societal as well as state, and invokes some degree or domain of legitimate authority or spokespersonship (Saward 2006). Arguably, Weber was too quick to say that such claiming is part of the political dynamic of the state only.

There are threads in 'Politics as a Vocation' which indicate Weber's recognition of this alternative view. He notes that there are many kinds of 'political associations', and that the concept of politics 'is extremely broad and comprises any kind of independent leadership in action'. He goes on to mention banks, unions, town councils and voluntary associations. He then says

'... our reflections are of course not based upon such a broad concept. We wish to understand by politics only the leadership or influencing of the leadership of a *political* association, hence today, of a *state*' (Weber 1991; 1921).

This is familiar and influential reasoning. But we can justifiably ask: why 'of course'? Why 'hence'? Weber simply stipulates (though it is presented in the impersonal locution 'are designated' (1991, 77; 1921)) that only the state can be a political association.

Let me turn to the *performance* of claims to extend the point. Weber argues that there are three sources of perceived legitimacy – tradition, charisma, and legal-rationality. But ‘charisma’ for example is not a self-evident quality, it does not arrive fully-formed within any given context. The perception that this quality is present depends on a culturally specific understanding of charisma. Particular qualities may be perceived as adding up to ‘charisma’ through processes of performative *iteration* of norms and practices which form this concept’s condition of possibility (Butler 1997; Derrida 1998). Charisma is a performatively produced, culturally specific artefact, a construct of a dynamic process of acting-out and claiming. And one key aspect of that quality is that what grants credibility to claims to legitimate authority (based on ‘charisma’ or otherwise) belongs culturally and socially to the wider, uneven and unsettled, societal canvas. If legitimate for Weber means ‘considered to be legitimate’, then who is doing the *considering*? Where is the time dimension, the dialogical dimension, the contingency, and perhaps above all the necessity of *continuous* iteration of the claim if it is to succeed? In short, where are all the dimensions which press us to situate politics, representation, claim-making and leadership in the uneven and unsettled wider canvas of civil society, and not solely in the state? Charisma’s above-the-fray quality in Weber, its definitive presence, depends on its singular location in a state which always already possesses legitimate authority. If we question the latter, we also question the Weberian stipulations about the sources of claims to legitimate authority. Civil society contains originators of claims, not just their recipients.

Charisma and tradition are not state properties, or solely available as strategies to state actors. To be culturally available as types, they must be culturally produced across society. State actors could not claim (charismatic and other types of) authority unless similar claim-making resources were present, however unevenly, throughout the relevant society as well. The ‘marks’ of authority are not state monopolies, however important they are within and for the state. Weber does say that ‘charismatic domination’ can be achieved or perceived with respect to prophets, heroes and demagogues as well as party leaders (1991, 79; 1921).

These need not be state actors, a point that sits in tension with his earlier claims that political leadership is exhausted within the narrow canvas of the state<sup>3</sup>.

No claim to a monopoly in Weber's terms can ever be complete; alternative and additional claims will occur in society too. And again, in all of these claims to a monopoly of legitimate violence are also claims to representation – 'I or it stand(s) for an ideal of authority such that I have the right to speak or stand for you'. Claims to representation pervade the comparatively unsettled domain of civil society – and some of them will experience degrees of success, and thereby confer a sense of legitimate authority in Weberian terms.

Weber powerfully set up the terms in which the discussion of representative democracy came to be framed. But analysis of Weber's key concepts in fact leads us away from representative democracy as a centralised set of (state) institutions and towards a wider canvas of democratic representation within which that set is located. An alternative view of democracy as a process of claim-making and claim-reception in a variety of shifting spaces and practices comes into focus. The wider canvas includes a wider range of claims to representation, a wider range of cultural reference, a greater sense of contingency and political unsettledness, and also a greater potentiality (I put it no stronger than that at this point) for practices of democratic representation.

### *Allocating Values?*

David Easton, in his classic account of the 'political system' (1965), famously and influentially defined politics as the 'authoritative allocation of values'. Although keen to avoid the concept of the state, hence replacing it with 'the political system', Easton locates the mechanisms and processes of this authoritative allocation within the structures we would

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<sup>3</sup> Much of this can also be gleaned from exploring Beetham's (1991) full and effective critique of Weber's three-part typology of legitimate authority. Legality requires legal demonstration or paradigmatic performance. Acceptability of rules in context requires performances of claims about the character of that cultural context, and of the consequent appropriateness of the rules (there will and can never be self-evident presence or absence of assent to rules). And acceptability of 'express' consent is not just (a) evidence that it happened, but (b) most importantly, a *claim* that (e.g.) voting statistics stand for assent, or symbolise consent. Express means, straightforwardly, *expressed*: claimed, performed, demonstrated.

conventionally associate with the state. Alongside Weber, this is a highly influential analysis that leads to the location of 'representative democracy' entirely within the state. But it, too, does so by assuming that the state is the only set of mechanisms by which 'values' are 'authoritatively allocated'. Against this view, but also working with the grain of Easton's underlying analysis, I argue that many other actors, through varied practices, allocate values within and across society. Politics is not so much the authoritative allocation of values as the *contest* over the sites, styles and bases of allocation, values and authority.

I will pick up on selected aspects of Easton's themes in order to illustrate my basic point.

First, Easton is clear that there is only one set of authorities, and they are state authorities. If this is the case, then on the grounds that democracy ought to be applied where decisions are made by the few for the many, we would only be concerned about achieving representative democracy in the state. My point in response is that the formal/state versus informal/nonstate distinction is overdone; for instance there are elements of the formal in the supposed nonstate domain of the informal (e.g. in the formally constituted and to some degree binding rulings of groups like trade unions or professional associations).

Second, Easton talks of 'the exclusive role of authorities in producing outputs' (1965, 349). To be sure, stable states tend to be highly effective output producers. But to say that they are so exclusively would be to argue that no nonstate actor or association could produce or generate social outputs with any degree of authority. Easton does consider cases where 'Other members of a system engage in political activities that may flow into the environment' (1965, 349), and offers an account of how unions can hold strikes that damage the economy. Elsewhere he notes that authorities are 'ranged on a continuum' (1965, 213) from primary and most inclusive to secondary and narrower range. It is not always clear, but it is likely that Easton here refers only to actors within state structures, from legislative representatives through to more 'informal' interest representation in state bureaucracies. But the narrow range – issues such as housing or charity or working conditions – can be highly significant from 'lived' and other perspectives, depending on the circumstances of the people on the receiving end of the value allocations. Further, such allocations can and have occurred through agencies outside state structures, including relatively permanent or

established ones. In the case of union decision-making, though, Easton writes that unions 'are not to be considered as producing political outputs in my sense of the term' (1965, 349). Why? In the end it boils down to methodology. Easton's overall task in his work in systems theory has been to build a social scientific theory of politics. Definitions of concepts must apply to specific parts of the system if they are to foster empirical investigation. Thus, the trade union's strike cannot be considered an output because then 'the study of outputs would be no further ahead than when we began our analysis' (1965, 350). In short – putting the point too bluntly, especially for an admirer of Easton's work - operationalisability comes before nuance.

Third, Easton writes of 'binding decisions' by governments – as so many other political scientists do. If we unpack this notion, it carries both the sense that (a) decisions made by a legitimate government in accordance with constitutional provisions are factually binding, and (b) a more normative sense that a single source of bindingness itself is vital if society is to avoid social chaos. Another important sense of binding decisions is less commonly discussed, however: the plural, lived experiences of bindingness. Through civil associations many citizens (and resident non-citizens, and denizens, and refugees, and illegals – the plurality of categories helps to make the point) experience complex and shifting degrees of bindingness of decisions taken by others who are not necessarily state actors. Bindingness is *abstractly* general and statal; it is *concretely* partial and differential and may be societal as well as statal. Relatedly, one might question the strong assumption that the effectiveness of bindingness depends on its emanation from a single source.

Finally, a point in favour of Easton's analysis is that he recognises the importance of states *working on* their legitimacy. The claiming of legitimacy is an active and constant task (1965, 308). State actors engaged in this task need to use legitimising ideologies creatively, up to and including the deployment of a 'fabricated public image'. But again, and by the same logic, a variety of civil actors fabricate images, modify and deploy ideologies, gather supporters, organise formally, and generate a sense of authority.

In short, with Easton some key stipulative definitions and assertions are pursued to the point where we are led to cast aside any notion that representative or democratic politics can occur

outside the state. For (Weber and) Easton, the political realm *is* the state, which in turn is the sole locale of political legitimacy and authority. Easton does write that political representation can operate ‘without foreseeable limit’ (1965, 253), but proceeds to limit its scope to state structures. Why would any scholar duly influenced by Weberian or Eastonian approaches think about studying democracy and representation in any other spatial or institutional context? But if we treat the stipulations with scepticism, picking up other rich implications in Weber’s and Easton’s work, the path opens up for different sorts of questions. Perhaps politics always was of/in society as well as the state? Perhaps representation occurred, was and is claimed, in both? Perhaps each is a potential field of democratic representation?

One objection to this line of critique might be that authority is indeed a property found in and outside state structures, but that different types of authority are prevalent in the different spheres. The objection would be that state authorities are ‘in’ authority – their authority derives primarily from the position they occupy, and not from their own expertise. Similarly, a non-state actor with authority is ‘an’ authority – his or her authority derives primarily from specialist knowledge, experience and/or expertise. In the first case, it is the source of the authoritative judgement that counts; in the latter, it is the content. I would argue, however, that the In/An authority distinction is blurred, and that that blurring is significant for how we ought to view democratic representation. Varied locales and situations can generate senses and degrees of In-ness. Occupying a key position within a major professional association, or being chief executive of a major corporation, or head of a faith-based organisation that formulates and delivers welfare policies, for example, can generate degrees of In-ness. Note further that the effectiveness of In can depend in part on the supportive presence of An – for example specialist support for government rulings. Importantly and more generally, note also that all In claims are in part a historical sedimentation of an earlier, and in some sense persistent, An claim: positional authority cannot be claimed before positions are established largely on the authority of An claimants. So, if In and An display such attributes of mutual dependence, then both the source and the content of the claims matter (*contra* Friedman 1990, 81).

## *Sketching on the Wider Canvas*

Building on these brief critiques, I move on now to indicate some key features of the wider canvas of practices of democratic representation, and within it of ‘representative democracy’. My overall point is to underline the theoretical and empirical importance of the wider canvas of democratic representation. Doing this comprehensively would require a much fuller analysis; here, I restrict myself to key illustrative arguments.

In each of the nodes A-G (see Figure 1 above), it is true that ‘representative democracy’ as conventionally discussed is distinct from many practices in the wider field of democratic representation. The key points, however, arise from many and varied *interruptions* of this distinctiveness – interruptions that take us down some of the underexplored paths noted in the critiques of Weber and Easton. In that context, the following brief illustrations focus on selected interruptions variously in terms of: (a) continuities, (b) influences, (c) overlaps, (d) mergings, (e) parallels, (f) dependencies and (g) exchanges. Clearly this is a huge topic that calls for more extensive analysis; these notions make up an illustrative rather than a definitive set.

### *A – Nature of Presence*

How is democracy present, or rendered present? This question brings together a range of factors, to do with institutionalisation, visibility, location and consistency. In essence, ‘representative democracy’ is widely perceived as a complex system and structure of government which has a *permanent and tangible presence*. That permanence and tangibility is contrasted with political phenomena outside the state structure, which are institutions and practices which may be conceived as *temporary, fleeting and mutating presences*.

But on closer view a kind of analytical merging is evident. The ‘tangibility’ of the state is often assumed in an everyday sense, but interestingly questioned by scholars who have struggled to define the state, which has proven to be ‘elusive’ (Caporaso 1989). Painter argues that efforts to emphasise or define the state in terms of its being a tangible ‘thing’ at

all are serving to reify the concept. Preferring to analyse the state in terms of its practices, he writes:

Reification presents the state as a thing; a more or less unified entity that can be the subject of actions such as deciding, ruling, punishing, regulating, intervening and waging war. Understanding states in terms of prosaic practices reveals their heterogeneous, constructed, porous, uneven, processual and relational character (Painter 2006. 754).

Ironically, practices of political representation outside the state may be *more* 'tangible' because they will often more readily be locatable within specific organisations or movements.

The question of permanence is also one where interruption is evident. Certain core state structures may well have highly enduring configurations, but (1) a great many functions, and styles of institutions charged with them, have moved in and out of state structures, ownership or regulatory control over the years; (2) renaming, reconfiguring and repositioning of organisations and practices within state bureaucracies is regular and common across a range of states; and (3) the dissolution and creation of newly constituted states is – of course – familiar from the years since the great transformations in eastern Europe in particular. Institutions and practices of representation outside state structures are capable of generating a sense of 'permanence' too. Consider the role of major stakeholders in global sustainable development processes including the Johannesburg World Summit on Sustainable Development in 2002 (Hemmati 2002). In these respects we have an interruption in the apparent distinctiveness of statal and societal representation in the form of 'mergings' which establish an element of continuity between the two.

A further interruption centred on the idea of 'exchange' may also be evident. Since the beginnings of the Thatcher/Reagan era of privatisation and contracting out, many states have divested themselves of (at least direct responsibility for) a range of functions which for decades had widely been regarded as core state functions. The global banking and wider

economic crisis that hit home in 2008 has sparked a counter trend. As Rosenau (2000, 185) has written:

... a pervasive tendency can be identified in which major shifts in the location of authority and the site of control mechanisms are underway on every continent and in every country, shifts that are as pronounced in economic and social systems as they are in political systems. Indeed, in some cases the shifts have transferred authority away from the political realm and into the economic and social realms even as in still other instances the shift occurs in the opposite direction.

Stakeholder participation and modes of ‘co-governance’ signal shifts from the societal to the statal; privatised public functions, up to and including military and security functions (Barley 2007), signal shifts in the other direction. And it is evident that complex evolutions and decisions can bring about the state or state-like institutionalisation of initially ‘private’ practices and institutions (Rosenau 2000, 187-8).

In short, these interruptions call into question overly stark distinctions between spheres of ‘representative democracy’ and democratic representation with respect to the nature of institutional presence.

### ***B – Modes of Exit***

Elections matter hugely to democratic representation, of course. Indeed, in democratic terms the state is often equated with the use of elections, and the societal with their near absence. Also familiar is the use of a distinction between formal and informal representation, which overlaps closely with the point about elections. Such distinctions crucially serve to reinforce the idea that democratic representation is a practice located (and locatable only) within state structures. But there are interruptions here, too, not least in the form of continuities. Specifically, representative democracy in the state follows a logic of election. But so do many institutions in civil society. The latter might be differently elective at a different level, but like elections to a local school board they can be more or less settled practices. Representation in civil society tends generally to be more unsettled –

uneven and sporadic - but we can still say that it follows a logic of exit (and perhaps voice) even where that logic is not pursued through elections as such (Hirschman 1970). Election is one mode of a logic of exit. Others may include no longer attending meetings, or no longer funding an organisation or movement, or changing consumption habits.

From a different angle, a variety of non-elected actors claim to be representatives, explicitly or implicitly, and sometimes those claims have a resonance with their audiences because they can sometimes do things that elective claimants cannot do (or cannot do so readily). For example, a range of unelected representative claimants: have more scope to claim to represent partial interests; can claim to stand for evolving interests aside from electoral constraints and distortions; can claim to be temporary representatives in fast-changing political circumstances; can claim to speak for interests (or would-be constituencies) that span different countries with a greater freedom than elected actors; have to make comparatively explicit claims, because they need more clearly to alert and build the constituency for their claims; and can open up new patterns of representation that are alternative to statal elective patterns (for example, one-to-many or one-to-some rather than the blanket one-to-all).<sup>4</sup>

We choose specific elected representatives, on a particular level, but we cannot choose not to be represented by statal elected representatives, on a more general level. States are (in principle) compulsory entities. We do not choose non-elected representatives in such a clear way, but neither are we *fated* to have them or follow them in the same way. 'Choice' works differently in the case of unelected representatives. Often it is a choice in the mode of representation rather than a choice of a specific representative, though the 'exit' mechanism will often be highly relevant for the latter.

### ***C – Legitimacy and Authority***

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<sup>4</sup> Consider Paul Hirst's associative democracy model, where the exit principle is put to work in a proposal for a major disaggregation of the state along radically pluralist lines, a design appropriate where major forms of governance no longer have 'a single authoritative centre' (1997, 34).

A good deal of the work under this heading was achieved above in the critiques of Weber and Easton. It is worth noting that, although my rendition of the topic of the wider canvas of political and democratic representation has privileged the issues of authority and legitimacy by devoting more space to the work of Weber and Easton, no larger epistemic privilege is implied. Indeed, given space limitations I wish to make no claims at all about the relative significance of points A-G in Figure 1 to the wider argument.

The comments on Weber and Easton provide resources, first, for arguing that legitimate authority is not a product that exists in a certain secure quality, quantity or persistence; it is more sporadic, uneven and unpredictable than that. And second, it provides grounds for arguing that its potential locations are both statal and societal. In partial overlap with this second point, manifestations of legitimate authority may be more settled within state structures and more unsettled outside them, but the picture here is uneven. There is a continuum of practices rather than a hard-and-fast divide.

The assertion that legitimate authority is not a given or natural feature of any part of the political landscape, let alone given for the institutions of 'representative democracy' alone, helps to highlight the fact that individuals and institutions actively foster a sense of their own legitimacy and authority. In this respect, the influence of our thinking about representation outside state structures, where (as noted) actors must work harder and be more explicit about the basis of their representative claims, interrupts received wisdom about the givenness of legitimacy and authority in the state. If legitimate authority is a construct, which needs constant building or repair, then the activity of building and repairing is no less essential within as well as outside the state. It is, in short, the assertion, the demonstration, the advertising, the claiming – the performing – of 'legitimate authority' which does the work (successfully or otherwise) of establishing its presence, in and for the state no less than outside it.

So there are interruptions in terms of continuities and overlaps in this domain. The more visible performing of legitimate authority outside the state is reflected by performative practices within state structures. The formal versus informal sense of legitimate authority which is often mapped onto the state/nonstate distinction is also less a black and white

matter and more varying shades of grey. Some of these key points will be extended further with the closely linked discussion of potential criteria for the assessment of representative claims (see sub-heading E, below).

#### ***D - Territory***

I noted above how, in representative democracy, legitimacy is linked to a tightly fixed, national sense of territory, as in the Weberian tradition. Democratic representation, on the wider canvas, contains additional claims and practices, often involving perceptions of legitimate representation, which do not have such a fixed conception. This characteristic of the broader idea of democratic representation stems from major and complex shifts in material conditions which are often – if not always accurately – discussed under the heading of ‘globalisation’. Developments in ICT in particular have facilitated huge transformations in financial and other global information flows which have effectively de-territorialised significant areas of political authority, contestation and regulation. I will not go into these issues here – the stories are well told in a number of outlets spanning several years (see Held and McGrew 2000 for one reasonably comprehensive snapshot of the arguments).

For non-state actors within the broader domain of political representation, legitimacy is linked to variable conceptions of territory rather than fixed and national ones. Transnational non-governmental organisations (NGOs), from Greenpeace to Amnesty International to Oxfam and Band Aid, claim degrees and styles of (democratic) representation that are complexly spatial rather than fixedly territorial. Transnational corporations, especially when propounding public interest motives (often today under the broad heading of ‘corporate social responsibility’), make a range of (often implicit) representative claims on behalf of (for example) stakeholders, or the business community, or consumers, rather than simply shareholders. There are many other such examples.

Often, such styles and claims of representation will be discussed under the heading of ‘functional representation’, the presumed opposite to territorial representation. But functional representation is too restrictive a label for the huge range of organisations, actors and practices who (sometimes with success) claim a degree of legitimate authority for their

representative claims outside state structures. 'Functional' carries the implication that there was (always) a function to be fulfilled that a territorially based entity could not by its nature fulfil, at least not adequately. In some respects, in an age of extensive cross-border exchanges and international coalitions and networks in a number of policy areas, the term might be coming into its own. But it sets aside too readily the extent to which the 'function' in a given case is often *generated* by the explicit or implicit representative claims that groups or networks may make.

In short, there is a world of (democratic) representation which, among other things, generates and operates with different senses of spatiality from the more limited category of territorial state-based representative democracy.

### ***E - Criteria***

We are accustomed to seeing democratic legitimacy in 'representative democracy' as the product of free and fair elections (setting aside debates about the democratic credentials of different systems of election). Where such electoral procedures are stable - a deep part of the political culture (thoroughly 'settled') - they are often seen as providing in themselves a full measure of democratic legitimacy

But we do not lack criteria to assess representative claims in comparatively unsettled societal practices. Often these criteria will be generalisations, or adaptations, of the core principles, such as choice, which lie behind elections – in other words, alternative mechanisms of exit and voice (but sometimes including election). Beyond that, there are varied and mixed mechanisms of accountability of civil society claimants to legitimacy which can be, and have been, more or less effective. One could list for example elections within bodies such as trade unions; stakeholder participation and answerability; professional norms and associations whose role it is to publicise and even punish norm transgression. Many such mechanisms can be seen today as operating and evolving in a highly dynamic, global-scale 'constitutionalisation' of (in terms of the nation-state) non-political space (Thompson 2008).

There is scope, in principle, for potentially legitimate non-elective representative claims – or at least non-elective in statal terms. In this respect, I maintain that we should not adopt any prior assumption or stipulation of illegitimacy for non-elective claims.

The criteria that we could reasonably deploy in this context define ways in which, in a reasonably open democratic society, citizens are most likely to be able to recognise and weigh up representative claims.<sup>5</sup> The nature of the criteria varies. Some refer to the verifiability of a claim with respect to an invoked constituency. Others refer to the position of the claimant within larger sets of institutions or processes. Yet others tap into a sense of genuineness of chosen attachments and positions. Principled currents run through the criteria, such as choice, accountability and affectedness. In their briefest form, the potential criteria can be expressed as:

- ‘connecting’ criteria, which focus on the positioning of claimants within certain formal and informal structures which connect them to institutions in a way that may bolster their democratic credentials
- ‘confirming’ criteria, which focus on whether ‘constituencies’ of varied kinds do or can accept claims in a way that lends them some democratic credibility
- ‘untaintedness criteria’, which focus on claims located deliberately outside governmental institutions

I have elaborated on these suggested criteria elsewhere (Saward 2009). Here, I simply will comment on key background factors. First, as indicated above, there are structural limits to the extent to which elected figures can claim fully to represent their constituents – any or all of them. This opens up, in principle, the possibility – or, the space – for unelected figures (in statal terms) to be able credibly to claim representation.

Second, and following on closely, legitimation occurs over time. This may be true of elected actors – the perception of their effective democratic representation of their constituents’

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<sup>5</sup> I focus on claims within electoral democracies in part because these tend to be the harder cases to evaluate. There is much more scope for actors opposing fundamentally undemocratic governments or political orders to claim democratic legitimacy.

interests may improve over time. But elected actors can call on formal, paradigmatic moments of democratic choice in free and fair elections, which at least punctuate, and more likely provide the most important staging points, in the over-time legitimation process. Unelected actors do not have this resource. Depending very much on context, we can argue that, for unelected actors, legitimation is more significantly produced or denied over time. As discussed above, it is a matter of contextual reception of their claims. Is there an identifiable constituency? Does that constituency – or a significant part of it – accept or at least tolerate that claim, for the moment (see ‘confirming’ criteria, above)? The non-objection criterion (Runciman 2007) is also important here; how many object to the claim, and how are the objections received? Non-elective claims are subject to ongoing processes of legitimation and delegitimation, along these lines.

There are real modes of choice and accountability which can and sometimes do apply in non-statal, and often non-elective, contexts of representative claims. As a part of this, what we might call the ‘modes of non-election’ will often enough include (different sorts of) elections along with a range of further practices and mechanisms. As such, we can see that there are interruptions of tight state-society distinctions in this domain in terms of parallels and continuities.

### ***F – Representative Functions***

Statal representative claims are built around the notion of decision-making and removal from office, downplaying other ‘representative’ functions. Societal ones are variously built around deciding, symbolising, exemplifying, vocalising, inspiring, constituting, accepting, and rejecting.

It might be objected that states/governments still decide issues exclusively – they authoritatively allocate values not in the sense that they monopolise the authority to do so, but rather that their version of authority is the one that matters (the decisive one). In response, one can note the proliferation of more or less effective decision points and practices beyond and across states: devolved decision-making (for example through privatisation of industries) gives powers to non-elective regulators as representatives of the

public interest (see Keane's discussion of the growth of 'monitory democracy' in chapter 9); formal 'stakeholder' participation, as at the World Summit on Sustainable Development; the representative roles of varied UN agencies; modes and practices of professional self-regulation in the public interest; the second set of rulers in a polyarchy, i.e. corporate leaders in the terms of Dahl (1985); think tanks and interest groups and lobbies who draft legislation and regulations; in an individualised world, contested spheres of self-representation, or individual spheres of value allocation; and assorted modes of network governance (as in the European Union – see Majone 1995 and Schmitter in chapter 8). Again, we see interruptions in terms of continuities and overlaps between practices on the narrower and the wider canvases.

### ***G - Topography***

The political world looked at through the eyes of statisticians who see democratic representation as exhausted within 'representative democracy' is flat, with units called nation-states or countries repeating across virtually every bit of land on the globe. However, as Clifford Geertz (2000, 229) has written, The 'illusion of a world paved from end to end with repeating units that is produced by the pictorial conventions of our political atlases, polygon cutouts in a fitted jigsaw, is just that – an illusion'.

A look at the wider canvas of democratic representation brings into view a much more variable and non-repeating topography. Different countries differ radically in terms of culture, legitimating narratives, power and resources. Some will have thriving, fast-changing and dynamic realms of democratic representation, while others may tend to be stifled by overbearing states. Here, in short, the unsettled world of democratic representation does the work of *unsettling* myths about the essential similarity of the modes and cultures of representative democracy around the world. The work of political scientists with an anthropological and interpretive bent – Schaffer (1998) and Chabal and Daloz (2006) for example - has gone a long way towards in-depth illustration of Geertz's basic point.

## *Stepping back: Democratic Representation*

On the broadest canvas, political representation occurs at many and shifting points within and across the political units (bounded nation-states) which are the foundation for 'representative democracy'. And many manifestations of political representation can plausibly be seen as democratic representation. Within *that* broad field, unsettled and uneven as it is, we can locate the specific, more settled, institutions and practices of 'representative democracy'. The crux of my argument is that the present and future of representation should be explored within the field of the wider referent, democratic representation, rather than confined by unreasonable stipulation to state institutions. Perhaps its past would also have been explored more in this way were it not for powerful stipulations in the theories and definitions of crucially influential figures such as Weber and Easton.

In making these points, I have discussed a range of others: the importance of practices and performances of claiming as projections of authority and legitimacy; the potential multiple sites and styles of democratic representation (e.g. permanent and temporary, territorial and non-territorial); the range of actors who, to widely varying degrees, may successfully claim requisite degrees of representativeness, legitimacy and authority; and the varied practices and framings of legitimation of political actors as 'representatives' (election matters, but varied other modes of confirmation and connectedness underpin successful representative claims too).

Democratic representation emerges as a diffuse quality of overlapping and unstable communities. Generated through representative claims and their reception, it is not only a set of institutions but also an open set of relationships. We need to generate criteria to judge representative claims, including but going beyond elections. Democratic representation is a dynamic quality of society rather than a fixed quality of state. And because the state is part of the broader society, that dynamism is continuous with, and often interrupts, efforts to fix representation in the state. 'Representative' is less a job title and more a diffuse, aesthetic potentiality.

We are not so much dealing with a threat to representative democracy, as the potential evolution of democracy across the wider canvas of democratic representation. Efforts to confine legitimate-authoritative-representative entirely to the statal realm of representative democracy – as vital to democracy as that realm remains – must confront numerous interruptions: continuities between the statal and the societal (e.g. the dynamic of claim-making), overlaps (e.g. performing ‘public’ functions), mergings (e.g. co-governance), parallels (e.g. vote and exit mechanisms), dependencies (e.g. order, information) and exchanges (e.g. privatisation and regulation).

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