

## Assessing Representative Democracy: the Need of New Mechanisms of Political Representation

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*Article*

# Assessing Representative Democracy: the Need of New Mechanisms of Political Representation

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**Abstract:** *Western neo-liberal Democracies are often and shortly characterized by having a representative procedure of participation in the public sphere of life, determining a self-ruled form of political regime, affirming the sovereignty of the people in a specific territory; an economic welfare system; political institutions that administrate and organize public life based on their citizen's confidence; public security and order. Yet, the lack of political representation of local communities, or at least their sense of ineffectiveness of the representative system to respond to their needs, promotes their alienation from national political systems and weakens it. It is a vicious circle, i.e., the political system does not adequately represent the political communities, and these, if not represented, weakens the political system and its ability to respond to the needs of local communities. Our intent is to show that breaking this vicious circle means strengthening democracy with new mechanisms of political representation.*

**Keywords:** *constituency; democracy; identity; political representation*

## 1. Introduction

An instrumental approach to the definition of Democracy, characteristic of liberal societies, as it was put forward by Joseph A. Schumpeter ([1942]; 2003: 269), means that: “the role of the people is to produce a government, or else an intermediate body which in turn will produce a national executive or government. And we define: the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote”.

So, Indirect Democracy or Representative Democracy is an effective and recognizably just mechanism whereby political institutions

regulate, administrate, and attempt to resolve the conflicts that naturally emerge in everyday life in social communities. They do, through the electoral system, sustain that exceptional and in many ways incomprehensible virtue of the prevalence of the will of the majority that, most of the times, ignores the profound legitimate, democratic, and morally sustained claims of the minorities that also take an important role in the health of a democratic regime. Commonly, we understand the justice

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of this mechanism, that is, the fair relations between the exercise of power and the citizen's liberty, because they are established in constitutional texts that not only institute power, but also characterize the regime or model of society – ensure liberty for all in conditions of equality and aim to accomplish fraternity among people. As so, constitutionalism becomes the anchor where the legitimation for the existence of modern democracies relies on.

On an historical approach, we may affirm that the definition of democracy and what it implies for a society or a community in its classical meaning as the rule of the people becomes, in particular after the French Revolution, the rule of the law of a nation. Precisely, after the French Revolution, National State seems to have become a key concept to understand modern political life and many scholars have been devoting their attention to it. On one hand, they intend to demonstrate that we are witnessing a failure of National States to provide the needed answers to modern claims that nowadays can only be solved at international levels. On the other hand, National States seems to be the only type of social organization through which, especially in democratic regimes, people become effective in shaping the kind of world they aim to live in. This shift mixes the old order of meaning with the newer. The elder does not have meaningful grounds to be justified in itself in modern and complex societies, but the newer was not, during this process of change, consolidated.

The processes of affirmation of this new understanding based on the rule of law were only established across the 19th century in the Anglo-Saxon world, especially in England and in the United States, but they only reached their peak in Europe after the World War II. Once consolidated, constitutionalism in the 20th century is mostly conceived, in its strict and normative sense, as a set of rules or conventions, engaged in democratic principles and values that structure and provide the architectural mechanisms for the exercise of power, establishing its authority and its limits.

If we compare the constitutional tests in occidental democratic societies, the democratic principles and values in which this set of rules relies on, we may find, among others, similar features such as: freedom and equality before and under the law; popular sovereignty and the power to control the exercise of power (e.g., through elections) and the right to political representation (see Lutz, 2008). Those features, rooted in Locke and Montesquieu and increased with the Principle of Liberty (put forward by, e.g., John Rawls), that ensures equal political liberties to all citizens, provide a sense of fairness and equality in democratic representative regimes.

What seems to be a well-designed and good political arrangement has its own intrinsic risks. Ginsburg and Huq (2018: 117-118; for this subject, see also Pharr and Putnam, 2000 or Plattner, 2017) identify one of those risks as Constitutional retrogression, meaning that there are regimes that could still be considered as constitutional regimes, but they are hardly democratic. For them, Constitutional retrogression involves a „simultaneous decay in three institutional predicates of democracy: the quality of elections, speech and associational rights, and the rule of law” (...) [and] five specific mechanisms by which constitutional retrogression unfolds. These are: (a) constitutional amendment; (ii) the elimination of institutional checks; (iii) the centralization and politicization of executive power; (iv) the contraction or distortion of a shared public sphere; and (v) the elimination of political competition”.

Departing from this enumeration, we may identify other different problems and issues that can be addressed when analysing the quality of our democracies, although they are much subtler<sup>1</sup>.

## 2. Constitutional retrogression

In a democratic neo liberal context, one of the most important aspects that keeps people living together without major conflicts among themselves is economic security, that is, the means to pursue their interests and to flourish by achieving their personal or communal objectives and living a meaning and fruitful live. That implies having the opportunities to climb up the social ladder; to access better jobs and functions available in society; and to benefit from a fair social welfare system, which is presented as one of the most important conquests in the outcome of World War II; as well as higher degrees of industrialization and consequent economic development, that specially contributed to the pacification not only between societies, but also among citizens.

Combined, equality in political liberty and economic security are the foremost characteristics that endorse the importance of national states in the shaping of modern societies in the second half of the 20th Century, yet that has not prevented the rise of other kinds of problems and challenges to the spread of democracy worldwide. Not only at a political level but specially on moral grounds.

The sense of fairness and equality in Representative Democracy regimes is increased because the Principle of Liberty (put forward by, e.g., John Rawls) ensures equal political liberties to all citizens. However, as mentioned by Adam Przeworski (2019: 143): „this mechanism functions well only if the stakes are not very large, if losing an election is not a disaster, and if the defeated political forces have a reasonable chance to win in the future. When deeply ideological parties come to office seeking to remove institutional obstacles in order to solidify their political advantage and gain discretion in making policies, democracy deteriorates, or ‘backslides’”.

That could be a fact, and indeed most of the countries represented in the United Nations are democratic ones, based on the rule of law established in Constitutions. But the constitutional order, even in those modern democracies of the Western World, is not enough to ensure a fair and peaceful cohabitation among citizens and communities living in the same political organized territory. In fact, Constitutionalism has presented itself in several and concerning occasions in abusive forms, i.e., under the supposed democratic rule of law, warranted for the sovereignty of the people, in expressions such as “We the People”, “For the People and by the People”. In this 21st Century, we have been witnessing a significant spread of examples of abusive constitutionalism across the world to control or perpetuate the power over the people, and that is becoming a common practice to both right and left elites.

For example, the constitutional revisionism in Russia and Venezuela, that allegedly legitimizes the perpetuation of the power of their leaders, may be considered as nothing but an abusive strategy that undermines the spirit and the nature of the understanding of what is and should be a Constitution in the so-called free world. Nonetheless, those countries remain, at least formally, despite the conditions on which those changes were built, as National States characterized by the rule of law.

Apart from Russia and Venezuela, we could indicate other countries where this Constitutional retrogression (Ginsburg and Huq, 2018: 117-118) is present: in Hungary, Poland, Singapore, Thailand, Ukraine, recent events have shown that those regimes could still be considered as constitutional regimes, although are hardly democratic.

In the United States of America (USA), for example, we may identify a constitutional ideology as a form of affirmation of the oldest, freest, most successful and distinctive modern

democracy, but which also enables a worldwide projection of economic and military power over other National States confining their liberties and sovereignty. At the same time, the exceptionalism of their representative arrangements in presidential elections reveals that the support of the economic lobbies is far more important than the support of the citizens by attending to their claims. At the same time, the well-known propaganda strategy of identifying a common enemy – internal Political Institutions or the Media – is a means of undertaking restrictive actions against the liberty of the people –the unjustified and questionable legal federal interference in the policies of particular states are a mere example of it. It goes to the point of questioning the legitimacy of elections that are or were ongoing.

The justification for it relies on the fact that, as societies become more complex and people's relations and interactions increase and become more intricately, so does the bureaucratic level of administration, as well as the level of expertise to deal with such a complex way of political organization. As a result, professional politicians are required to do the job and those politicians, from top to bottom, do not recognize the ability of an average citizen to address such complicated social matters.

Of course, there are and there will always be means to deal with this kind of Constitutional retrogression. Unfortunately, the answers that have been put forward are, from top to bottom, forms of authoritarianism and, from bottom to top, as Kriesi (2020: 248) identifies, populism: "While their "host" ideology connects these parties to the fundamental structural conflicts in society, the "thin" populist "ideology" connects them to the narrower political sphere and to the political discontent of their constituencies. More specifically, the populist "ideology" refers to the tension between "the elites" and "the people." This "ideology" puts the emphasis on the fundamental role of "the people" in politics, claims that "the people" have been betrayed by "the elites" in charge who are abusing their position of power, and demands that the sovereignty of the people be restored".

Let us first address the political issues that have slowly undermined the cohesion of national states. In this regard, despite the differences concerning other moments in history, modern national states have evolved into a particular form of party system, administrated and controlled by two major parties, more or less similar to each other, typically referred to as being representatives of a left or a right wing, fighting for power in favour of their own interests and not always in favour of who they represent. This party system composed normally by two or, in some but fewer cases, three parties, has been engaged in a rotative but permanent exercise of power, that has been showed to be more and more distant from those who elected them, making occasional arrangements and "concessions" to respond to the claims of the voters.

That is, the party system has become an arrangement for some elites and by the elites. The same kind of political bureaucratic complexity and the level of expertise that are inherent to the effective efficacy of a modern state clearly justify the fact that governments in our days are composed by professional politicians that are, in the large majority of the well-known cases, lawyers, judges, economists, entrepreneurs, and other highly skilled advisors who seem to be the only type of people that can lead the modern life. At the same time, from bottom to top, common citizens acknowledge their inability and lack of expertise to engage in political parties or even comprehend and contribute to solve the problems that they must deal with in their ordinary lives. In Western neo-liberal societies, it is, I suppose, a much deeper sign, a sign that shows or anticipates the end of ideologies. People no longer care whether left or right wings control political institutions. But that, I think, is only the superficial outlook of a misguided or dis-

torted interpretation. There is a spread sense that the State is too big to solve small problems and too small to solve big problems and the majority of problems that people face in their everyday lives are too small to deserve attention and the intervention of a centralized government. As such, we are starting to witness a growing sentiment of frustration, especially because participation in political life, to be involved in determining the shape of our societies, is an important aspect of affirming our own personal identity.

### **3. Is Democracy in crisis?**

Much has been said about the crises of democracy, particularly about the increasing forms of political authoritarianism and populism, but many scholars have also dealt with that kind of problems and pointed out other causes and some solutions. Although the solutions are often questionable, the causes they endorse may be too exhaustive to summarize in the scope of this article, but, for our intents, the political problems with Democratic Representation here presented are at the core of the weakness of the modern party system and at the same time of the weakness of the State as the sovereign entity that can provide its citizens with a meaning and fruitful life. The growing abstention in election procedures is not just a sign sustaining that people do not care about who governs them anymore. They seem to care only about their economic conditions: their wages; whether they will be able to have a comfortable house; a good car; education for their children, the opportunity to live in a safe neighbourhood, and so on, as if there was some kind of agreement or a trade between the amount of taxes that are to be paid and the goods that are to be received. As Benoist affirm: “This triumph of the economy over politics is interpreted by liberals as the victory of liberty, while it in fact amounts to a dispossession of the self because it translates into the inability for collectivities to take control of their destiny” (Benoist, 2011: 7-8)

As such, we are starting to witness a growing sentiment of frustration, especially because participation in political life, to be involved in determining the shape of our societies, is an important aspect of affirming our own personal identity. In fact, we must not forget that “Democracy implies the existence of a democratic subject, the citizen. The atomized individual as conceived by liberal theory cannot be a citizen because he is, by definition, alien to the desire to live in a community” (Benoist, 2011: 6). Despite our agreement on these assertions, they are made in a perspective that we cannot address. For Benoist, (2011: 4): “Modern democracy is intrinsically linked to modernity, but only by way of a tie to liberalism, which tends to undermine it. The profound cause of the crisis is the unnatural alliance of democracy and liberalism. (...) The expression “liberal democracy” joins together two terms as if they were complementary, when in fact they are contradictory”.

In fact, liberalism and even neoliberalism are compatible with democracy. Empirical data provide evidence for it. What strikes us in the former assertions is that they are symptomatic of what could be named as the fragmentation of the social imaginary that is reinforced by globalization. Nevertheless, Benoist touch an important chord: the spread of individualism in national life.

When properly interpreted, the concept of national states must be addressed at an instrumental level and not in its essence or as an end in itself.

That seems to be the confusion that relies on the current cosmopolitanism theories. Those theories seem to defend that we are facing the end of an era; the end of the national states tout

court, even those that are more recent, and which have emerged from those terrible conflicts, in the sense that was mentioned above, after World War II, after the decolonization process and after the disintegration of the Soviet Union. The nation states (even the old nations) are now facing the danger of a new form of indeterminacy caused by modern globalization. The confusion that is important to underline is that what is in question regarding globalization is not the end of National States, nor their political institutions; what may be at stake is the identification of the feeling of belonging to a nation and the responses that national states are giving to the claims posed by that sentiment.

Many consider that the supposed indeterminacy of modern national states is a result of globalization movements and that is a symptom of the decay or backsliding of democracies, but it is far more important to recognize that what is becoming very problematic in the 21st Century is not democracy in itself. Globalization, National States and Democracy go along together.

As the study of Claassen (2020) shows, considering “3765 collected national opinions about democracy, obtained from 1390 nationally representative public opinion surveys in 150 countries, citizens’ support for democracy is robustly linked to the stability of democracy, once it has been established” (apud Przeworski, 2019: 241-242)<sup>2</sup>. That should give us a relevant insight about the importance of self-determination acquired by self-rule in a democratic political background of a national state. So, we must understand that the questions posed by globalization movements are not threats to the existence of National States. We must find the answers to those questions on a different level of analysis.

In fact, Democracies are grounded on a core of values and practices that allow the manifestations of different identities. If those values, attitudes, and practices have a democratic structure that involves respect, recognition and liberty of expression of differences, living in a globalized world does not presents a danger to democracy in itself, nor even a crisis; on the contrary, it will be, I suppose, although it may be considered paradoxical, the fundamental key to affirm its value. That is precisely what is attested in the of The Global State of Democracy 2019 survey of the International Institute for Democracy and Electoral Assistance (International IDEA, 2019): “More than half of the countries in the world (62 per cent, or 97 countries) covered by the GSoD Indices are now democratic (compared to only 26 per cent in 1975), and more than half (57 per cent) of the world’s population now lives in some form of democracy, compared to 36 per cent in 1975. The number of democracies continues to rise, from 90 in 2008 to 97 in 2018. This increase has occurred despite a slowdown in global democratic expansion since the mid-1990s. The large majority (81 per cent) of the world’s 97 democracies have proven democratically resilient, having maintained their democratic status uninterruptedly since 1975 or when they transitioned to democracy”.

The opposition that must be undertaken is not against the capitalist character of globalization, since globalization coexists well with democratic regimes; in fact, it seems to flourish better in democratic regimes, but the excesses that were committed regarding its deregulation have led to the diminished importance of citizen participation in political life and, consequently, to the diminished trust in their national states. Nevertheless, we are witnessing the manifestation of a desire to ensure some kind of moral regeneration at a national level, which is what opposes the citizens to their economic, political, and even cultural elites.

## 4. Rethink political representation

In rethinking political representation, we may start to quote Montesquieu who conceives an electoral mechanism of political representation as an aristocratic nature, while a lottery mechanism is more adequate to a democratic regime. The sense is that the representative government is a form of elected aristocracy because it discriminates citizens and excludes some of them from the decision-making process. As we know, for Rousseau, political representation is essentially nondemocratic. Quoting Urbinati (2014: 391): “After Rousseau, representative politics is increasingly understood as having the potential to unify and connect the plural forms of association within civil society, in part by projecting the horizons of citizens beyond their immediate attachments, and in part by provoking citizens to reflect on future perspectives and conflicts in the process of devising national politics”.

Nowadays, the debate focuses not on indirect representation but on the proximity and on the direct engagement of citizens and their communities of moral or social belonging. Kymlicka (1995) raises the question of collective representation among traditional democratic institutions of representativeness, conceiving that individual representation is not enough nor even sufficient for the development and affirmation of a personal identity since that depends on the relations and the resources provided by the collective groups that persons belong to. Like Kymlicka, Williams (1998) sustains that if we consider individuals only as individuals and not as members of groups there is good reasons to expect a lack of response to social discriminations of minorities by the institutions of representativeness. This derivation from a Lockean conception of individual constituency undermines the possibility of representativeness of collective minority identities and, as a consequence, the impossibility of representativeness of a personal identity. It means that an individual is not just an individual, it is a person with an identity that is collective formed and, if is not part of the majority of the people, simply does not have political representativeness.

This diagnosis is fed by the spread of migrations movements, the mobility of workers, and the consequent implications on the sense of belonging to a political community identified by a territorial based criterion increases the sense of misrepresentation. The claims, interests, and objectives of those people do not rely on the characteristics of a given territory such as it does, for example, for communities of fishermen, farmers, or lumberjacks. The identity and uniformity of those traditional communities becomes threatened among people that inhabit in those territories, by those who arrive in search of a better live. On the other hand, along with the challenge of territorial mobility, we must consider, from time to time, the number of inhabitants of those communities to measure their political representation impact on national level. Often, by economic or environment reasons, in specific regions, we witness to massive movements of depopulation and those who remain in those regions lose their political influence, and their political representativeness is weakened, precisely when, in virtue of those economic and environment reasons, that representativeness should be strengthened forward.

The equality among citizens under the law, with the same political rights such as the right to representation, once grounded on a territorial-based criterion, is, by reasons of equity, engaged with a proportional criterion. Both criterions, territorial-based and proportionality, sustain that representativeness is considered in quantitative terms and not in qualitative ones. And that is plenty justifiable if we consider democracy as the rule of the majority; but that classical comprehension of this form of political regime was established when there where political



and social conditions for the exercise of a direct democracy. That does not mean that those criteria and justification is still adequate if we consider the question in terms of a representative democracy in which the rule is not of the people, as Schumpeter has showed, but by the rule of law.

At the present moment, we are witnessing the rise of new forms of non-electoral representation; civic groups and forums of opinion and decision-making processes for the implementation of political policies in environmental issues, for example; demands for representativeness from different forces and movements of the civil society, specially by legal and business interests added to the claims of representativeness of identities, religious minorities, cultural, linguistic, but also by gender or professional orders are creating new challenges to classical mechanisms of political representation. At another level, the quantitative criteria, in which each individual has the same weight and political influence because it represents one vote, is becoming questionable because many of the contemporary political agents are now transnational and extraterritorial, or even non-territorial ones that group themselves in numerous nongovernmental organizations, transnational social movements and associations, worldwide social networks that demand political representation to affirm their claims, their causes and interests. By their nature, these entities are endowed with representative functions and powers. They represent those who constitute them and, paradoxically, they are becoming more effective in political representation through indirect mechanisms such as lobbies activities or media pressure.

These forms of non-electoral representation expand and toughen up the democratic spirit of modern societies but, at the same time, weaken the legitimacy of political representation in the traditional sense, as mentioned, aroused by the French Revolution with the emergence and spread of the national states as a form of political organization of the people based on a constitutional arrangement. The tension we are referring to has been identified as a tension between a model of representativeness sustained by the elites and the crescent political and social democratisation of societies that is not reduced anymore to political parties or to the territorial and numeric criterion.

## **5. New mechanisms of political representation**

The electoral mechanism and the stability of elected representatives in long terms is a slow process to give response to an emergent constituency or a marginalised constituency. Those constituencies aim a greater power in the decision-making process, a major political impact of their choices to satisfy their needs and those are goods that the traditional electoral representation is not able to provide. Quoting Urbinati and Warren (2008: 407): “Given the complex and evolving landscape of democracy, however, neither the standard model of representation nor the participatory ideal can encompass the democratic ideal of inclusion of all affected by collective decisions. To move closer to this ideal, we shall need complex forms of representation”.

In fact, in our modern democracies, we are witnessing the expansion and pluralisation of the spheres of political decision. Self-legitimated political agents emerge due the needs of who they represent, could it be associations of interests, such as lobbies, groups of civil society, international organizations, and media groups with worldwide influence that, alongside with institutionalized political actions, aim to give voice to nonelected representatives through panels of citizens, plots, deliberative forums, and referendums. These self-legitimated political agents are not new, but they are even more pluralised in number and diversity. They intend to represent a

wide variety of goods: human rights, wealth and safety, education, animal rights, rain forests, spirituality, peace, environment and so one... Representation of this kind may be attached to a specific dimension of human agency, but it is more flexible and faster in responding to urgent needs of their representatives specially because they are not territorial-based representants.

What we might call the quantitative problem is related to the increase of depopulation, mobility, and pluralization of societies implies a permanent redefinition of constituency; migration, global scale trade, environmental issues are extraterritorial claims that cannot be addressed by political mechanisms grounded on a territorial-based criterion. Many transnational and extraterritorial institutions and public actors are organized one non-territorial entities such as the United Nations, the World Bank, NGO's, and diverse social movements, more or less institutionalised, more or less formalized, in associations of spontaneous nature that become effectives through the media impacts of their actions, all of those agents perform functions of representation and demand political representativeness. The action of those agents is often much more effective that the exercise inherent to procedural and bureaucratic legislatures but, on the other hand, those agents do not acquire formal legitimacy and a clear accountability from those who are affected by their actions and their decisions.

We might also find a qualitative problem in what regards to the access to information and communication, as well the corruption that exists or may exist among the representants or even between representants and representatives; issues of identity such as religion, ethnicity, nationalism, professional identity, gender are questions in turn of which social movements are shaped, with different nature and different objectives. Equally, these collective issues do only partially correspond to a definition of a constituency grounded on a territorial-based criterion that provides a sense of equality of all citizens but, in fact, does not promote it.

So, the quantitative and qualitative problems are unified when "for minorities whose claims consistently fail to be present within political institutions, representation based on formal equality also fails basic fairness. Yet the strongest historical argument for fair representation has not been based on group advantage or disadvantage, but rather the proportional representation of individual interests. If all individuals have an equal claim to representation, their representatives should have presence in representative institutions in proportion to the numbers of individuals who hold interests they wish to be represented" (Urbinati and Warren, 2008: 395).

To overcome the gaps of representative democracies, regarding the representation of all, without internal or external exclusions, without elitisms that demand a critical adoption of policies made by experts, some scholars are advancing some solutions for a representativeness based on lottery or sortition, on a random selection of representatives among ordinary citizens, instead of an electoral mechanism based on party choices. Those solutions aim to establish the democratic proceedings in decision-making processes through assemblies of citizens, juries, plots with deliberative power, referendums, and so one. By those means, all the citizens will have an equal opportunity on being selected and, in that way, the political inclusion and equality among all will be preserved. In fact, proportional representation (Dahl 1989; Amy 1996; Barber 2001) seems to be more adequate to allow political representation for disadvantaged groups.

Another perspective that is being put forward as a solution to these problems: random representation (Rehfeld, 2005; Landemore, 2020; Abizadeh, [Forthcoming]). The random selection of representatives should be geographical independent, that is, not on a ground based territorial criterions. At the same time, minorities would have a proportional representation suit to their dimension in society. The representation by random selection allows to endow back

people their political power articulating their preferences without the sacrifice of representative efficacy, such as it happens in indirect representation. It would be like a combination between a direct representation and indirect representation through political parties on a ground based territorial selection.

It could be admissible that a random selection of representatives may be combined with a percentual of representatives of a cause, of an ethnicity, a religion, speakers of a specific language or professional interests, in a stratified assembly randomly constituted. By this process it will be possible to assure that the variations on preferences and interests of the constituency should be addressed on a national political level on the terms of a legislature.

Taking as an advisory chamber, random representation should be able to sanction and improve public opinion since it provides better information to those who participate in plots, civic groups or movements, deliberative forums, and other forms of political association of citizens. In this way, it would be possible to conciliate the expertise and technicism of representatives appointed by political parties to address the complexity of political policies with the preferences of the constituencies that on each moment may be scrutinized without the necessity to systematically go back to referendums and other means of direct democracy (Dahl, 1970).

Random representation would allow that any claims in a specific period became more effective for citizens, nor only in proportion of their interests but also as mean to respond to the intensity that those claims may be made. In face of the danger of increased inequities in political representation and the consequent decreases political influence of citizens' random choice of representatives presents itself as potentially fairer and more adequate mechanism. Yet, although those solutions may be welcomed, we think that the problem remains (see Lafont 2020): the citizens that are not selected should, passively or blindly, accept the decisions of those citizens that where random selected under the presumption that randomness will assure by itself better choices and better results.

## **6. Another kind of political participation**

The rationalism of the Enlightenment that presided the elaboration of the theory of the separation of powers and government by the *Rule of Law*, were at the basis of the institution of parliamentarianism and representativity that motivated the spread of the scope of civil rights. Especially since World War II, those ideas spread throughout the world and originated the liberal democracies that we know today, where sovereignty resides in the people and the legitimacy of the exercise of power derives from its representativeness materialized by electoral mechanisms. In the name of the equality of all citizens, the same rationalism produced a quantitative criterion for determining the legitimacy of the exercise of power. Thus, all votes count the same, and even in indirect electoral systems, it is the quantitative criterion that determines representativeness and, consequently, the legitimacy in the exercise of power by expressing the will of the majority.

We believe that it is this mechanism that must now be questioned and rethought in order to reverse what has been called “democratic decay”, whether these are motivated or accentuated by the internal dynamisms inevitably inherent in nations that are increasingly composed of multiple minorities, scattered by divergent values and interests, or by the global dynamism of interaction and interdependence, especially at economic level, of the different nations in the concert of the world. One way or the another, we believe that the health and well-being of

modern democracies will come from the capacity to implement new mechanisms of representativeness that are based, not on an egalitarian quantitative criterion, but on an equitable qualitative criterion. This is what the aforementioned new modes of political participation, the new models of citizenship that have been proposed, affirm, i.e., the need for a reconstruction of the mechanisms of representativeness, in the various layers of representation, from local, to national and global, which will have to be materialized from bottom to top as a proper way to strengthen the feeling that an election really has political consequences.

This bottom-up movement is not, of course, carried out by atomized individuals, since they do not have the capacity to articulate what is collectively established, that is, the moral sources that make up the collective identity and that present themselves as a significant horizon for the construction of a personal identity. It will have to be the local communities, in the first place, to forge a political project that meets their collective needs and aspirations discovered and made explicit through dialogue. From here, according to Charles Taylor, we can identify the conditions that could make it possible:

“We distinguish four different building blocks of this change:

- (I) It involves an existential shift in stance: From a sense that we as a community are the victims of powerful forces beyond our control, such as the “globalizing elites” or “distant technocrats,” or the disloyal competition of foreigners, we come to see ourselves as capable of taking initiative, of doing something to alter our own predicament. Therefore, the emergence of a deliberative community, of the “political” in Arendt’s sense, generates an empowering consciousness of collective agency and possibility among the local community.
- (II) At the same time, the fact that we have to join forces and work with others, from different organizations, confessions, outlooks, and even political convictions, makes us listen to each other: deliberative communities build new inclusive solidarities and trust among the participants.
- (III) We also open new alleys to creativity. a realignment of both knowledge and motivation, both a clearer vision and shared power around this vision.
- (IV) our standing as a group has significant changed. Our interpretation and understanding of the situation, our interests and goals, and even our motivations, values, and vision have become aligned. Once a responsive connection to the political system has been successfully established, we feel empowered because we are empowered. Because of its potential for the alignment of goals, knowledge, and motivation, the rebuilding of local deliberative communities is both a mode of organization and a means of political mobilization” (Taylor, 2020: 22-25 – adapted).

A democratic renewal implies: “(1) to define new and potentially fruitful policies or programs to meet important needs of citizens, and (2) to create commitment, cohesion, or solidarity around these policies” (Taylor, 2020: 85) and, we add, forms of effective political representation.

Empirical data show that this is not the affirmation of an inconsequent idealism. It is a proposal based on a new way of designing democracy in a context in which political institutions and their party system and representative mechanisms have proved to be ineffective in meeting citizen’s needs. What is at stake is the bond of justice that unites people around a common good that is greater than the sum of private interests, but at both national and global levels. It

is necessary to continue to respect the need to satisfy private goods in a way that is harmonized with the common good. This implies a concerted action among political parties, nonpartisan social movements, and a solid local community, with a strong civic sense, and organized around needs and aspirations consistent with the preservation of collective identity.

If the representativeness mechanism must be reformulated to respond a claim from bottom to top by the qualified participation of the members of local communities, by the formal or informal movements, more or less organized and institutionalized in what is classical named as civil society, that claim only becomes effective and successful by the alteration of the mechanisms of representativeness inscribed in constitutional texts. As a mean to combat the announced democratic decline that we are experience, and, at the same time, as a mean to strength the link that bides representants and the represented, it is also necessary that the same claim finds acknowledgement among the political institutions, from top to the bottom, has a necessary condition for change de mechanism of representativeness in constitutional texts.

As mention before, representativeness must be grounded in a qualitative criterion that allows a more effective political expression of local communities with shared interests that, regardless the number of its members, present distinct specificities and particularities between each other's. Those particularities could be justified by the possibilities that a specific territory and environment provides for its flourishing, or also, for example, due to the industrialization and mechanization of labour that dissolves professional communities and their identities (see, as mentioned, for instance, the local communities of fisherman, lumberjacks, small farmers, that are eroded not only professionally but as an inevitable consequence in its identity component), and also, most preeminent of all, linguistic, cultural and religious minoritarian communities.

Maybe we may conceive a quote system in the election of representants of those communities; a qualified vote that could have a significant greater numerical expression, although in equitable terms, that represents one community and not only the sum of the votes of the individuals that composed them. Maybe it could be reasonably the creation of an indirect representation based on "qualified electors" of different local communities that could nominate the legislative and the executive powers. It seems that it could be a more adequate and effective way to address the different claims of different communities that, being in majority or in minority, remains legitim claims.

If something like this does not happen, the feeling of belonging to a nation and a political community becomes even more flattened.

New mechanisms of representation should require also new forms of accountability for the representants. Responsibility and transparency are the effective means to endow the system with trust. Trust is, was and it always will be the key factor that provides cohesion to the relation among electors and elected and when that sentiment of trust is questioned or is undermined by the bureaucratic structures of the political system the immediate consequence is the depoliticization or lack of political participation of de citizens. It is necessary to endow the system of representativeness with a juridical framework that reinforces the accountability of politicians in office, punishing them when, by their action, they deliberate misrepresent the manifested will and the claims of their electors.

What we are suggesting is not only an implicit contract, but an explicit one where it becomes possible not only swear to obey the Constitution but also to the mandate that is attributed to them by the electors. This kind of accountability demands a response, a demonstration

of what is done, how it was done e why it was done what was done in the name of that mandate. That requires transparency; regular communication between representants and the represented to allow the scrutiny of the action of the formers by the latter and, eventually, the possibility of substitution, in legal terms, of those representants. This mere possibility would, by itself, endorse transparency in the exercise of power, and transparency is needed to strengthen that sentiment of trust between the contract parts.

Responsibility, transparency (communication and proximity) and trust are core values inherent to democratic regimes. In face of the so-called decay of democracy, it is not necessary to change the political regime; on the other hand, what is necessary is to strengthen it. And that is justified if we consider the alternatives that have been presented, more or less populist, that have degenerated, as history has showed, to forms of authoritarianism. What seems to be necessary is to find a form to endow those core values to a greater effectiveness and a more preponderant role in the exercise of power and for that we must rethink, reinvent, rediscover new models of representativeness that may endorse the concrete claims of local communities and of those people that compose them, allowing them to affirm their one identity in the public sphere and in the political context of their lives.

## **7. Conclusion**

Departing from Urbinati and Warren (2008: 401), we agree that “[r]epresentation serves to unify and connect citizens, while also pulling them out of the immediate present and projecting them into future-oriented perspectives. Representation, when intertwined with citizens’ reflexivity and participation, evokes, and focuses the natality of politics, through which individuals transcend the immediacy of their interests, biographical experience, and social and cultural attachments, and enlarge their political judgment on their own and others’ opinions”.

Yet, there is an increased erosion in the commitment with political inclusion at the same time that we face a problem of exclusion motivated by territorial or geographical criterions. The issues of political inclusion are not only external, but also internal to national states since it is difficult to understand, nowadays, who is effectively the people, not even to assure that all the members of a political community that are subject to the same political decisions have an active voice in the decision-making process in equal terms. To assert who the people is implies questioning if all of those who are subject to political decisions have equal rights in the decision-making process of those policies.

It seems the democratic representation as we understand does not provide or explain how citizens could identify themselves with the laws and policies that rule them, nor even if they can assume those laws and policies as their ones as the ideal of democratic self-government implies. In representative democracy, it is expected that citizens delegate in their representants the political decisions, yet some control over the action of representatives is needed, otherwise the capability of political participation of citizens becomes undermined.

Another symptom of a distorted political representation is the understanding that political decisions are to complex and require some degree of expertise beyond ordinary knowledge of common sense and, for that reason, the power of decision should rest on professional politicians, elites, and should be followed by the ordinary citizens that do not have the critical capacity to evaluate and anticipate the justifications for those decisions.

The government of the majority grounded on the political elitism of parties or simply the rule of the people does not give plausible interpretations to satisfy the democratic ideal of self-government. None of these conceptions is capable to provide the institutional mechanisms that are needed to correct the distortions of representative democracy, allowing that the claims, interests, objectives of the citizens may be satisfied through political decisions. On the contrary, those solutions undermine the capacity of citizens to exercise their democratic control over political decisions. We need new models of political representation.

## Notes

<sup>1</sup> This article represents an updated version of the paper *Associative Democracy and Political Representation* (Lóia, 2022).

<sup>2</sup> Although Przeworski sustains that those figures may be put in question because he believes that we are facing a democratic decay, nonetheless those figures are accurate and shows the attitude towards democracy in a 2019 survey.

## Conflicts of interest

The author declares no conflict of interest.

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