Critical Exchange

Debating representative democracy

Nadia Urbinati's book *Democracy Disfigured* has two main goals. The first is to defend a 'diarchic' conception of democracy, based on the interplay between popular will and opinion. The second is to describe three possible disfigurations of this conception of democracy – the epistemic, the populist and the plebiscitarian – all of which alter the balance between will and opinion, undermining the ultimate goal of democracy, which is assumed to consist in laying the conditions for civil and political freedom.

The two constitutive poles of Urbinati's conception of democracy are therefore what she calls 'will' and 'opinion' (Urbinati, 2014, p. 17). The first is assumed to correspond to the formal rules and procedures through which collectively binding decisions are taken in a free and fair way; that is essentially, voting and majority rule as ways of structuring political representation. Opinion, on the other hand, is assumed to correspond to the multiple processes through which citizens influence collective decisions in an informal and indirect way, beyond the selection of their representatives; that is essentially, participation in the public sphere, political demonstration and other forms of direct action. As Urbinati stresses, opinion is therefore a 'power that is meant to give voice to citizens' claims, monitor institutions and devise alternative political agendas' (Urbinati, 2014, pp. 7–8).

The notion of 'diarchy' is meant to capture the relation between will and opinion in the context of a system in which the two 'are different and should remain distinct, although in need of constant communication' (Urbinati, 2014, p. 2). Thus, as Urbinati puts it, 'representative democracy is a diarchic system in which will and opinion influence each other and cooperate without merging' (p. 2). Underlying this model is the idea that democracy promises liberty and uses legal and political equality in order to fulfill this promise. Thus, Urbinati thinks of democracy and political liberalism as inherently related to each other. Echoing the Italian political theorist, Norberto Bobbio, she claims that there is hardly political autonomy without civil and political freedom as its presupposition (Bobbio, 2006). To put it differently,

democracy can only be implemented through rules and procedures (the will) that regulate and structure the active political participation of the citizens in a representative framework.

With respect to this diarchic model, Urbinati identifies three possible disfigurations, which stem from an alteration in the balance between will and opinion, either by over-emphasizing one at the expense of the other, or by altering their internal nature and function. Chapters 2, 3 and 4 of Urbinati's book are respectively devoted to a discussion of the epistemic, populist and plebiscitarian disfigurations of democracy. Each of these is meant to point out 'weak spots' that may prevent a democratic regime from truly fulfilling its goal of serving the ideals of civic and political freedom.

The epistemic disfiguration echoes a Platonic conception of politics, in which the power of opinion is replaced by a normative quest for 'truth.' The result is that opinion loses its fallibility and contestability, which are crucial for it to fulfill its role as a vector of political participation. Thus, from an epistemic perspective, political decisions are seen as legitimate to the extent that they guarantee better outcomes – as in the work of authors such as David Estlund, Helene Landemore and Philip Pettit. For some epistemic theorists, mostly Pierre Rosanvallon and Philip Pettit, some democratic decisions can be better secured through expert committees, mini-deliberative publics or counter-majoritarian institutions rather than through political participation and public deliberation. This is because, as Urbinati claims, 'once *episteme* enters the domain of politics, the possibility that political equality gets questioned is in the air' (Urbinati, 2014, p. 83). Today, she explains, 'it is actually the expansion of the domain of non-political decisions that risks promoting this transformation, along with a reconfiguration of political judgment that is modeled out of the juristic method of truth seeking' (Urbinati, 2014, p. 83). However, Urbinati argues that 'democratic legitimacy cannot depend on the promise that it will provide correct outcomes' (Urbinati, 2014, p. 98). For democracy does not provide any clear-cut standard to achieve good, better or more efficient outcomes than other political regimes. Rather the nature of opinion is to be fallible and debatable rather than rooted in substantial outcomes or specific epistemic criteria of truth. Accordingly democratic procedures seek their legitimacy only in the principle of freedom of opinion as a normative standard in itself.

The populist disfigurement of democracy is said to fuse will and opinion. The result is a reification of the popular will into a single monolithic entity that transcends the formal procedures of representative democracy, thereby obscuring the internal differentiations of public opinion and therefore reducing politics to a zero-sum struggle between the 'people' and its 'other' in which pluralism and individual rights are ultimately under threat. Here the target of Urbinati's critique is Laclau's interpretation of populism as rooted in a hegemonic identification between the people and its leader. As she puts it, for Laclau the representative 'is an active agent

who gives words and credibility to the represented unity' (Urbinati, 2014, p. 136). Thus the composite reality of the electorate, based on citizens who put forward contested and debatable claims, is reduced to a polarized reality whose internal homogeneity is far from the pluralist dimension needed in the public sphere of a representative democracy.

Finally, plebiscitarianism is said to be similar to populism but also different in some crucial respects, inasmuch as it maintains the distinction between procedures and opinion while distributing them between two different groups: the elite and the audience that is outside. Drawing both on Carl Schmitt's and J.E. Green's conceptions of the public, the people is said to become a passive audience limiting itself to voting and sanctioning through acclamation whatever is done by a charismatic leader, responsible for all the most important decisions. The difference between populism and plebiscitarianism is accordingly that in the first the people are active and mobilized, whereas in the second they are mere spectators who watch the TV or use twitter to follow the leader in his media appearances.

In their contributions to this exchange, Hubertus Buchstein, Dario Castiglione, Lisa Disch, Jason Frank and Yves Sintomer probe several aspects of Urbinati's argument, raising interesting and challenging questions. Urbinati herself also responds, clarifying her position on some of the most important points of contention, while also developing her ideas further in the light of these challenges. Instead of summarizing the different contributions, we shall merely highlight here two general themes that emerge from this exchange, testifying to the fruitfulness of Urbinati's book and the further reflections it may spark.

The first main issue of contention concerns the role of formal procedures within the framework of representative democracy – what Urbinati refers to as the dimension of the 'will'. A large part of contemporary democratic theory starts from the assumption that this dimension is currently in crisis because elections and majority rule are no longer perceived as sufficient for producing an adequate representation of the people's will. Urbinati responds to this by suggesting that the formal procedures of will-formation need to be complemented by a strong and active public opinion. None of the participants in the exchange disagree with this. However, a number of them challenge the central role that Urbinati still assigns to formal procedures within the framework of her 'diarchic' conception of democracy. Both Frank and Disch, for instance, suggest that elections and majority rule should not be given a privileged status with respect to other forms of more direct popular involvement. Going even further, Sintomer contends that these formal procedures may be inapplicable to some arenas of political representation in the context of a globalizing world. An important and highly relevant question that emerges from this exchange is therefore whether the formal procedures of will-formation traditionally associated with representative democracy remain *necessary* for it, or whether they can be substituted by other more innovative forms of

political representation. Urbinati's response to this is that the procedures of representative democracy – elections and majority rule – are essential in order to guarantee a healthy functioning of the opinion.

The second important issue of contention that emerges from this exchange concerns the normative status of the three political forms Urbinati identifies as 'disfigurements' of democracy. As the term itself suggests, Urbinati intends her analysis to function as a *critique* of these political forms. For her, epistemic theories of democracy, populism and plebliscitarianism all represent a challenge for representative democracy, inasmuch as they impair its capacity to serve the ideals of civil and political freedom. Not all the participants in this exchange agree with her, however. Buchstein's defense of a form of aleatory representation of children as a way of better serving the interests of future generations, for instance, effectively reintroduces 'epistemic' considerations relating to the idea of the 'common good' within the framework of a 'diarchic' conception of democracy. Both Disch and Frank, on the other hand, suggest that Urbinati underestimates the normative potential of populist forms of contestation in revitalizing the formal procedures of representative democracy, by putting forward alternative and creative modes of political representation. The issue at stake here, as Castiglione clearly points out in his intervention, is therefore whether the 'figure' of democracy that Urbinati identifies with the diarchy of will and opinion ought to be considered as a normative standard or merely as a contingent historical form that is now on its way out.

Far from resolving any of these important and highly relevant questions, the exchange that follows is intended to pin-point their centrality for contemporary democratic theory, as well as to provide a framework for further reflection on these themes.

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Diarchyal politics – Thinking with Urbinati beyond Urbinati

Nadia Urbinati's recent work *Democracy Disfigured: Opinion, Truth, and the People* is an outstanding contribution to contemporary political theory. Although the book is written in the *modus* of a sometimes even harsh and polemical critique of dominant tendencies in western democracies today the intentions of the author are obviously more ambitious. Whereas Urbinati's previous book *Representative Democracy: Concept and Genealogy* (2006) was largely an interpretative study of early and contemporary theorists of democracy; in her new book she presents her own theory of democracy that is explained in the programmatic first chapter. Entitled 'Democracy's Diarchy', this chapter contains a new, original and fruitful theoretical conceptualization of modern representative democracy as a procedural regime.

Urbinati's contribution to the theory of representative democracy is a milestone, comparable to the two classical texts on this issue by Pitkin (1967) and Manin (1997). Urbinati conceptualizes representative democracy not as a derivative form some 'original' or 'true' democracy, but as a form of democracy in its own right. Owing to her invitingly argumentative style the book does, naturally, provoke questions and criticism; at the same time, her innovative conceptualization of representative democracy encourages readers to think with Urbinati beyond Urbinati and make use of her theoretical insights for new ideas of political reform.

Two Separate Powers

The term *diarchy* is composed of the ancient Greek adjective *dis* (twofold; double) and the suffix – *arche* (rule; office). Such a vocabulary – which has its roots in the early theories of sovereignty by Bodin, Hobbes and Rousseau – is new in the context of democratic theory. So far, the use of such a vocabulary was restricted to describe the antagonistic legal system of dictatorships, most prominently in Fraenkel's (1941) use of *Doppelherrschaft* in his classic work *The Dual State*, a study of early Nazi-Germany.

Urbinati's vocabulary opens the terminological space to rethink the normative foundations of modern representative democracy, its ideal procedural regime and the best ways to institutionalize it. According to her, the democratic diarchy 'pertains essentially' (p. 24) to representative democracy. Citizens in the modern democracy dispose of two political powers, 'will' and 'opinion'. This concept of representative democracy may be illustrated with the help of a metaphor. Similar to the two wings of a butterfly, the two powers of the citizens are two separate procedural components

that keep modern democracies stable, in shape and moving forward. And similar to the vulnerability of the thin wings of the butterfly, the political channels for both 'will' and 'opinion' are under constant threat of being harmed, disfigured or even destroyed. Democracy's diarchy is an ideal type. Of course, actually existing democracies have, according to Urbinati, always been somehow disfigured, and such disfigurement is still a part of democracy and poses a threat to it. This insight is the reason she spends so much energy and so many pages on the critical diagnosis of the three disfigurements in the following three chapters.

In the following, I do not want to cast doubt on the empirical claims in Urbinati's *tour de force*-diagnoses of democracy in Europe and the United States. Neither do I want to question the particular way in which she conceptualizes 'will' and 'opinion' because I basically agree with her definitions and with her interpretations of other authors in the history of political ideas on this topics. I am more concerned with her description of the normatively acceptable – therefore not 'disfigured' – relationship between the powers of 'will' and 'opinion'. Urbinati makes three general claims with respect to their relationship: First, 'will' and 'opinion' are essentially 'different' (p. 22); second, they 'should remain distinct' (p. 22); and third, they are 'in need of constant communication' (p. 22) with each other.

There is not very much more said in the book about this crucial procedural aspect of representative democracy. The statements quoted above are vague, and it is difficult to see how they may serve as a precise yardstick in order to evaluate the normative quality of a really existing democracy. Above all, the statement does not give a clear picture of the 'constant communication' between 'will' and 'opinion'. Such a picture, however, is a fundamental requirement for Urbinati's normative critique of the three main forms of disfigurement. Her descriptions of epistemic and unpolitical democracy, as well as populist democracy or audience democracy and plebiscitarian democracy, are all based on diagnoses of distorted relationships between the procedural channels for 'will' and 'opinion'. What is missing in the book is a clear-cut list of the criteria by which the author differentiates between these distorted relationships and their normative incarnations.

Such lack of criteria gives rise to three questions: What kind of interaction does Urbinati have in mind when she chooses the metaphor 'communication' in order to describe the relationship between 'will' and 'opinion'? What are the exact criteria for a perfect (or at least satisfying) state of constant communication between the two powers? What can be said about the best way to institutionalize such a positive kind of 'communication'?

From Nostalgia to Diarchyal Politics

In the final section of the book Urbinati offers 'general guidelines' (p. 5) for a political reform agenda in order to reinstate and protect democracy's diarchic figure.

The normative core and the general direction of the agenda are clear and consistent. It is intended to 'block the translation of socioeconomic inequalities into political power' (p. 237) and to aim at 'equal political liberty' (p. 236). The three general guidelines (see pp. 239–240) are aiming at: a political-party reform (in order to strengthen party members against the party elites), an electoral-campaign reform (in order to regulate and limit the flow of private money into electoral politics), and a media-system reform (in order to protect media and information pluralism). In an earlier section of the book, Urbinati is even more explicit and demands 'government intervention in the domain of opinion formation that removes barriers to an equal opportunity for political participation' (p. 74).

Urbinati's guidelines for reform have two characteristics. First, despite the statement that her guidelines are supposed to revitalize the 'relationship *between* the domain of the will and the opinion' (p. 239; emphasis added), they are focused nearly exclusively on one side of the diarchy: opinion. And second, the reform agenda is defensive in its basic orientation. Again and again in the book, Urbinati uses a defensive language, speaking of 'maintaining', 'defending', 'keeping', or 'protecting'. This defensive attitude becomes even nostalgic when she is writing about the changes of political parties and the public sphere over the last three decades. Such a nostalgia for some so-called 'golden years' of liberal democracies in the 1960s and 1970s can be found in other political diagnosis of our time too, most prominently in Crouch's (2004) *Post-Democracy* and Streeck's (2014) *Buying Time*.

But how instructive is such a positive picture of the past for a reform agenda of today? What about the serious restrictions to civil liberties in those 'golden' days? What about issues of race relations, women's rights or gay rights in those years? What about the repressive dominance of the Protestant and the Roman Catholic churches in most western democracies? Throughout the book, Italy in the era of the political criminal Berlusconi comes to mind when one reads about some of the worst disfigurations of modern democracies. But what about the immense political corruption in Italy (and other liberal democracies like Western Germany, the United States or France) during the 1970s and 1980s? And what about the corporatist stagnation in most western democracies in the 1960s, 1970s and 1980s? Has Urbinati forgotten all of the features of the political parties and electoral politics that gave rise to the protest movements of those 'golden' years? Does she not replace them with a romantic picture of a political past that has never existed?

Urbinati is right in claiming that representative democracy needed a reconceptualization at the level of political theory. Her own guidelines for reform, however, need some sort of reconceptualization, too, as well as a reconceptualization, which is freed from any political nostalgia for traditional party politics, and which is focused on political reforms on the side of 'will'.

Such a reform agenda may be coined 'Diarchyal Politics'. I want to mention briefly two reform proposals – both of them include a lottery system – that may fit

into such an agenda and are intended to vitalize the relationship between 'will' and 'opinion'.

Reforming Electoral Campaign Regulations

The first reform proposal is directed at electoral campaign rules. Urbinati repeatedly puts her finger on the corrosive effects of the growing influence of big money in politics and political communication. In order to stop the influx of this money into the political process, it is crucial for democracies to reform electoral campaign legislation. In the United States, such a political project has become nearly an impossibility since the Supreme Court has declared as constitutional the unlimited flow of private money into electoral campaigns. In contrast to the United States, more rigid limitations have been put into law in Europe, but still tougher restrictions are needed in most European countries. Looking through the lenses of Urbinati's diarchy, a new procedure for political decision making on this issue can be put on the table.

In Urbinati's view, elected parliaments are supposed to have the political competence to make all important political decisions. Although parliamentary legislation on electoral campaign regulation has been a source for numerous political scandals and criticism over the last decades, she does not explicitly excise this field of legislation from her list. But electoral campaign regulations are special. They have tremendous effects on the outcome of elections and therefore the elected members of parliament are put in the delicate position of making decisions about the rules for the next round in a political game they are part of. They therefore have an incentive to make decisions that favor their own future political position, and they have the power to put them into effect. In short, they are not competent in this area. Their political will is distorted by their own vested interests, and consequently citizens cannot expect fair and neutral regulations. This is a structural problem that has become the reason for the growing role of constitutional courts in electoral campaign legislation in all liberal democracies (the same is the case for changes in electoral rules or for rewriting voting districts).

Are there any democratic alternatives to decision making on electoral campaign legislation? Urbinati's diarchy helps us to eliminate two procedural alternatives. From her critique of epistemic democracy we learn that the outsourcing of decision making to small groups of financial experts or members of constitutional courts cuts off the process of decision making from the legitimate powers of the citizens. And from her critique of direct democracy we learn that electoral campaign legislation is not a suitable issue for a plebiscite or referendum, because it is too complex in its details, encourages populism and is an invitation for propaganda by media and financial moguls.

Despite Urbinati's uneasiness with the rise of deliberative fora and of mini-publics (pp. 111–118), I do see a democratic alternative for decision making on

the particular issue of electoral campaign legislation, to be introduced for the case of electoral campaign legislation only. I refer specifically to a 'House of Lots' (Goodwin, 2005, p. 5) that may include 200–300 citizens (or fewer) who are recruited by a nationwide lottery and will be fully paid for their political work. The procedures of their work can be organized along the well-known lines of James Fishkin's 'Deliberative Opinion Polls': a multi-stage process with plenary meetings, group meetings, expert hearings, public meetings, supervision by the media and after intense deliberation the final decision by majority rule.

Such a 'House of Lots' for this electoral campaign legislation will produce better decisions (in the sense of neutrality and fairness) than in most democracies today. In addition, it will shield the elected parliament from populist polemics against a so-called self-serving political class. A 'House of Lots' that deliberates and decides in public on an issue for which the elected members of parliament cannot escape the suspicion of being self-interested reconnects 'will' and 'opinion' and thus refreshes the democratic diarchy.

Matryoshka Representation

A second reform proposal with the possible potential to revitalize the communication between 'will' and 'opinion' may be called Matryoshka Representation, after the wooden Russian doll, which contains a smaller doll, which contains a smaller doll, and so on. The Russian doll is a metaphor for the representational relation that has become a crucial aspect of the political debate over whether children should have a right to vote from birth on or not.

The right to vote from birth has a tradition under the name of 'family-vote' that dates back to the early nineteenth century in France and Belgium. Only very recently has it returned on the reform agenda of a surprisingly broad political coalition, including socialists, members of Green parties, some social-democrats and liberals, some conservatives and officials of the Roman Catholic Church, and also politicians of the populist right like Marine Le Pen in France or the authoritarian ruling party Fidesz Hungary.

The normative justification for a right to vote from birth holds that children are already subjects of an extensive catalog of rights (and duties), including to be accepted as heirs. Giving them the right to vote would only add the political component to this list. The defenders of such a right suggest a procedure similar to that adopted in the case of children who are stockholders. Those persons who are in custody should represent the child and cast the vote for him or her until the child is declared old enough to do it him or herself.

The term Matryoshka Representation fits within this idea because it illustrates the representational relation (comparable to the Russian doll) that exists in

addition to the act of voting. In the case of a parent voting in the name of the child, the representational relation exists not only between the voter and his or her representative, but also between the child and the person who holds custody and has to cast his or her vote. Or, in other words: Just as the smallest doll is inside the larger ones, the representational relation is internalized into the person of the voter who has to make up his or her mind in the voting booth about the best interest of the child.

The political hopes of those who have recently brought this reform proposal back on the political agenda are manifold and include visions of a better ecologic, financial, economic, or demographic future, depending on the political forces who support this suggestion. More recently the growing political support to introduce a child's right to vote from birth on all over Europe is because of the fact that conservative, Christian and right-wing politicians expect that such an enfranchisement will strengthen their particular political influence – in the expectation that most parents would vote for 'traditional family values'.

Looking through the lenses of Urbinati's diarchy and her emphasis on the importance of a constant communication between 'will' and 'opinion', the idea of giving children a vote from birth can be given a radical twist: The 'Aleatory Kid's Vote' as an alternative to the conservative family vote (see Buchstein, 2014). Instead of allowing parents to represent their child, the 'Aleatory Kid's Vote' leaves the child's representative up to chance. The right to cast a vote on behalf of a child is distributed among all voters by a lottery. Such a system disconnects the vote of the child from its parents and gives every citizen (with kids or without kids – they may be single, married, gay or queer) the statistically equal chance to cast an additional vote for a child unknown to him or her.

The procedural, constitutional and technical details are unimportant here. I raise this example as a way of realizing Urbinati's republican intuition that certain political procedures and institutions have more potential to encourage citizens to reflect more intensively about what is good for the political community in the future than do others. The rationale behind the idea of the 'Aleatory Kid's Vote' system is the assumption that it will stimulate the debate in the public sphere about long-term-future political issues and will widen the time horizon of democratic decision making. It is based on the republican expectation that a voter who receives the right to represent the 'will' of a child unknown to her or him develops a more openness to participate in the public debate – the sphere of 'opinion' – about what is good for children and their future before he or she casts the vote as a children's representative.

The two reform proposals briefly mentioned above need a much more detailed description of their philosophical, legal, technical and practical aspects. I mention them in this context only to illustrate how Urbinati's innovative normative concept of democracy's diarchy might be interlinked with and even institutionalized by equally innovative ideas in the field of democratic reform.

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The *figure* of democracy and its legitimacy

Urbinati's (2014) *Democracy Disfigured* continues her earlier defense of representative democracy. Whereas her previous book was a genealogical reconstruction of representative democracy as a distinctive form of democracy, to be upheld on its own terms, and not as a second best; her new book defends modern democracy from what she considers as some of its current degenerations: both in theory and in practice. In essence, this is a *critical* work. Urbinati's main targets are what she calls 'democratic Platonism', or an epistemic conception of democracy, and the more familiar forms of populist and plebiscitarian democracy. In advancing her criticisms, Urbinati offers a mature reflection on democracy – one that is elegantly presented, erudite in execution, and convincingly argued.

In many respects, Urbinati's approach is original; but the form of democracy she defends is not new. The latter point is neither a trivial one, nor is it intended to diminish our appreciation of the book. In fact, the register of Urbinati's argument is self-consciously historical, for her theoretical understanding of democracy relies on the accumulation of insights and contentions by a wide variety of authors throughout the history of political thought. Her object of analysis is neither abstract principles nor an ideal model of democracy, but democracy as a historical political regime, the product as much of institutional practices across time and geographical areas as of theoretical reflections and movements of ideas.

The central metaphor of the book, of a disfigured democracy, implies that there is a recognizable political regime, democracy, whose main features appear corrupt in the

way in which they are manifested in some contemporary democratic theory and practice. Although such disfigurations alter the fundamental traits of democracy, the mutation would seem only partial, if we admit, as Urbinati does at the very outset (p. 2), that these forms of the regime remain democratic – at least up to the point beyond which they fail to be recognizable as such. This idea of the 'figure' of democracy, which has similarities with that of the political 'body', is an intriguing one, and it is subtly and effectively presented in the introduction of the book. But, as Urbinati remarks, references to the body politic are often made in relation to the 'substance' of a democratic regime, to its political legitimacy. Urbinati instead wishes to eschew questions of legitimacy, while concentrating on those traits that make the 'figure' of a democratic regime recognizable at all.

But can the distinction between the 'body' and the 'figure' of democracy be sustained? Can Urbinati's analysis of 'disfiguration' work without appealing if only implicitly to a notion of legitimacy? Reflecting on the metaphor of 'disfiguration' itself, it should be noted that by it we do often mean something more complex than a mere change in external traits. When changes are not occasioned by mere accident or sudden change, but the results of either passing of time or conscious intervention, we consider a person disfigured, only in consideration of a complex relationship between her external traits and the internal characteristics we attribute to her. Hence, the 'figure' of a body is disfigured in so far as its new traits belie some of the intrinsic characteristics we attribute to the 'figure' itself.

Urbinati talks of 'figure' as 'an observable configuration … indicative of a political order, a phenotype thanks to which we recognize it as distinct and different from other systems' (p. 1), and then suggests that the 'traits composing the democratic figure' are its 'procedures and institutions and the public forum of opinions' (p. 2). Both 'figure' and 'phenotype' suggest an outward and observable manifestation, something that is subject to environmental influence, and to a great degree shaped by it. In this sense, a democratic regime could be understood as a social form (a *type* of such a form, rather than a *token* manifestation of it), and not as an ideal type, or a normative construct. Recognition of the phenotype of the democratic regime therefore requires some reconstructive effort and a certain dose of sociological imagination. But even so, there must be some normative or meaningful criteria according to which changes in the figure of democracy, or particular manifestations of its phenotype, can be considered as disfigurations or can be said to lead to its malfunctioning.

Urbinati's criticism of epistemic, populist and plebiscitarian conceptions and practices of democracy cannot consist simply in the idea that they tend to change the 'figure' of the democratic regime, but must rather imply that such changes involve different (and illegitimate) ideas of what democracy is (or should be) about. Thus, contrary to what Urbinati seems to suggest at the beginning of her book, the 'figure' and the 'substance' of democracy may be barely distinguishable. Most of the arguments that she deploys throughout the rest of the book as a criticism of the rival

conceptions are in fact concerned not simply with a change in the 'figure' of democracy, but with the failure of these deformed regimes to display those traits that she considers central to the legitimacy of how democracy, as a political regime, works (or should work). Indeed, the first chapter of the book, on 'Democracy's Diarchy,' is a sustained defense of Urbinati's own 'positive' conception of democracy, where she clearly engages with the substance of democracy and of its legitimacy.

But there remains a certain ambiguity on whether Urbinati's contention is that the forms she criticizes are deformations of democracy, and as such they fail in what, following Lefort (1986, p. 257), one could describe as the *mise en scène* of the political regime, that is the way in which the immanent configuration of power fails to be a meaningful democratic regime; or whether these forms are non-democratic in so far as they misunderstand what democracy is about, organizing political relationships in ways that normatively contradict, rather than deform democracy. In either case, the central question of the book shifts from Urbinati's critical view of the 'disfigurations' of democracy to her more 'positive' conception of democracy.

Urbinati rests her own conception of democratic legitimacy on the diarchy of will and political judgement (or opinion, terms that she claims to be using interchangeably, see p. 22). But, the real originality of the book lies in the latter's treatment. The place of the will in democracy, as the manifestation of the principle of popular sovereignty, is rather well established in the field of contemporary political theory, and applies to all forms of democracy, either direct or representative. Much of the author's argument, on the other hand, concerns how populist and plebiscitarian ideas of democracy tend to overemphasize this dimension to the detriment of the second element of the diarchy: opinion or political judgment. In this unbalance, they resemble, or mimic through other means, direct forms of democracy. In truth, Urbinati's diarchy mainly applies to *representative* democracy, because it is through such a form that the work of opinion really acquires its proper role as a process immanent to the democratic community, and because representative democracy, distinct from other forms, privileges a more *mediated* kind of politics, which she regards as more hospitable to the unfolding of political judgement.

For all these reasons, the book's main contribution turns out to be a sustained reflection on the role of opinion and opinion formation in democratic theory. The starting point for such a reflection had already been established in Urbinati's (2006) previous book, where she identified Kant as the key author to inspire the 'revision of the modern doctrine of sovereignty' (p. 102) by firmly establishing the place of judgement as a rightful manifestation of the will, against the capriciousness of arbitrary and despotic will. In the present book, Urbinati further expounds on her important intuition about the formation of political judgement as central to the operations and legitimacy of representative democracy. In this respect, Urbinati's

criticism of what she calls 'unpolitical democracy', the form that puts a premium on its epistemic and deliberative qualities, is perhaps of greater consequence than the other two criticisms, since the issue here is not simply of keeping the legitimating diarchy in balance, but also that of defining the nature of knowledge in democracy.

Given the centrality of political judgment to Urbinati's conception of representative democracy, it is all the more significant that she insists on using the terms 'opinion' and 'judgment' synonymously. Although in one of its meanings, judgement *is* an opinion. When opposed to the will, judgment is more like a faculty, the ability of making considered decisions and reaching appropriate conclusions. In this sense, it is something different from opinion, the latter being a view about something, and often the result of the operations of judgement. In the sense of a faculty, judgement is more like opinion formation, thus framing political judgement in a democracy may look like a different operation from guaranteeing the exercise of opinion – though such a guarantee may be an important aspect and presupposition of political judgement itself. Urbinati recognizes such a tension between opinion as *doxa*, and opinion as interpersonal judgment (pp. 28–29).

Urbinati's emphasis on opinion (*doxa*) as intrinsic to democracy suggests that she has a different view of the place of knowledge in democracy than the one propounded by epistemic and deliberativist conceptions. The latter understand political judgement as a form of public reason aimed at reaching consensus; while Urbinati's view of democracy as 'government' of opinion would seem to insist on the management of conflict and disagreement. Moreover, what Urbinati prizes about opinion in democracy is not the variety of opinions and disagreement between people but rather the possibility for opinion to change, for people to change their minds. In other words, more than the interpersonal aspects of opinion formation, she underscores its intra-personal character, the ability of revising one's own opinions. Such an ability she extends to the democratic community as a whole: democracy gives us 'the certainty we can amend and change all decisions without calling into question or revoking the political order' (p. 79).

But limiting opinion to *doxa* risks reducing democratic legitimacy to a minimalist view of democratic procedures as merely guaranteeing peaceful coexistence. In Urbinati's view, opinion as a kind of *judgement* has a crucial role in holding the democratic community together. This it does by taking the form of public opinion, or *l'opinion generale*, which Urbinati insists is as much part of Rousseauean democracy as it is the idea of the 'general will'. They are, she maintains, 'two *manifestations* of sovereignty' (p. 38), intimately linked to each other in so far as the general will makes the citizens free, for they obey the law they themselves have made; while general opinion make them *feel* free, by providing the 'sentiment and the vision of a single inclusive discourse' (p. 39). According to Urbinati, 'general opinion' is therefore part of that process that transforms simple aggregation into authorization by

reconciling the opinions of the individual citizens with that of the community and giving legitimacy to its laws.

Would such a reliance on the cathartic power of general opinion risk producing a strongly communitarian version of Rousseauean democracy, where the citizens rather than feeling in unison with the democratic community would be brought to conformity with it? Urbinati's answer to such a challenge is to suggest that we should conceive of public opinion in modern societies as a 'plural space', where 'plurality and diversity' are the 'inclusive discourse' (p. 40). Urbinati thinks that, contrary to Rousseau, political representation is the key for keeping the public discourse both plural and inclusive; for making politics an affair both *of* the public and to be conducted *in* public (p. 42). This part of the analysis would seem to be largely indebted to Habermas's theory of the public sphere. For Urbinati, as for Habermas, public communication, public scrutiny, and public criticism make sense of the way in which political judgement operates, not simply as an arena for the expression of opinions, but as the process of opinion formation. But for Habermas (1996), public discourse is the link between reason and will; it mediates 'between the opinion-formation of all and the majoritarian will formation of the representatives' (p. 475). The latter, he maintains, can only be justified if it has an intrinsic relation to the search for truth, communicative rationality and consensus. In short, Habermas conceives the working of the public sphere in more consensual and rational terms than Urbinati does. On the contrary, she emphasizes the importance of diversity, changing opinions, and partisanship as important elements in the formation of 'general opinion'. But without either a strong cognitive or a normative idea of public reason and public discourse, the status of such a 'generality' remains vague and undefined. In the end, we are perhaps more persuaded than convinced by Urbinati's thoughtful defense of the 'figure' and legitimacy of representative democracy.

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Democracy's 'Diarchy' and the partnership of legitimacy and hegemony

Democracy Disfigured is a remarkable achievement that puts representative democracy forward as a form of democracy *in its own right*. After decades of privileging participatory and deliberative forms of politics, democratic theorists widely recognize that political representation is neither a practical concession to problems of scale nor a fall back from more authentic forms of democracy for which contemporary citizens are ill-equipped (see Plotke, 1997; Young, 2000; Mansbridge, 2003; Näsström, 2006). Nadia Urbinati forcefully and eloquently declares why political representation is to be celebrated, as 'the most important institution in … making politics an affair that is of the public and made in public, because the citizens must *judge* what representatives propose to do and do in their names – thus *talk and listen, not simply vote*' (p. 42; emphasis added).

Upon reflection, the point is obvious. No citizen of a mass democracy would take herself to be free if she were able to elect a representative to office but had no means of forming an opinion about how well they performed, no possibility of sharing or debating that opinion with others, and no way – other than by voting for a different candidate or party in a subsequent election – to communicate that opinion to the representative. Obvious as it may seem, especially once it is spelled out, this point has never been conceptually formulated. With 'democracy's diarchy', Urbinati puts a concept to that notion, and coins a term that she puts to conceptual, descriptive and normative use. 'Diarchy' enables her to conceive representation as a distinctive form of democracy; to describe the 'indirect power of opinion' that is no less important than that of suffrage (despite being overshadowed by it); and to critique the illegitimate exercise of that power in contemporary representative democracies (p. 25).

To conceptualize representative democracy as 'diarchy' is to hold that it is constituted by a *two-fold* sovereign power: the power of *decision* and the power of *opinion*. Decision is, of course, familiar. This is the sovereignty of the vote, the 'authorized will contained in civil law and implemented by officials and institutions' (p. 22). Decision cannot function democratically unless it is partnered with opinion as a power that is 'different' and 'distinct' but not separate (p. 22). Urbinati is not proposing to *divide* sovereignty. She is saying that sovereignty has two parts the one of which is entailed by the other but never subsumed by it. They are located institutionally in 'elections' (decision) and the 'forum' (opinion) (p. 2).

Granted, the forum will strike some as the archetypal space of democratic decision making – the New England town meeting or the Athenian Pnyx. While this association is not mistaken, at least not historically, it is symptomatic of what Young (2000, p. 125) terms democracy's 'metaphysics of presence', the tendency to

equate democracy with direct or face-to-face decision making that makes it difficult to treat political representation as democratic in its own right. Urbinati follows the Roman model, where the forum is external to the institutions of decision making, the site for exercising the power of opinion. Because it is extra-institutional, the forum is not authoritative like decision, although it is crucial to political liberty nonetheless. Without opinion – the ability to decide 'this party or that one' or 'yes or no' – would have little meaning.

The forum institutionalizes three things that are crucial to 'freedom of opinion' (p. 24). It is: a locus of information that makes it possible to form opinions rather than merely inheriting them or having them imposed by propaganda; a site of debate that makes it possible to test one's opinions against those of others; a domain of persuasion where ideas acquire 'public weight and influence' (p. 28). In representative democracy, understood as a uniquely 'diarchic system', the role of the forum in its relationship to citizenship is reinterpreted (p. 2). No longer merely a condition for the possibility of exercising the right to vote, access to the forum and exercise of its communicative capacities become 'political rights of the citizen' and public goods 'whose protection may require an activist state' (p. 24, 48).

The diarchy concept is breathtakingly original and utterly transformative in at least three respects. First, it suggests that citizens' most important democratic power 'is essentially a "negative" one – it is the power of judging and influencing more than getting things done' (p. 64). Second, it follows that if contemporary citizens are apathetic, disaffected and passive, the cause may not be – as Rousseau insisted – that representative democracy *necessarily* disempowers citizens by usurping their capacity to act. The problem, instead, lies with a 'disfigured' version of representative democracy in which the power of opinion is illegitimately exercised so that citizens 'do not enjoy an equal opportunity to see and be seen, to have their ideas discussed and heard', and to influence others (p. 63). Third, the diarchy concept puts the 'question of the *circumstances of opinion formation*' at the center of the study of democracy, making it imperative to regulate the exercise of the power of opinion to ensure that it is legitimately deployed and equitably shared (p. 28; emphasis original).

In one of the most provocative sections of the book, Urbinati suggests that the exercise of opinion calls for a different conceptualization of democratic legitimacy than does that of will. As Young (2000) has put it, the 'normative legitimacy of a democratic decision depends on the degree to which those affected by it have been included in the decision-making processes and have had the opportunity to influence the outcomes' (pp. 5–6). Representative government uses territory as a proxy for affectedness and, because the affected do not make decisions themselves, meets the requirements of inclusion and influence indirectly, by mechanisms of authorization, accountability and responsiveness. Such mechanisms aim to ensure legitimacy by bridging or narrowing the gap between the represented and representative. Urbinati counters that legitimacy of opinion depends not on proximity between representative and represented but on distance, which opens up the space in which opinion forms

(p. 31). Legitimacy of opinion is not, like legitimacy of decision, primarily premised of the representative-constituency relationship but, rather, of the broader system of communication. That system organizes the competition among various actors (including not just elected office holders and political parties but the mass media, scientists, intellectuals, celebrities, corporations and advocacy groups of various kinds) to exercise influence.

Urbinati's choice to 'use the words "opinion" and "political judgment" inter-changeably', which Dario Castiglione analyzes in his contribution to this exchange, makes it a little difficult to discern with precision the way that legitimacy comes into play with respect to opinion – is it a matter of an individual's particular opinion/judgment *being* legitimate or of a process of opinion/judgment formation *functioning* legitimately (p. 22)? The second of these would seem to be the more political concern, and as the argument unfolds Urbinati specifies the differences among 'several kinds' of opinion that bring her conception of legitimacy into sharper focus (p. 40). First, there is Rousseau's 'general opinion', which Urbinati interprets as a sense of the 'just or good' that acts as an 'integrative force', one that 'provides a basis for the difference between simply obeying and obeying with conviction and even enthusiasm' (p. 39, 38, 37, 44). Thus, it ensures that we remain free even as we obey particular laws or decisions (Rousseau's 'general will') with which we disagree. Second, there are Bolingbroke's 'partisan' opinions, a dividing (not to say divisive) force, which conveys 'citizens' reflections or judgments of the work of the government and their social conditions or needs or grievances' (p. 44). Third, there are 'private' or 'factional' opinions that do not combine citizens' 'interests as socially situated beings [with] the interest of the nation' as partisan opinions do but, rather, try to 'curb' the general interest 'to themselves' (p. 44).

There is no question of legitimacy with private or factional opinions. Because they aim to pass off a parochial interest for a public one, they are never democratically legitimate (I do not address, and neither does Urbinati, the question whether and by what criteria the distinction between private and partisan opinion might be observed empirically and measured). The legitimacy of partisan opinions turns on their relation to general opinion. That is, partisan opinions establish their legitimacy not by appealing to a context-independent standard, but, rather, by soliciting and resonating with 'a kind of reason that is diffused in society in the forms [*sic*] of people's conformity to or acceptance of something they regard as reasonable in relation to the circumstances of their social and moral lives, their ethical culture, and the idea of well-being they have' (p. 34). Urbinati follows Aristotle in emphasizing that the political questions to which partisan opinions pertain are 'issues concerning "choosing" or "avoiding"', and, hence, cannot be the 'objects of scientific knowledge and philosophical deliberation' (p. 33). They are matters of ' "verisimilitude", a species of truth in its own right' that is context-specific and achieved dialogically (p. 31).

If this idea of partisan opinion, that which turns not on abstract legitimacy but on general opinion understood as *resonant* truth, sounds like hegemony, it *is*. Urbinati

explicitly terms general opinion 'protohegemonic', and describes it, in terms reminiscent of Gramscian common sense, as something 'subterranean … on which people agree to the point of regarding it as a principled assumption that inspires inferences people treat and regard as "truth" or "correct" or "sound" ' (p. 38, 35). It functions *as if* it were warranted knowledge, even though it is not.

This is Urbinati's most provocative move: to partner legitimacy with hegemony. This is not as surprising as it may seem, if we hold to the affirmative role that Urbinati grants to ideology in her earlier work, using that term in a non-pejorative sense 'to designate the use of normative ideas and values in order to legitimize behavior and [to designate] the active function of political ideas in the interpretation of social events and interests and [in] advanc[ing] social visions' (Urbinati, 2006, p. 120). Ideology, understood here as the normative, inevitably partial, culturally specific and rhetorical context of thought, is an ally of political judgment. In the context of theorizing diarchy, the partnership among ideology, judgment, hegemony and legitimacy enables her to mount a forceful critique of the 'epistemic ambition of making public deliberation a terrain of competent knowledge', rather than developing it as a domain of liberty for the formation, testing and revising of (partisan) opinions (p. 46). Thus do I read Urbinati to affirm that deliberation occurs within contexts of hegemony rather than being an impartial, unsituated practice that serves to unmask ideology and, thereby, to provide for non-coercive social agreement.

But this makes all the more troubling the 'crucial problem in contemporary democracies': that the 'actors that provide this inclusive discourse … most of the time are private subjects' (p. 40). That is, elites dominate the capacity to set the terms of the general, 'proto-hegemonic' opinion. Their domination is illegitimate not because it puts hegemony in the place where truth is supposed to be but for its foreclosure of challenges to the dominant common sense. The consequence is that 'contemporary citizens lack self-sufficiency in gathering and interpreting information', which not only 'curtails their opportunity to make autonomous political judgments', but hinders their 'control over those whom they have chosen to govern' (p. 64).

Urbinati's arguments on the context dependency of (partisan) opinion coheres with the leading work on preference formation by scholars of public opinion and political psychology who argue that political preference formation is inevitably contextual, hence, ideological (in the non-pejorative sense I quoted from Urbinati 2006 above) and contingent on elite influence. Like Urbinati, Druckman (2001) argues that this recognition should shift assessment of 'citizen competence' from evaluating the epistemic content of individuals' preferences to analyzing the 'process through which elite influence works' (p. 233). A new wave of scholarship in this field recognizes the need to test the dynamics of such mechanisms of elite influence as framing and priming under experimental conditions that more realistically approximate the conditions of what Urbinati would call the forum – that is, to shift from studying the effects of individual frames in isolation to studying them as moves in an argument in competition against other arguments. The study of '*competitive* political rhetoric'

and 'counter-framing effects' shows that 'individuals [were] more apt to see through weak frames' when they were juxtaposed against stronger ones, and were moved more by the relative strength of a frame than by its frequency of repetition (Chong and Druckman, 2007, pp. 649, 645; Chong and Druckman, 2013, p. 1). This research gives reason for optimism because it suggests that mass competitive politics creates at least minimal conditions for more reflexive opinion formation. The sheer fact of competition among rival elites prompts individuals to be more discerning in their assessments of frames. Without, of course, using the term, Chong and Druckman (2007) promote Urbinati's forum, emphasizing that the 'quality of the electorate's judgments' depends not only on the quality of the information that voters receive but as much or more 'on the nature of political competition and, more generally, on political institutions, such as the party system and the media that shape political debate' (p. 652).

Yet, as Chong and Druckman (2007) are quick to observe, the 'strongest frames' are not necessarily the 'most sound or meritorious arguments according to empirical, analytical, or normative standards' (p. 652). On the contrary, stronger frames are typically those with an intuitive appeal because they tap readily available stereotypes or liberal individualist dispositions such as that which most troubles Urbinati: the deep-seated belief that free speech is a negative right 'which the state protects by not interfering with' (p. 68). Urbinati calls for regulation to counter the private monopoly of the forum but for such measures to gain any ground, I think she will need to ally herself with a force she denounces: populism.

For Urbinati, populism is defined generally by two features: it uses polarization as a political strategy and relies on ideology to forge a collective (pp. 158–159). She claims that, together, these are necessarily anti-pluralist and, consequently, always opposed to political liberty (pp. 158–159). Yet in light of Urbinati's own recognition that verisimilar or dialogic truths can come to be held as if they were immutable over time, and in light of her rejection of epistemic truths as a counter-force, it is hard to imagine how to put forward a counter-force to entrenched general opinion *without* resorting to polarizing rhetoric and soliciting a strong counter-identification by ideological means. This was precisely the strategy of the nineteenth century US populists, who undertook to challenge the corporate system of agricultural finance on two fronts: material/institutional and ideological. They created the 'Farmer Alliances', a network of agricultural co-ops, plus a network of lecturers to propagate an unquestionably polarized view of the world. At once a social movement and a political party that aspired to govern (and successfully did so in select western and southern state legislatures), the Populists forcefully put forward conceptions of political and economic freedom that were at odds with the prevailing common sense. Their defeat, according to Goodwyn's (1978) *The Populist Moment*, narrowed the democratic imagination of US citizens and workers forever after. I do not suggest that we should think of populism as generally or essentially democratic, merely that the nineteenth century US populists offered an example of something that democracy's diarchy cannot do without: material and ideological resources for autonomous

judgment understood in the terms that Urbinati has formulated – as context-dependent and relative to verisimiliar (as opposed to abstract) truth.

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Populism, polarization, and praxis

One of the major challenges facing contemporary democratic politics is not merely the corrupting influence of money in elections and campaigns, but the multifaceted ability of the wealthy and powerful to capture the sphere of public communication (opinion) and institutions of governance (will) and use them to further consolidate and increase their wealth and power; in this way, administrative rules and regulations, legislation, and judicial decisions work over a vast social terrain to actively shape and perpetuate an oligarchic order and, doing so, establish a feedback loop of ever-intensifying social and political inequality that undermines the practical egalitarian conditions of democratic politics. Antonio Gramsci had an elegant phrase that might be applied to this state of affairs: 'catastrophic equilibrium'.

In her provocative new book, Nadia Urbinati worries about the catastrophic equilibrium of socioeconomic and political inequality, but, unlike Gramsci, she remains firmly committed to the ability of representative democracy to rectify the dramatic inequalities of wealth and power that emerge from within it. In *Democracy*

Disfigured Urbinati elaborates a 'diarchic' theory of democratic sovereignty, which conceptualizes popular representation as a robust and dynamic relationship between the relatively autonomous sphere of opinion and deliberation, on the one hand, and of decision and will, on the other. 'Citizens' equal rights to an equal share in determining the political will (one-person-one-vote) ought to go together', she argues, 'with citizens' meaningful opportunities to be informed but also to form, express, voice, and give their ideas public weight and influence' (p. 28). The dynamic interaction between these spheres of political power is always fraught with risk, Urbinati concedes, and she models three primary ways in which democracy can be disfigured by inflating one or another role of opinion over democratic politics into a single 'mono-archic' source of power: the epistemic politics of truth; the populist politics of mobilization and political contention; and the plebiscitary politics of audience spectatorship.

There is no way here to engage with the rich historical and theoretical detail supporting the elegant simplicity of the book's central argument. I will take up only one of her three democratic disfigurements here – populism – because I think it bears the most relevance to the political concerns that motivate the book. I worry that Urbinati's polemical account of populism closes down more radically democratic alternatives for confronting these pressing problems than the liberal proceduralism for which she advocates. Populism, as Urbinati recognizes, is a notoriously ambiguous political category; there is little scholarly consensus around how it should be conceptualized and studied. It has been described as form of party organization and electoral mobilization, and as a social movement and example of contentious politics (See Mudde and Kaltwasser, 2012). Others have approached populism as a style of political rhetoric (Kazin, 1998), a coherent albeit 'thin-centered' ideology (Mudde, 2004), or 'something more nearly resembling a mood or … an ethos' (Goodwyn, 1976). With all of this scholarly disagreement, it is not surprising that arguably the most influential contemporary theorist of populism – the late Laclau (2005) – places indeterminacy or ambiguity at populism's very center, and argues that 'populist reason' is equivalent to the logic of the 'empty signifier'.

Urbinati's account of populism echoes other liberal critics who worry that populist appeals to the regenerative and unified authority of the people's uncorrupted will entails a dangerous rejection of pluralism, checks and balances, proceduralism, deliberation and law. Populism's polarization of politics into the 'pure many' and the 'corrupt few', its simplification of political debate into the Manichean opposition of good and evil, and its reliance on the politics of popular acclamation make representative democracy its 'true and real target'.(p. 133) What Urbinati objects to most is populism's logic of 'polarization', which she claims makes it 'less inclusive' than formal democratic citizenship. 'Populism', she writes, 'is a politics not of inclusion but primarily of exclusion' (p. 147). In the terms of Urbinati's 'diarchic' democratic theory, populism converts opinion into the homogeneous popular acclamation that takes shape around the concentrated power of a single leader who

alone is capable of giving form to the popular will. She insists that without 'the presence of a leader or a centralized leadership … a popular movement that has populist rhetoric (i.e. polarization and antirepresentative discourse) is not yet populism' (p. 129). 'The search for a leader is one of populism's most specific characteristics', she claims, so the 'personalization of politics is not an accident in populism, but rather its destiny' (p. 153, 156). It is only through the identification of the popular will with that of the Caesarist leader, on her account, that the people can be effectively reinstalled at the center of populist democracy and exercise its 'limitless decisionism' (p. 152).

As may already be clear from this description, Urbinati's analysis of populism is deeply indebted to the work of Carl Schmitt even though Schmitt's influence is not openly acknowledged in her populism chapter, and even though Urbinati argues vociferously against Schmitt's antiprocedural illiberalism (and its modified reiteration in radical democratic theorists of 'polarization' like Laclau). Urbinati's most extensive engagement with Schmitt is in her chapter on plebiscitary politics, where she offers a compelling account of Schmitt's attempt to change the meaning of 'public' from a 'juridical-normative' category to one that is oriented around theatrical appearance (p. 215). Urbinati's theory of populism, sketched above, nonetheless corresponds very closely with Schmitt's Caesarist theory of populist democracy. In *The Crisis of Parliamentary Democracy*, Schmitt offered a seductive account of democracy built around mechanisms of identification. The 'abstract logic' of democracy, Schmitt (1992) writes, rests on 'a series of identities' (between governed and governing, sovereign and subject, will and law and so on). For Schmitt, the 'Jacobin logic' of democracy – the ability of a minority or even a single leader to speak on behalf of popular will – always exists as a possibility because this symbolic identification is not encumbered by formal procedures, mediating institutions, or the tallying of votes, but instead relies on a vital re-articulation of the qualitative identification with popular will on which all of these secondary quantitative mediations rest. Through (relatively) unmediated popular acclamation, the will of the people emerges as a kind of self-evident and unchallenged presence, but one only sustained through the antagonistic and political line it draws between itself and its enemy. Schmitt develops a populist theory of democracy precisely to oppose the false and deadening mediations of the constitutional state (elections, parliamentary procedures) that Urbinati so values. Schmitt (1992) affirms the enlivening immediacy of popular and oppositional identifications, or what he calls the 'direct expression of democratic substance and power', against representative democratic institutions (p.17). This focus not only casts democracy in populist terms but notoriously, and this is the logic on which Urbinati's argument depends, renders it compatible with dictatorship. This sets the stage for the essential role of the Caesarist leader to this conception of populist democracy, and its devastating reduction of political speech and action to plebiscitary acclamation.

Urbinati excludes from her model of populism the historical experience of populism in nineteenth-century America, which she would prefer to categorize as a 'popular movement'. I don't think this distinction can be as easily maintained as Urbinati claims. The US case was populism – an egalitarian attempt to practically organize a countervailing demotic power against economic and political elites – that was neither decisionist nor Caesarist. It provides a compelling radical democratic alternative to the theoretical model of populism built around identification that Urbinati derives from the work of Schmitt. The nineteenth-century American case vividly portrays what this theoretical framework leaves out of the picture. The populist effort to build the 'cooperative commonwealth' did indeed emerge from a deep crisis in the political representation and procedures of the Yankee Leviathan state, but it was defined by institutional experimentation and formative political praxis rather than unmediated appeals of popular identification; it was also adamantly decentralized and horizontalist rather than defined by the vertical consolidation of power around a single leader. Democratic theorists, whether critical or celebratory of populism, have not paid enough attention to its history of institutional improvisations and formative praxis, populism's robust experimentation with different forms of political cooperation and democratic enactment. Essential to the experience of nineteenth-century American Populism, for example, was what Sanders (1999) calls its 'desperate inventions': practical experimentation with building cooperative institutions that could enact and sustain popular authority over economic, cultural, and political life in the face of powerful opposing forces. These desperate inventions do not exemplify vital moments of popular identification with a charismatic leader so much as the hard work of creating alternative economic and political institutions and to organize and sustain popular power in the face of a catastrophic equilibrium: a political and economic system geared to creating and reproducing radical inequalities of power and resources. This is not only true of the nineteenth-century US populism; Ciccariello-Maher (2013) has recently made a similar case for the populism of Venezuela's Bolivarian Revolution.

The possibility for populism to effect a practical cultivation of collective agency and demotic counter power is missing from Urbinati's account, which is focused on the right-wing and fascist parties of Europe rather than the US case or the contemporary anticolonial populisms of Latin America. Lawrence Goodwyn's historical ethnography of populism's 'movement culture' might offer an illuminating alternative to the Schmittian model that guides Urbinati's account. According to Goodwyn (1976), Populism was first and most centrally, 'a cooperative movement that imparted a sense of self-worth to individual people and that provided them with the instruments of self-education about the world they lived in. The movement gave them hope – a shared hope – that they were not impersonal victims of a gigantic industrial engine ruled by others but that they were, instead, people who could perform specific acts of self-determination.

The movement taught its participants who they were and what their rights were and the people of the movement thereupon created its program and its strategy … Populism was, at bottom, a movement of ordinary Americans to gain control over their own lives and futures' (p. 196).

Urbinati's timely concern with the mutually enforcing tendencies of socioeconomic and political inequality were shared by the populists of the first Gilded Age, but, like Gramsci, they saw the authorized institutions and procedures of representative democracy – the 'certain criteria' Urbinati insists upon for determining popular will – to be part of the problem rather than the solution. They argued that a more radical disruption of the procedures that secured the catastrophic equilibrium was necessary to moving beyond its terms and holding the elite more directly accountable to the people. They argued that securing democratic egalitarianism required them to think and act beyond the 'process of regulated participation, direct and indirect, in the construction of political authority' (p. 236). In doing so, the populists provoked a period of political creativity that engendered the practical widening of political activity well beyond the 'certain criteria' of the vote. Populism, in this sense, is not a disfigurement of democracy, so much as one of the names that we give to episodes of transformative and rejuvenating demotic power. The contemporary dangers facing meaningful democracy are clear, and a serious debate over the appropriate political means for confronting them is urgent. Urbinati's *Democracy Disfigured* is an important and provocative contribution to in this much-needed public discussion.

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Nadia Urbinati's *democracy disfigured* and the crisis of real existing democracies

Nadia Urbinati's *Democracy Disfigured* is an important contribution to democratic theory. It offers a challenging articulation between a reframing of classical philosophical concepts, which was forged in a previous book (Urbinati, 2006), and a critical exchange with contemporary political philosophy. It proposes an original model that goes beyond the mainstream view that reduces democracy to its electoral dimension, and claims that democracy has to be understood as resting on two complementary powers of the people: to decide through elections who will govern and the direction in which they will govern, and to express their opinion in the public sphere. This diarchy of 'will' and 'opinion' expresses the two sides of popular sovereignty. In addition, Urbinati argues against three dangers that democracy faces at present: apolitical democracy and the rule of expertise, authoritarian populism and plebiscitary democracy, in an encompassing and globally convincing analysis.

The reader of *Democracy Disfigured* may however be puzzled. Is the alternative to these three dangers to be understood as a theoretical defense of the version of representative government that has developed in North America and Western Europe in the last two centuries? Is Urbinati's concept of democratic diarchy realistic and appealing enough to make sense of actual democratic innovations? Can democracy as a 'real utopia' (Wright, 2010) be poured in such a mold?

Part of the difficulty of the book is that the status of the argument is somewhat ambiguous: is the critique against technocracy, populism and plebiscitary democracy merely normative, or does it imply also a theory of society? One could sociologically accept the idea that these three disfigurations, although politically dangerous, are real and strong trends. And one could be convinced by Urbinati's normative critiques and still argue that these trends are reactions against the structural problems of really existing Western democracies – structural problems that the classical defense of representative government, even in Urbinati's version that is made more complex through the democratic diarchy of 'will' and 'opinion', fails to address.

It is true that the trend toward technocratic rule that a kind of modern Platonism defends is neither desirable in democracy, nor credible at epistemic level at a time where techno-sciences are intrinsically part of social and political choices. However, it corresponds to strong tendencies. At the national level, many important public regulations are enacted by state agencies, such as the Food and Drug Administration, which routinely act without being controlled either by parliaments or by public opinion. International agencies and other forms of global governance including private actors and bureaucratic bodies have the same latitude at the global level. A growing set of issues have to be addressed at this second level, and there is no

 Contemporary Political Theory 1–38

perspective that a representative government could develop on that scale. It is therefore not only by chance that national institutional politics tends to be more and more reduced to petty political games.

By the same token, the power monopoly of the political class has to do with the growth of authoritarian populism. In Europe as in the United States, political parties have lost their integrating power. The lower class and the subalterns groups tend to be systematically marginalized in the political system, at a time when this system seems unable to face the growing domination of financial capitalism. In such a situation, it is no surprise that it appears so hard to motivate the people to actively engage in classical party politics. In addition, the vanishing of mass political parties that used to supply a distorted but still relatively efficient channel of communication between public opinion and the rulers has important consequences. One of them is the development of a new kind of communication, mostly symbolic, through the mass media. The age of media democracy is both a factor and a side effect of the decline of political parties. The very historical dynamic of representative democracy leads to this unpleasant side effect, and a way out seems hardly possible.

When one considers these middle-term trends, is the call for 'normal' representative democracy, and for an 'undistorted' diarchy between the will of the people as expressed by elections and public opinion, powerful enough as a corrective to the 'disfigurations' Urbinati identifies? What is the opposite of the 'disfigured democracy'? Democracy as it used to be in the past century? Really existing democracies? A normative model of a nearly just and nearly democratic society – that is something very far from our actual political system? Urbinati gives three guidelines that should orient us in the present situation: less opacity in the decision making, less money in politics, and better and more pluralistic information. However, these are necessary but not sufficient conditions for a new flourishing of democracy. They are not ambitious enough, and they are unlikely to be realized without a much more substantial change of our present political model. In another text (Urbinati, 2014b) Urbinati in fact recognizes the need to discuss some of the important democratic experiments, which point toward a more ambitious solution than the defense of an undistorted *status quo*. The Icelandic constitutional process is one of them: it implied mass mobilizations, a change of government through elections, a new deal between business and unions regulating working conditions, two citizen assemblies mostly selected but lot among ordinary citizens, the election of a constitutional committee in which professional politicians were excluded, a (consultative) referendum – a complex process that encompassed representative government but was not reducible to it.

In order to propose a realistic and appealing alternative, we have not only to discuss the philosophical theories of democracy, ancient, modern and contemporary, but also to study the present democratic innovations and experiences. After all, this was what Machiavelli, Locke, Rousseau, Marx or de Gouges did in the past. The

purpose of political theory is or should be to offer a compass that helps citizens to find a path to face the actual political challenges and to proceed in their experiences. This is why it also has to scrutinize these challenges and these experiences in order to be fully convincing. We should especially look at the trends that are normatively interesting. We have to try to understand what democracy could and should be in the twenty-first century. My claim is that, both in theory and practice, the alternative to the dangerous trends that Urbinati rightly criticizes goes beyond her normative diarchy model.

At the theoretical level, three critiques can be raised against Urbinati's diarchic view. The first comes from pragmatist theory. In politics as in ordinary life, judgments and will are part of action, which encompasses both of them. Government is much more than a mere will. The decision-making process implies moments of implementation that induce new reflections, new ways of framing the problems, new actions that were not foreseen in the legislation. The classical separation of powers between the legislative (or more broadly elected politicians) and the administration may well be constitutionally true; it is sociologically naïve. In addition, in the act of representing the people, elected politicians make powerful symbolic representations that participate in the construction of what 'the people' is (Bourdieu, 1991; Saward, 2010). This retroaction cannot be reduced to a principal-agent relation, in which the representatives would be a mere instrument of the sovereign will of citizens. Elections are therefore only one particular moment in a much larger decision-making process, in which the 'will' and 'judgment' of the people are merely two pieces among others, such as material tools, institutions devices, norms of behavior and evaluation (Boltanski and Chiapello, 2005).

The second critique is that the diarchy model rests upon the old idea of national sovereignty. In the age of globalization and of continental integration, the old national democratic model is outdated. In order to face the global warming and other ecological challenges, one has to conceptualize democracy beyond sovereignty (Colliot-Thélène, 2011). World citizens will never vote a global government that could impose a reduction of carbon emissions in China or in the United States. The diarchy model seems inadequate to face this new situation, because one of his two pillars rests on elections.

The third critique is both philosophical and sociological. A majority of the founding fathers of French and American republics wanted representative government to be an elected aristocracy rather than a real democracy (Manin, 1997). The growing professionalization of politics has reinforced this elitist dimension. The diarchic model goes beyond a mere Schumpeterian view of democracy, because it couples elections and public opinion. However, is it insufficient to fulfill the old ideal of democracy as self-government, or even Machiavelli's version in which the will of the people is at least not being determined by the few. Against the somehow naïve view of some normative theories, Political sociology since Max Weber proves that real existing representative systems based on the professionalization of politics tend

to deprive the people of any real power to decide. This undermines the normative idea that the representative system is the best means available for people to exercise power on those who govern them – and one of the crucial claims of Urbinati's book on representation (Urbinati, 2006). A realistic utopia for the present time should at least satisfy the criterion of reducing the domination that the political elite exercises on the people. The empowerment of citizens and especially of subaltern groups should mean much more than the rights to voting and the expression of public opinion.

This trend is present in actual democratic experiments, in relation to which real utopias can be conceptualized. Urbinati (2014a) writes: 'Through its long and honorable history, democracy has shown great ability to devise institutions and procedures that are capable of solving problems that democracy's political process of decision prompts' (p. 12). But this is still an ongoing process, and actual democratic experiments tend to go beyond a mere representative government, and therefore beyond the democratic diarchy that is central to Urbinati. The importance of elections is declining and will probably decline further during the twenty-first century. Although no serious democratic *alternative* has been opposed to elections after the fall of real existing socialism, at least at national level, most experiments tend to blend elections with other devices, to *pluralize* democratic legitimacy (Rosanvallon, 2011), and to propose a sort of mixed constitution. This is also true for democratizing processes that take place within authoritarian rule, such as in China, and that mostly do not pass through political elections. There is not enough space here to analyze them is this review article, but we can pay attention to two trends that implicate Western citizens.

The first is the development of direct and participatory democracy. Switzerland can be viewed as a democratic model that goes beyond the diarchy between the will expressed through elections and the public opinion. Citizen initiatives and refer-endums where people can decide directly are part of everyday political life. It is not by chance that, among European citizens, the Swiss are the most satisfied with their political system. Switzerland was a source of inspiration for North America, especially in the West coast, at the end of the nineteenth century and the beginning of the twentieth century. Switzerland and the West coast of North America have in turn become important references in the waves of modernization that took place in Latin America, Eastern Europe and, to a lesser extent, Africa and Asia at the end of the twentieth century and at the beginning of the twenty-first century. A lot of new democratic countries have introduced direct democratic devices in addition to elections in their constitutions. Furthermore, especially at the local level, forms of participatory democracy have developed, such as participatory budgeting, which cannot be understood with the dichotomy elections/opinion. The most challenging developments of democratic experience at the turn of the century have probably taken place in South America, both practically and theoretically. The New Constitutionalism in Latin America proposes a synthesis between the old representa-tive government and the new participatory and direct democratic experiments (Nolte and Schilling, 2012). At a more modest scale, the British Columbia Citizen Assembly

in the 2000s and the Icelandic constitutional experiment between 2009 and 2012 have gone in the same direction (Sintomer, 2011). A lot of cooperative decision making that concerns the new commons (Dardot/Laval, 2014), from Wikipedia to Linux and the Creative Commons, could also be viewed as part of this broader trend. In all these experiments, citizens exercise a power of direct or participatory decision making that is different from those present in the diarchy model, elections and public opinion. Most of these experiments imply a strong deliberative dimension, both through the creation of deliberative mini-publics and other participatory arenas and through the strengthening of the wider deliberative public sphere. They can be analyzed as promising responses to the rule of expertise, authoritarian populism and plebiscitary democracy.

The second trend concerns the attempts to democratize global governance through the inclusion of civil society actors within official UNO events, such as the United Nations Framework Convention on Climate Change (UNFCCC) since 1992 (Biermann and Pattberg, 2012). For sure, the UNFCCC has not yet produced convincing decisions in order to fight the global warming, but this has been mostly due to the fact that important global players, first of all the 'democratically elected' US government, refused to be constrained by this new frame, and because the weight of civil society organizations was not strong enough. As such, the UNFCCC cannot be characterized as democratic, but its democratic dimensions do not rely upon elections, or only very indirectly. In any case, this kind of global governance can be considered more open to democratic process than the one that other UN agencies promote, much more remote from any substantial citizen participation – not to mention institutions such as the Davos Forum. The counter-summits express the public opinion of part of the citizenry at the global level, but they do not face institutions that embody the will of citizens as expressed through elections.

Altogether, it seems hard to see how the diarchic model could function at this level without being reframed, taking more distance from the ideal 'non-disfigured' functioning of national representative government. We should probably consider this ideal a bit like we look at the classical model of Ancient democracy: a fascinating experiment, which includes universal values but which, as such, also has to be 'provincialized' (Chakrabarty, 2007).

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Response by Nadia Urbinati

Reading these terrific comments made me regret that writing books does not contemplate a second chance. I thank all the contributors for having enhanced my desire to both clarify and further ponder the contested meaning of democracy, a word that stands for *both* a form of government and a practice of political action by equal citizens. A Janus-faced political notion, democracy is an institutional arrangement but also a process in which some judges of a special kind – the citizens, who are sovereigns and subjects at once – have to engage in an endless work of interpretation of their needs and evaluation of their decisions. Democracy presumes a jurisdiction, or a space within which people are subjected to the laws they make. This space has historically shifted from a relatively small to a large size; today's global challenge is to adapt democracy to a large space. Performing judgments and developing claims are political activities that designate free actors but do not amount to democracy yet. This does not perhaps satisfy Yves Sintomer's critique, although I have to say that, while I argue that democracy requires a system capable of implementing decisions (with some form of stateness), I do not mean at all that this form must be 'national

sovereignty'. Sintomer writes that my democratic model is outdated in a globalized world. But if, as he writes, 'world citizens will never have' ('never'?) the voting power at the global level to impose a reduction of carbon emission in China, this means that they are not citizens of a global state, not that democratic diarchy does not apply to the global world. In fact, Sintomer's example proves diarchy right because it claims for the world citizens not only the power of voice (or that of making representative claims) but also the power of decision. Raising representative claims is an important starting point, yet not enough for democracy. It highlights the role of the 'makers' of the representative claims, of those who constitute the audience heavily relying on their leading personality, rhetorical skills or media power, which are all in substance instances of a plebiscitary view of the audience.[1] Separating debating from deciding, representing from authorizing, might mean disempowering citizenship.

How to render the fundamental complexity of democratic legitimacy in an economic and stylized way that can work as both a descriptive and a heuristic tool? This was the question that led me to theorize a 'diarchy' of will and opinion. The will is the moment of decision (by individual voting and counting according to majority rule and within the procedures regulating both direct and representative politics) whereas political judgment is an open process of opinion formation and change that all citizens, as individuals and fellow members of a political community, constantly make.[2] This composite understanding allows us to detect epistemic theories of democracy, the populist projects and the plebiscite of the audience as possible internal disfigurations of democracy's diarchy. These three disfigurations are extreme renderings that originate from within the domain of opinion, which is made of three functions: cognitive (information), political (interpretation of ones' conditions in the light of democratic promises or principles) and esthetic (politics as an activity made in public and open to the public's inspection). The three disfigurations I analyze stress one of these three functions and question the diarchic character of democracy; they tray, each in their own way, to make democracy mono-archic or place it in the service of the achievement of a specific good, be it a correct decision, the unification of the people under one claim, or the transformation of citizens into an audience attending and judging the spectacle performed by charismatic leaders. Diarchy is a viable tool of critical interpretation but also a guide to devise and judge any scheme of reforms of democratic institutions and procedures. It specifies the conditions of legitimacy in terms of which we can denounce unequal conditions of power in the formation and expression of opinions. Issues of private money in politics and electoral campaign are a legitimacy issue that put the democratic polity in jeopardy. As Hubertus Buchstein writes, this is 'a structural problem' not a secondary one, although unfortunately we tend to narrow its scope by reducing it to a juridical problem, as if it did not pertain directly to the power of influencing and making decisions. Post (2014) has recently used the idea of diarchy to reinterpret the Citizens United decision by the US Supreme Court as a violation of the right to political liberty and equality. As Lisa Disch acknowledges, assuming, as the idea of diarchy

does, the right to free speech as a political right has radical implications, critical and propositional.

Buchstein observes that it is actually hard to measure when the perfect equilibrium of these two diarchic forces occurs. He is right. The point is that the definition of the diarchy is open to interpretation like any other democratic issue. There is no moment that can be mathematically identified in which the relation between will and judgment breaks apart nor, as a matter of fact, is there ever a perfect static equilibrium that can be described as such.[3] Yet, this is not a problem because democratic politics is a permanent process of self-adjustment – the only stable point being the principle of equal political liberty, which works as the general presupposition of all political judgments. This is, to paraphrase Hannah Arendt, the meaning of the uninterrupted game of constitutional democracy. The problem with the three disfigurements I criticize is that they interrupt (or want to interrupt) this work of Tantalus. Democracy prizes experimentation in procedures and institutions while the three disfigurements I criticize are certain of the good result they want, which is not really the reproduction of the very conditions that sustain democracy over time. These conditions are my 'positive' conception of democracy, to answer Dario Castiglione's question. The diarchy is naturally open to procedural innovations, also those that Buchstein and Sintomer put forth to enrich citizens' representative claims, inject participatory procedures that expand citizens' voice and control, and remedy the self-referential appetite of elected bodies.[4]

Jason Frank has no particular reason to object to my procedural reading of democracy, but contends that my interpretation of populism does not do justice to the democratic impact that populism had historically and might perhaps still have in the future. He refers in particular to the contribution of the populist movements in some important moments of American political history. He does not think that the US case is unique. He thinks that all populism is actually a claim for more, not less democracy.[5] An analysis of the specific forms that populism took in colonized and colonizer countries respectively would have required a different kind of book and is not the topic of my chapter on populism (I think however that in European countries, where the foundation of the nation-state was a top-down process that occurred along with and also as a distinctive justification of colonization, populism tended and still tends to be an ideology of nationalism based on a mixture between the rule of the majority and the social majority of the nation). Frank does not think the distinction between popular movements and the populist projects can be maintained. Yet, without this distinction, one should legitimately conclude that democratic politics and populism are indistinguishable, with the consequence that we would better stop using the term populism as referring to something different from democracy. Popular upheavals have marked the history of democratization. Yet, if we need to use the term populism to qualify the spontaneous political activity of people outside the institutions, it is presumably because we rely on a minimal conception of democracy that keeps the barycenter of political legitimacy inside the state as a form of legalistic

validity. In my view, we impoverish the concept of democracy when we need to resort to populism to denote citizens' political action. The fact that a People's Party was born in the United States in 1892 and that the term 'populism' was then used in opposition to institutional politics does not justify that we extend the term populism to all the movements of contestation of the *status quo* in established democracies. Class struggle movements, public protest and civil disobedience are also expressions of democratic politics in action, yet why should we call them populist? The distinction I made at the start of the section on 'Populist Power' between popular movements and populism as a political regime aims precisely to be consistent with the diarchic perspective, which looks at democracy as more than the name of a form of government or the rules of the game.

Lisa Disch is therefore right to say that I give ideology a central place in politics. This is one of the consequences from claiming that *doxa* is animated by a form political judgment that is autonomous from *episteme*. *Doxa* is rhetorical in kind and nourished by practical knowledge, a mix of information and moral reflection that citizens develop in their interactions. Following Skinner (2002), I take the word 'ideology' to designate the use of beliefs and values that legitimize the active function of political ideas in interpreting social conditions and advancing proposals and visions. Popular sovereignty is among the ideas that play this type of ideological function insofar as it constitutes a basic criterion according to which democratic citizens judge their representatives and their policies, criticize asymmetries of power and finally shape their political language. The *ideological* function of judgment is the paradigm according to which the idea of sovereignty takes political significance in representative politics and overcomes the ontology of presence and the formalistic approach that jurists tend to give to the problem of sovereignty. Hence, the broad domain of opinion within the diarchic structure is made of the battle between alternative ideological projects on how a country or a society ought to be or not to be. In *this* sense the opinion is a battle between hegemonic projects, as Chantal Mouffe would have it.

This specification allows me to tackle, although only in a preliminary way, Castiglione's important question on whether I use opinion and judgment inter-changeably and whether my idea of public communication is not just another version of Habermas' communicative model. Certainly, opinion and judgment are not the same, despite the fact that the opinions we develop result from the activity of political judgment that we exercise as citizens. Opinion entails possible changes of our judgment, whereas judgment entails a critical approach toward the social world in which we live. The Greeks accordingly gave the same meaning to 'judgment', 'criticism' and 'crisis' and 'trial', implying that politics is intrinsically characterized by changing opinions and permanent questioning. Aristotle used the same word when talking about the juridical decisions made according to procedures of justice (δίκη τοῦ δικαίου κρίσις), and about the citizens as having the authority to make decisions (ἀρχή κριτική).[6] 'Justice', he wrote, 'is an element of the state; for judicial

procedure, which means the decision of what is just (δικαίου κρίσις) is the regulation of the political partnership'.[7] Critical thinking and crisis go hand in hand with the status of political liberty as a *diarchy of discussion and decision*, the power of voice and of the vote. The implication is that 'κρίσις *(krisis)* is most necessary for the community, representing what is at once just and salutary' (Koselleck, 2006, p. 359). Thus, dissent and change are the presuppositions of a critical mental habitus, rather than integration and convergence toward a rationalized coordination of social complexity.

As we can see, procedures that allow us to make judgments and decisions, freedom of questioning and changing opinions are connected in constitutional government. This is a basic procedural argument that values liberty in and by itself and not for the good decisions it can dispense. Thus, although it is true that democracy is a contested term, it nonetheless has a clear core that re-emerges in all its possible interpretations, regulating the relationship between means and ends. This core is diarchic in kind as opposed to mono-archic. In the last part of this brief response, I would like to elaborate this thought, which contains the key to clarify the important objections raised by my commentators on the meaning of diarchy, on the risk that I may simply be reproducing another kind of minimalism, and on the gap between my critical argument and the concrete reforms that I propose.

I argue that democratic constitutions and procedures were made in order to tackle crises of consent by allowing them to arise without shattering the system and curtailing freedom of opinion. This means that constitutions and procedures help us define democracy as a government in which decisions are made by majority rule, not unanimity. In a sense, democracy's procedures and constitutions are guidelines that help us govern a crisis of consent that is inherent to democracy. Civil and political freedoms and majority rule are two essential features of democracy so that, if one of the two declines, this would be the sign of a radical crisis, hardly manageable through the ordinary democratic procedures. This has led some scholars to argue that democratic government stands in opposition to both permanent revolution and autocratic solutions to conflicts of interpretations.[8] This is the premise upon which a procedural conception of democracy can emerge. Democracy is solid when and until its citizens can mobilize and press the system for or against policies they judge respectively in agreement or in contradiction with the democratic promises. Procedures give citizens a sense of power over their decisions and opinions. Hence, Kelsen (2013) convincingly wrote that 'formal' and 'substantive' democracies are 'inseparable from one another' (p. 97). Epistemic theorists do not accept this solely political conception of democracy because they think that procedures are good because the allow us to reach good decisions. The question that guides their view is: how can we value procedures as legitimate? Yet, to have a 'substantive' conception of democracy means to make democracy instrumental to a predefined goal. Thus, for instance, material equality, justice, competent and good decisions or the homogeneity of the people are substantive goals whose attainment would condition democracy's

legitimacy or, conversely, its crisis. However, unless the authoritative judges of these achievements are the citizens (or their representatives in parliament) the risk of a depreciation of democracy, implicit in the appeal to 'substantive' meanings, is high. Indeed, in the very moment in which we list some substantive goals to be attained we violate the principle of autonomy, because we have to assume that there is someone else beside the citizens who is authorized to decide what the substantive problems are and whether they might be solved or not. For democracy is predicated on the idea that coercive legal norms are only legitimate to the extent that those who are subjected to them have contributed (in direct and indirect ways) to making them, while all other political regimes are predicated on a principle of 'authority', which ultimately involves a measure of heteronomy.

A procedural conception of democracy does not have a univocal rendering and, much like democracy, is internally contested. The mono-archic and diarchic divide is exemplary of this lack of univocal interpretations. For the sake of brevity, I will say that the mono-archic approach identifies democracy with voting and decision making within the institutions. Joseph A. Schumpeter was the main theorist of this view and thought that the division of labor inherent in the electoral process implied that electors ought to know nothing more than their own economic interest. A mobilized civil society would thus signify that the institutional function of the elections did not satisfy the requests coming from society. Participation accordingly becomes an indication of crisis, while apathy signals a healthy status of a democracy. This vision is truly relativist as it grounds democratic procedures on the attainment of social peace and the duration of the regime. In contrast, the diarchic approach holds that democratic procedures are justified as normative frameworks of political liberty and gives a key role to equality in the distribution of political power, thereby going beyond a merely electoral account of procedures. Political freedom is the kernel of the normative character of democratic proceduralism, as both its method and its objective. Political freedom defeats violence and makes decisions by majority rule legitimate and not a second best. In this sense, normative and functional components cannot be disjoined. Democratic procedures are never merely formal and the detection of crisis starts to make sense.

All of the above entails that democracy is a government of crisis *par excellence* as its procedures presume a permanent occurrence of disagreement and dissent, which are not deemed a source of instability *per se*. It also entails that in our representative democracies, good indicators of trust are to be sought in the performance of parliament, political parties, and in a vibrant public sphere of opinions, which is the means through which the inside and the outside of the institutions are connected. Hence, when I talk about disfigurements, I point to the communication between the processes arising from contestation, free speech and freedom of association and the process of deliberation and decision at the institutional level. Lisa Disch grasps an important implication of the diarchy when she writes that while the legitimacy of decision (constitutional legitimacy) depends on the proximity between institutions

and citizens (representative-constituency relationship), the legitimacy of opinion depends instead on the distance, which 'opens the space in which opinion forms'. Institutions cannot violate the constitutionalized rights and rules (proximity principle) yet the decisions made by institutions are never consonant with what people judge and want (distance principle). What I call disfigurements may be interpreted as attempts to reduce this distance, coming to unanimous adhesion within the democratic polity, overcoming the tensions or contradictions between the institutional order and political action, and therefore merging the two aspects that form democracy's diarchy.

Notes

1 On the power of the makers of representative claims see in particular Saward (2010, pp. 53–56).
2 This is my answer to Sintomer's first objection. In my previous book (Urbinati, 2006) I described at length (Chapters 1 and 3) the complexity that electing and judging entail and avoided the 'two pieces' schemata. In this book, I had to assume my previous argument not to repeat myself, yet I tried to make clear that in our 'ordinary life' will and judgment are of course intertwined, which is my diarchic argument did not want to be a phenomenology of the electoral representative work.
3 John Dewey made this argument in a time in which democracy was simplistically (and contemptuously) defined with a mass of equal voters and majority, 'The Ethics of Democracy', in Dewey (1969, pp. 232–243).
4 Buchstein's proposal of making possible representation of non-yet-adult citizens by disconnecting children's right to representation from parenthood is an example of the heuristic function of diarchy, whose basic principle is an equal political right to voice and vote.
5 Yet if democratic requires a coherent relation between means and ends, not an instrumental one, one may say that populism might be inspired by good intentions although does rarely result into good procedures and institutional designs.
6 Aristotle, *Politics* 1253a, 35; 1275b, 19.
7 Aristotle, *Politics* 1253a, 39–40
8 On why majority rule rather than unanimity maximizes the principle of equal political liberty, see Kelsen (2013, Chapter 6) and Dahl (1989, pp. 89–91).

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