

Power and Representation

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Abstract: Challenged by participatory and deliberative models of democracy, contemporary political theory has brought the concept of representation back to the fore. Once applied to the democratic experiences of contemporary societies, political representation requires a conceptual reevaluation that undermines the notions of authorization and delegation that have been central to its definition since the seventeenth century's social contract tradition, and the hobbesian approach to sovereignty that has shaped the modern understanding of political power. This paper takes issue with the current debate on political representation, addressing the question of how its conceptual redefinition and empirical applications also implies a reformulation of the notion of power.

It is said that once challenged by a student who argued that his theory did not fit the facts, Fichte has simply answered: "so much the worse for the facts". This sentence has later on been recalled by Lukács, and it has always puzzled me whether that was an adequate epitome for dialectical materialism or not.² Although I have not yet made my mind, I am quite sure the topic of my talk today leads me to accept that, in what concerns political representation, the current situation is precisely one in which there is need of a significant theory change in order to account for the unavoidable force of the facts. Such a statement, however, is not new for those who are updated with recent debates on democratic theory. What I hope to be of interest is the reappraisal of such debates from the perspective of that concept that bring us together this afternoon: the concept of power.

¹ This paper is still under work. It is not yet complete, and has come to a provisory end so it could be presented at APSA. More work will follow afterwards, so comments are most welcome.

² Lukács has employed this sentence in the end of an earlier version of "What is Orthodox Marxism?". Fichte's words have been deleted in the essay printed in *History and Class Consciousness*, even though the idea is still there: "decisions, real decisions, precede the facts. To understand reality in the Marxist sense is to be master and not the slave of the imminent facts" (1920: 28). Cf. Jay, 1986.

The first relevant account of how representation meets power in political theory was certainly Hobbes's. It was in the chapter XVI of the *Leviathan* that the English philosopher made his known statements on the idea of authorship that underlines both the modern notion of authorization and its contemporary recast, the concept of delegation. Two ideas that allowed for Hanna Pitkin's (1967) masterpiece approach to what she calls the formalistic theory of representation, one based on the authorization that justifies the extension to which political representatives may act for others, that is, the constituencies from whom their power is delegated.

Hobbes defined a person as being one "whose words or actions are considered, either as his own, or as representing the words or actions of another man (...), whether truly or by fiction" (1651: XVI, 1). When the words and actions are considered as one's own, one has a natural person. Conversely, when considered as representing the words and actions of another, one has an artificial person. Drawing on the Latin meaning of the term *persona* (disguise) as opposed to the Greek *prosopon* (face), Hobbes gives shape to the concept of representation as a mask that disguises a face, in such a way that "to personate is to act or represent himself or another; and he that acteth another is said to bear his person, or act in his name" (1651: XVI: 3).

The State, as the artificial person meant by the biblical image of the powerful and irresistible Leviathan, has its words and actions owned by those whom it represents. Therefore, in the game of politics it is the actor, while "he that owneth his words and actions is the author, in which case the actor acteth by authority" (1651, XVI: 4). It is from this very idea of acting in the name of others, or simply acting for others, that are raised the two sides of the formalistic theory of representation. For the one part, the authorization view of representation, which describes the formal arrangements that precede and initiate it; and, for the other part, the accountability view, which defines

representation by the formal arrangements that follow and terminate it (Pitkin, 1967). Both authorization and accountability approaches rely on the same formal arrangements, namely, the elections, this very procedure which has recently been argued as being sufficient to produce political representation though not a democratic one (Urbinati, 2006).

Elections convert authorization into delegation, aggregating both formalistic views of representation in the figure of a fiduciary mandate through which the principal (the represented) authorize the agent (the representative) to act on his behalf. The extension of this action will be measured in the following elections, when the initial authorization is converted into accountability, and back again. Accountability is then nothing much than a form of retrospective authorization, so as models of promissory and anticipatory representation as those designed by Mansbridge (2003) amounts to very much the same thing.

It is also grounded on the idea of authorization that elections give rise to the supposedly non-formalistic theories of representation, such as those that claim the proportional model of representation as fitting Pitkin's account of representation as *standing* for others, instead of acting for them. This model would have the advantage of switching the focus from the action of the representative to his personal characteristics – or, in other words, from the formal procedure that authorizes such action both prospectively and retrospectively (the elections) to the subject that undertakes it, regardless the extension of the authorization since it could never exceed the limits (or the geographical frontiers) of a given territorially based district.

To focus on the being of the representative instead of on his doing implies taking him as standing for others by virtue of a correspondence or connection between them, a resemblance or reflection (Pitkin, 1967: 61). This sense of correspondence is precisely

what grounds some of the recent attempts of providing political representation with a functional substitute for the idea of authorization. Such a functional substitute would be necessary to contemporary democratic theory account for a “new ecology of representation” (Castiglione and Warren, 2006), which consist in the spread of diverse forms of representation relationships which do not rely on formal mechanisms of authorization and accountability, notably the elections.

Such new ecology of representation include the actual processes of decision-making undertaken by several transnational and international bodies (from the UN agencies to supranational NGOs), as well as a multitude of practices and experiences that take place in, through and throughout civil society, most of them under the banner of participatory and deliberative forms of democracy (from the old town meetings to citizen’s panels and opinion pools, not to mention the localized though spread experiences such as the Brazilian participatory budgeting and the British Columbia Citizens Assembly).

Those new forms of political representation that transcend the electoral authorization have been extensively theorized over the last few years (Urbinate, 2006; Castiglione and Warren, 2006; Avritzer, 2007; Urbinate and Warren, 2008; Katz, 2008). Along with that rests the assumption that democratic theory still has a lot to do, particularly by dialoguing with empirical approaches to representative institutions (Mansbridge, 2003), in order to properly account for the broad variety of manifestations of this that has been called ‘informal representation’ as opposed to a ‘standard account’ of democratic representation which has the formalistic theories as its basis, besides the imperative territorial shaping (Castiglione and Warren, 2006).

Without the support of the formalistic theories, the representative experiences that do not fit the standard model lack its account of authorization and accountability,

and thus lack an account of legitimacy and sovereignty. In order to make up for the first of these problems, democratic theorists have been striving to provide informal representation with a sort of functional equivalent to (electoral) authorization. A strong candidate is the concept of trusteeship, which explains the relation between truster and trustee as involving a congruence of interests or values (Stone Sweet and Thatcher, 2003; Castiglione and Warren, 2006). Another attractive candidate is the idea of affinity, which explains the identity between the agents and the content of the representation as a relationship mediated by themes and experiences (Avritzer, 2007).

I have no doubt the new forms of representation require a new foundation to play the equivalent role of authorization. But I do have my doubts on whether the accomplishment of this task of naming a non-electoral substitute for authorization will indeed account for the legitimacy lack of the informal representation. One of the reasons for that lies, I believe, in the fact that the concept of authorization involves more than authorizing one to act for another. The concept of authorization implies constituting authority.

Let me go back to Hobbes in order to make this point. After saying that the actor is the person (artificial or not) who has his words and actions owned by those who he represent while the author is he who own his own words and actions, Hobbes says that the former acts by authority. “As the right of possession is called dominion”, the English philosopher goes on, “so the right of doing any action is called authority” (1651: XVI, 4). So that by authority “is always understood a right of doing any act; and done by authority, done by commission or license from him whose right it is” (1651: XVI, 4). Through the social contract, the multitude of men not only authorizes another to act for them; they also grant this other their authority, that is, their ‘right of doing any act’.

Hobbes makes this clearer in a further passage:

“And because the multitude naturally is not one, but many, they cannot be understood for one, but in many authors, of everything their representative saith or doth in their name; every man giving their common representer authority from himself in particular, and owning all the actions the representer doth, in case they give him authority without stint: otherwise, when they limit him in what and how far he shall represent them, none of them owneth more than they gave him commission to act.” (Hobbes, 1651: XVI, 14)

One thing is the authorization one gives to other so he can act for him. Another thing is through this same act of authorization granting this other one's right of doing any act. One can authorize other to act for him without granting this other his right of doing any act. When the authority is granted, one owns all the actions the representative does; and the representative can perform any action, since he was granted the right of doing any act. Or, in other words, since he was granted authority, and thus was constituted as an authority: an actor who has the right of doing any act.

He who has a right of doing any act which is actually owned by another is an actor who exerts power. We must keep in mind that Hobbes's social contract device was meant to justify political power, and an absolute form of political power. The authority constituted through the social contract is sovereign precisely because it owns the right of doing any act regarding the multitude of men – i.e. because it has power over the multitude of men. Otherwise, if the right granted was limited “in what and how far he shall represent them, none of them owneth more than they give him commission to act”.

The act of authorization authorizes, that is, give one commission to act for other. The one who has such commission is authorized, and it is so to the extent of the commission. Quite a different thing happens when through this (eventually same) act of authorization one grant other his right of doing any act – that is, his *auctoritas* – in which case there is no limit in what and how far the other shall represent him. The one who has such right is an authority, and is a sovereign authority to the extent that no others can put limits to it.

Hobbes's social contract turns right into power. More precisely, it turns the right of men into the power of the State. And this is why the authority at stake is not only sovereign: it is also political. As implying the constitution of such authority, the concept of representation implies the constitution of political power. And the latter, as we have just seen, implies the surrender of a right, the right of the multitude of doing any act. One who can do any act is one who can govern itself. The multitude surrender its right to govern itself so political power is constituted. That point is very clear in the description of the authorization embodied by the social contract in the famous chapter XVII of the *Leviathan*: "I authorize and give up my right of governing myself to this man, or this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner" (1651: XVII, 13).

The former passage seems to make explicit enough my point that the act of authorization involves both an authorization to act and the surrender of the right of doing any act – that is, the right of self-governing. The social contract constitutes authority, that is, political power, and the form through which it will be exercised: political representation, the acting for others through authorization. Representation is the embodiment of political power, and the latter is the embodiment of sovereign authority.

As the empirical materialization of the social contract, elections legitimize political power exercised through representation. But differently than Hobbes who employed the social contract device in order to legitimize the absolute political power that was necessary to keep the multitude of man in peace and security, elections serve to legitimize what is historically a form of limitation of absolute power: democracy. Even though in its origins representative government was conceived as something opposed to democracy (Manin, 1996; Urbinati, 2006), it never meant something opposed to the limitation of absolute power.

It is precisely with the purpose of bringing closer representation and democracy that elections have been questioned as a legitimization mechanism. The authorization provided by it seems no longer to be sufficient to legitimize forms of representation that involves ones acting for others without ever being elected. But we shall ask ourselves whether elections are still a legitimate means to constitute authority, that is, to invest representatives with the power to govern others through a surrender of their right to govern themselves.

The latter seems to me to be the crucial point. All new forms of representation that fit under the label ‘informal representation’ consist precisely in the contestation of authority through the vindication of self-government. Informal types of representation do not constitute authority, since there is no surrender of the right to do any act. Consequently, informal types of representation do not engender political power. At least not power as we usually conceive of it.

Formal types of representation engender power as *potestas*, that is, as an authority to govern others. As *potestas*, power can only be exercised as acting for others, and as an act for others it requires authorization. With the informal types of representation we have a factual situation in which actors and authors cannot be

distinguished, and it happens precisely because there is no act of authorization at stake. Where there are no elections, there are appointments or designations, self-appointments or self-designations, resulting from lot or expertise, and other *ex-officio* means of legitimating the one who is called the representative. The latter is not an actor who acts for another who is in fact the owner of his actions. He is simultaneously a co-author and a co-actor, one who acts *with* others instead of acting for them.

An 'informal representative' must be one who acts with others since some of the others he acts with are precisely those who act for others – that is, the formal representatives, those who are authorized through elections. Such cooperation takes place since in order to be binding the actions of informal representatives must be validated by the actions of the formal representatives. Or, in other words, in order to be politically binding, the informal experiences of representation must be validated by the formal representative institutions. And the reason for that is very simple: formal representatives are the only ones invested with authority, and thus with power to govern others. The representation they undertake is constitutive of authority, and thus of political power. Conversely, the representation undertaken by informal representatives is only supplementary of that authority, since it does not involve a power to govern others, but a right to self-government. In other words, it involves *potentia*, and not *potestas*.

Constitutive representation and supplementary representation

I have just argued how the 'new ecology of representation' demands not only a functional equivalent of authorization, but also an equivalent to the concept of power that accounts for the lack of authority which is observable in non-electoral forms of

representation. Such concept is *potentia*, the right of governing oneself that has been theorized by Spinoza, one of Hobbes's important critics. Potency, an English word for the Latin *potentia*, should not be a functional equivalent to power (as *potestas*) since its function in the representative system is quite a different one: while power implies authority and representation as an acting for others, potency implies (the right of) self-government and representation as an acting with others.

As a deployment of such argument I have also said that formal representation is constitutive of authority and political power, while informal representation is only supplementary to it. I would now like to work further on this claim, and I will do so by engaging in the discussion of some other important issues that have been debated in contemporary democratic theory, such as the supposed tensions that take place among participatory and deliberative models of democracy in the one hand, and political representation in the other.

Funnily enough, exactly the same practices that have recently been identified as informal types of representation (Castiglione and Warren, 2006) used to be until not very long ago called participatory or deliberative. Shall we thus assume that *democratic* representation (which a significant number of contemporary democratic theorists take as something different than the electoral accountability type of representation) presupposes deliberation and participation – and, of course, deliberation that takes place outside parliaments and participation that is held beyond voting? Or shall we more simply assume that participatory and deliberative practices of democracy do nothing much than engendering political representation, and therefore reproduce its internal logic as well as both its virtues and vices?

It might be quite useful at this point to ask ourselves whether are the facts that have changed or is the theory that is now analyzing the same factual situation from a

different standpoint. My guess is that despite this which we call ‘participatory and deliberative practices’ or ‘informal representation’ is increasing both quantitatively and qualitatively in a worldwide scale, the factual situation has not changed as incisively and quickly as the theorizations about them have done. What does it mean, then?

I believe that, in the one hand, participative and deliberative theorists have convinced themselves that their models could not be presented as an alternative to political representation, and particularly that they could only stand as compelling models if were able to be designed along with the formal institutions of representative democracy. In the other hand, I believe that participative and deliberative theorists have taken what I like to call the empirical turn of political theory, and thus became aware of how much their formulations depended on an effective knowledge of how political institutions empirically work in order to present themselves as feasible models of democracy aimed to explain a society incessantly growing in complexity and contingency. Those explanations seem to be sounder than the simple acceptance that participation and deliberation in public spaces cannot do more than simply engendering representative relations (despite the difference in nature of such relations).

Let’s then keep the first of the questions I have made above, and assume that democratic representation presupposes both participation and deliberation. In this case, participation and deliberation must be constitutive parts of representation, and must be binding. If they serve only to build up public opinion and give shape to non-coercive demands directed to the formal representative institutions which will in fact turn them into political decisions, then their role is only supplementary, and not constitutive of representation.

Even if one understands the decision making process as composed by two moments – the deliberative moment, when the proposals are discussed, and the

determination moment, when they are voted and thus the decision is made – as Katz (2007) for example does, representation would only be constitutive if the deliberation moment involved all the informal deliberative and participative processes (that is, the deliberation that takes place outside the formal political institutions, and the participation that cannot be counted by votes) held parallel to it, and resulted in bidding proposals to be implemented and enforced by the formal institutions of representation. Otherwise, without the fulfillment of those two conditions, there would be supplementary representation.

Let me organize my thoughts, and make clear my point. I am calling *constitutive* a type of representation that constitutes political authority, and thus require an authorization from those who are going to be governed by others who exert political power over them. And I am calling *supplementary* a type of representation that does not constitute political authority, and thus do not require authorization since it consists in the exercise of a right, the right of self-government.

Supplementary representation does not involve the use of power, and therefore it does not imply a relation between two (or more) people in which one delegates to the other a right of doing any act on his own behalf. The latter is the case of constitutive representation, when the power one has corresponds to the non-right of other, and one governs other precisely where he does not govern himself. In other words, one has power over other because this other cannot do any act on his own, and must therefore be represented. As by definition a democracy requires legitimate political power, elections work as a procedure designed to constitute and thus authorize such representative relations, converting one's right of self-governing into other's power to govern others.

Supplementary representation involves the use of *potentia*, the right each citizen has to govern himself. Such a right does not imply any relationship between people;

however, it can only be exercised collectively. The representative relationship here is one that involves the right bearer and all other people who along with him (and practicing the same right to self-government that he does) value a certain issue and take it as constitutive of politics. There is no mediation involved in supplementary representation – no mediation between (two or more) people –, except for the fact that what is under representation is an issue, and an issue which is considered of general concern.

What do I mean by general concern? We do know that ‘informal representation’, as well as most of the deliberative and participatory democratic experiments, may have as object any issue, ranging from those that are of interest of particular groups of people (as it is the case of the participatory experiences in schools, workplaces and other local institutions or neighboring communities, as for example those described by Fung, 2003; and Pateman, 1970) to those that involve the entire population of a certain locality (as it could certainly be the case of the British Columbia Citizens Assembly, as analyzed by Warren and Pearse, 2008; the participatory budgeting in Brazilian cities, as presented by Avritzer, 2002; and the town meetings investigated by Mansbridge, 1983). In both cases I would say there is a general concern under representation. What makes the concern general is the fact that it affects all the people involved with it even without being aware of that or attentive to that. And how come it happens? Simple: those people share the *consequences* of any decision regarding such issues.

What makes a concern general is the fact that the consequences of any decision that has it as object will necessarily be shared by all who are affected by it. And the fact that there is such an issue which affects a generality of people in such a way responds for the fact that such issue is a concern. In other words, it is the generality of the issue,

expressed by the general sharing of the consequences of any decision which has it as its object, what makes the issue a concern.

A concern is not simply an interest; they have different structures. An interest is in nature particular, even though it can be generalized. An interest is generalized when it is assumed that all people in which name it is represented value it (or would value it) in the same way, and thus agree with or adhere to (i.e. consent through vote, retrospective or not) such representation. A concern is general in nature, and it is valued in the same extent that it affects all the people who share the consequences of its representation, and it happens despite their will or wish. As it can also be inferred from the above, a concern is not also a simple issue, or any issue: a concern is an issue which is central to the very constitution of politics, in such a way that the consequences of its representation (or its misrepresentation) are necessarily shared by all affected by it, and cannot be avoided by anyone.

The object of supplementary representation is thus a general concern, and that explains why it is not a mediation between persons in which one acts for other. Since all involved in supplementary representation are affected in a way or another by the consequences of any decision regarding the issue under representation, even when it is one person (or group of persons) who is in charge of the representation he is acting with others in the sharing of those consequences. As an exercise of the right of self-government, supplementary representation implies that one acts with others since by governing himself this one is actually governing others. In other words, when one governs himself he is necessarily governing the political community as a whole, and in this sense he is acting with others – or acting *in concert* with others as Arendt (1972) would put it.

In a way, the understanding of supplementary representation can benefit from Foucault's notion of the care for self as a care for others (Foucault, 1984). Foucault has extensively argued how that concept of care for self (*souci de soi*) appears in classical antiquity as something which is necessary for governing others. The care for self allows one to access a knowledge that is necessary if one seeks to make a good government. More specifically, the knowledge of the self that oneself has is the key for a knowledge of the political self, or the self of the others, and thus is the key for making a good government. The care for the self produces knowledge: the knowledge of government, that *tékhnē* required to govern others, and to do it well

Foucault's meaning of the care for self is given by the idea of *potentia*. It is the exercise of *potentia* (and not power) that will conduce one to care for himself, and thus to become able to govern others – and to govern others as a form of governing himself. While caring for himself, one becomes able to care for others. If one is not able to care for himself, how would he be able to properly act for others? When one looks into himself he becomes aware that it is there that the others lie. The otherness, thus, derives from the oneness. And the oneness of the city, the political self, derives from a relation of power that, before taking shape as a relation of one over others, is framed as a relation of one upon oneself: thus *potentia*, the right of self-government. In order to govern the city and make others do what is good for them, one must care for his own self. As with Foucault's the government of self (*gouvernement de soi*) turns out to be the government of others (*gouvernement des autres*) (Foucault, 1982).

[to be continued...]

Table 1: Constitutive Representation x Supplementary Representation

	Constitutive Representation	Supplementary Representation
Legitimization Foundation	Authorization	Cooperation
Means of legitimization	Elections	Lot; expertise; appointment; self-appointment
Mode of legitimization	Aggregation	Articulation
	Authority	Self-government
	Power to govern others	Right to govern oneself
	Power (<i>potestas</i>)	Potency (<i>potentia</i>)
Mode of action	Act for others	Act with others
Object	Interests, opinions, preferences, issues	Issues, concerns
Mode of adherence	Consent (vote, retrospective vote)	Share of consequences
Degree of institutionalization of deliberation and participation	Institutionalized	Non-institutionalized
Degree of binding of deliberative and participative decisions	Biding	Non-binding
Role in the State and Civil Society Relationship	Mediation	Non-mediation
Theoretical Foundation	Social Contract	Association

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