

UC San Diego

UC San Diego Electronic Theses and Dissertations

Title

Relational representation : nongovernmental actors in global politics

Permalink

<https://escholarship.org/uc/item/3pz911q6>

Author

Lyon, Antony John Pierre

Publication Date

2010

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA, SAN DIEGO

**Relational Representation:
Nongovernmental Actors in Global Politics**

A dissertation submitted in partial satisfaction of the
Requirements for the degree Doctor of Philosophy

in

Political Science

by

Antony John Pierre Lyon

Committee in charge:

Professor Tracy B. Strong, Chair
Professor Fonna Forman-Barzilai
Professor Harvey S. Goldman
Professor Marcel Hénaff
Professor Leon Zamosc

2010

Copyright

Antony John Pierre Lyon, 2010

All rights reserved.

The Dissertation of Antony John Pierre Lyon is approved, and it is acceptable in quality and form for publication on microfilm and electronically:

Chair

UNIVERSITY OF CALIFORNIA, SAN DIEGO

2010

For Jessica

“You will always be the bread and the knife.”

TABLE OF CONTENTS

| | |
|--|------------|
| Signature page | iii |
| Dedication..... | iv |
| Table of Contents..... | v |
| Acknowledgments | vii |
| Vita | ix |
| Abstract..... | x |
| | |
| Introduction | |
| Nongovernmental Actors and Representation | 1 |
| 1 An Ethical and Practical Account of Nongovernmental Actors..... | 4 |
| 2 Representation: Its Tradition and Contemporary Rethinking..... | 10 |
| 3 Dissertation Outline..... | 17 |
| | |
| PART I: NONGOVERNMENTAL ACTORS IN GLOBAL POLITICS..... | 20 |
| | |
| Chapter 1 | |
| The Battle in Seattle and the Emerging Network of Global Activists..... | 21 |
| 1 Introduction: The Battle in Seattle..... | 21 |
| 2 A Spectacle: The Battle in Seattle as a Representation | 27 |
| 3 Making Sense of the Battle in Seattle..... | 57 |
| 4 Conclusion | 71 |
| | |
| Chapter 2 | |
| Nongovernmental Actors and Global Justice | 74 |
| 1 Introduction: Justice and Representation in Global Politics..... | 74 |
| 2 The Character and Tensions of Global Justice | 83 |
| 3 Benhabib’s Cosmopolitan Federalism: Democratic Expression in Legal Norms | 93 |
| 4 Global Governance in Held’s Cosmopolitan Democracy | 102 |
| 5 Expansive Practices in Tully’s Democratic Global Politics | 112 |
| 6 Conclusion..... | 126 |
| | |
| PART II: MEDIATING REPRESENTATION | 128 |
| | |
| Chapter 3 | |
| The Sovereign-Representative: Representing the Commonwealth in Hobbes..... | 129 |
| 1 Introduction: The Theatrical Analogy and Mediating Representation..... | 129 |
| 2 Hobbes’s Theory of Representation | 133 |
| 3 Constituting and Governing the Commonwealth | 167 |
| 4 Conclusion | 186 |

| | |
|---|------------|
| Chapter 4 | |
| The Active Spectator: Spectacles and Self-Representation in Rousseau..... | 190 |
| 1 Introduction: The Problem of the Pure Spectator | 190 |
| 2 Alienation: Rousseau’s Critique of Mediating Representation | 195 |
| 3 Theatre and the Passive Spectator | 212 |
| 4 Political Representation: Enabling and Exacting the People’s Will..... | 217 |
| 5 The Acting Spectator: Popular Festivals as Participatory Representation | 230 |
| 6 Conclusion | 237 |
| | |
| PART III: RELATIONAL REPRESENTATION | 240 |
| | |
| Chapter 5 | |
| Relational Representation: Acknowledging and Engaging Agency..... | 241 |
| 1 Introduction: Toward Relational Representation..... | 241 |
| 2 Representation as an Intersubjective Relationship | 248 |
| 3 Enacting Relational Representation..... | 268 |
| 4 Responsiveness in Relational Representation | 275 |
| 5 Conclusion | 292 |
| | |
| Chapter 6 | |
| Acting in Global Politics: Nongovernmental Claims to Represent | 295 |
| 1 Introduction: Relational Representation and Nongovernmental Actors..... | 295 |
| 2 Responding: Initiating a Claim to Represent..... | 299 |
| 3 Claims to Represent and Legitimacy | 313 |
| 4 The Limits of Legitimacy Through Universal Principles..... | 322 |
| 5 Accountability, Representation and Capabilities Organization..... | 338 |
| 6 Conclusion | 350 |
| | |
| Conclusion | |
| Taking Responsibility in Global Politics | 353 |
| | |
| Bibliography | 356 |

ACKNOWLEDGMENTS

In writing this dissertation I have had the good fortune of learning what it means to have a community of people supporting me in everything I do. For that, I am eternally grateful.

I would first like to thank my committee for their efforts in helping me bring this dissertation to completion. The support I've received from Fonna Forman-Barzilai has extended far beyond the words on the page. She has been a constant source of encouragement and has always made sure that I was taken care of. I have learned a great deal from Marcel Hénaff's approach to thinking. It is always done with others and best over a good meal. I'm grateful for the generosity of his example. My conversations with Leon Zamosc have helped me step back and see what I was actually concerned with. It's difficult to express my gratitude to Harvey Goldman. The depth of his knowledge is matched only by the depth of his care. I deeply appreciate his commitment. And finally, a special thanks to Tracy Strong, who has guided this project and my thinking more than even I realize. I'm grateful for the boundlessness of his thinking and for the practical grounding with which he ended all our meetings – "Good. Now go do it!"

The political theory community at UC San Diego has been exceptionally supportive, giving careful readings to countless chapter drafts. My thanks to the several iterations of 'Theory Group' where I first learned how to be a political theorist – David Leitch, Nancy Luxon, David Selby, Andrew Poe, Christian Donath, Ivo Gatzinski, and Richard Allen Bolar. Also to John Lejeune, for his clutch copy-editing. And a special thanks to Adam Gomez whose friendship and company at the local coffee shops kept me

grounded enough to finish this. I'd also like to thank Stephen Cox for his tireless support and years of excellently interesting conversation.

I'm unbelievably blessed by friends and family who serve as a constant reminder that the meaning of life is found in relationships. I owe them many thanks. To Mark Nagle, a friend without measure. To Casey Whitsett, whose curiosity and commitment to working through thoughts keep me honest. To Jessica Whitsett, whose passion for education keeps mine alive. To Karen Shelby, Eric Bakovic, and Katya – who are always much too good to me. To the Haughtons – George, Fran, David, and Sarah – who have always made me feel like family, even before I was. To my siblings – Alex and Tanya – one doesn't have to be friends with their siblings; I'm blessed to count them among my best. To Yvette for having been my sister for so much of my life. To my mother, Marie-Christine, whose love and thoughtfulness serve as my model of what it means to be a good person. To my father, John, for his well-known words of encouragement – *focus* – and tireless support that made it possible for me to pursue whatever I was called to. And most importantly, to my wife, Jessica, who reminds me that while thinking about social justice is nice, it is best when put into practice. Her love and understanding are gifts I do not deserve but cannot do without.

VITA

- 2000 B.A. in Political Science
University of California, Los Angeles
- 2002 - 2006 Teaching Assistant, Political Science
University of California, San Diego
- 2004 M.A. in Political Science
University of California, San Diego
- 2005 - 2010 Teaching Assistant, Revelle College Humanities Program
University of California, San Diego
- 2008 - 2010 Associate-In Lecturer, Humanities and Political Science
University of California, San Diego
- 2010 Ph.D. in Political Science
University of California, San Diego

ABSTRACT OF THE DISSERTATION

Relational Representation: Nongovernmental Actors in Global Politics

by

Antony John Pierre Lyon

Doctor of Philosophy in Political Science

University of California, San Diego, 2010

Professor Tracy B. Strong, Chair

The emergence of nongovernmental actors within global politics challenges several of our assumptions about what constitutes a legitimate political actor beyond the nation-state. For many, nongovernmental actors are only a signal of some larger political issue. To some, the new political actors serve as evidence for the status of sovereignty. They either signal a shift to a post-sovereign politics or are trivialized in an effort to reaffirm state sovereignty. To others, nongovernmental actors are seen as laying the groundwork for the coming cosmopolitan global community. Few have considered the practices of nongovernmental actors on their own terms.

In this dissertation, I argue that the practices of nongovernmental actors are best understood as making claims to represent. In Part One, I consider the place of nongovernmental actors in global politics. Through an analysis of The Battle in Seattle, I argue that in the protests, nongovernmental actors were rejecting the exclusivity of the

regime of state-based representation and were affirming their capacity to represent those persons and communities with whom they engaged everyday. I then look to global justice theories for an account to link the diverse practices of nongovernmental actors to this representative potential. I find that Tully's democratic global politics captures the newness and significance of the practices but does not connect them to the language of representation.

In Part Two, through an examination of Hobbes and Rousseau, I argue that the central difficulty limiting the concept of representation is the focus on mediation, which prevents the consideration of alternative claims to represent. Then, in Part Three, I introduce a rethinking of representation that is anchored in *responding to* the other, rather than in the total mediation suggested by *acting for* the other. The incorporation of intersubjectivity leads to an understanding of *relational representation*. This responsive form of representation, I argue, is the type of representation evident in the practices of nongovernmental actors. They are representative in the sense that they work within a relationship that works to continually re-present the represented as persons increasingly capable of using their agency. This situation generates a standard of accountability that can then be used when assessing the legitimacy of a nongovernmental actor's claim to represent other persons or communities.

By connecting the practices of nongovernmental actors to the capacity to engage in relational representation, it is evident that nongovernmental actors practice a new politics. Understanding their practice-based representation is valuable for both lending clarity to our contemporary political experiences and for serving as the catalyst to rethink the concept of representation for new political times.

INTRODUCTION

NONGOVERNMENTAL ACTORS AND REPRESENTATION

Who knows but that, on lower frequencies, I speak for you.

-Ralph Ellison¹

This dissertation examines what it means to think of the practices of nongovernmental actors in global politics in terms of representation. The emergence of nongovernmental actors has disrupted several of our structuring assumptions about politics beyond the nation-state. They make evident that global politics is not a field comprised exclusively of the governments of nation-states; it is, rather, a field comprised of diverse types of political actors. Yet, what remains unclear is how to think about this plurality and the practices in which they engage. Prompted by the experiences of nongovernmental actors, I argue that rethinking representation as a relationship anchored in a *responding to*, rather than the more traditional emphases of *standing for* or *speaking for*, opens resources for understanding the place and practices of these nongovernmental actors in global politics. Connecting the language of representation to nongovernmental actors clarifies their political situation. To understand the relationship between a

¹ Ellison (1995), *Invisible Man*, 581.

nongovernmental actor and the communities to whom it is responding as initiated by a *claim to represent* emphasizes the uncertain and tentative nature of these relationships. It opens the process of responsiveness that ought to characterize the relationship. It takes the actual practices between the nongovernmental actors and the communities they claim to represent as the measure of those claims. And lastly, it makes evident the tension at the heart of the concept of representation – *How can one who is not the same as another act in her place?* The rethinking of representation as a relational responsiveness may not resolve that tension, but it provides one with grounds for accepting or rejecting particular claims to represent.

Nongovernmental actors have become an everyday part of the political landscape in the last several decades. I touch on two recent examples to illustrate their prominence. The first example occurs in the context of a humanitarian crisis, which is so often the catalyst for nongovernmental political activity. A massive earthquake struck just west of Haiti's capital city, Port-au-Prince, on the afternoon of January 12, 2010.² It is estimated that between 200,000 and 250,000 people died, approximately 1.6 million were displaced into camps, and much of the impoverished nation's infrastructure was destroyed. President Obama wrote an editorial calling for a full, immediate, and committed response

² See Simon Romero & Marc Lacey, "Fierce Quake Devastates Haitian Capital." *New York Times*, January 13, 2010: [<http://www.nytimes.com/2010/01/13/world/americas/13haiti.html?scp=2&sq=haiti%20earthquake&st=cse>]. The response from the world was quick and emphatically supportive, though, of course, the relief aid could not arrive fast enough for those deprived of basic necessities. On the struggles still facing Haiti six months later, see Deborah Sontag, "In Haiti, the Displaced Are Left Clinging to the Edge." *New York Times*, July 11, 2010: [<http://www.nytimes.com/2010/07/11/world/americas/11haiti.html?scp=2&sq=haiti&st=cse>]. For comprehensive running updates on the situation, see [<http://www.nytimes.com/info/haiti-earthquake-2010/>].

to the suffering people of Haiti.³ In the editorial, Obama affirms the presence and place of nongovernmental actors in responding to political situations. He writes, “In addition, in this new century no great challenge will be one we can solve alone. In this humanitarian effort, we’ll...partner with the constellation of nongovernmental organizations that have a long and established record of working to improve the lives of the Haitian people.” There are several things of note in Obama’s statement. First, it begins in the recognition of the interconnected and interdependent nature of contemporary global politics. Second, governments must engage the assistance of the plurality of different political actors, including intergovernmental organizations such as the United Nations as well as the ‘constellation of nongovernmental organizations’ in order to work through the situations that arise in global politics, such as emergency relief following natural disasters. And third, what distinguishes one nongovernmental actor from another is its practices and experiences. Obama singled out those nongovernmental actors that had already demonstrated a commitment to the Haitian people through their established practices and relationships.⁴ Nongovernmental actors are an essential part of the fabric of global politics, providing something that other political actors do not.

A second example draws nongovernmental actors and the concept of representation together. With his penchant for sweeping claims marked by a self-awareness of both their truth and potential absurdity, Bono, the singer of U2, said of his

³ Barack Obama, “Why Haiti Matters.” *Newsweek*, January 14, 2010: [<http://www.newsweek.com/2010/01/14/why-haiti-matters.html>].

⁴ Partners in Health, one of these partnering organizations, is discussed at length in Chapter 6 as an example of a nongovernmental actor that navigates well the type of representative relationship I develop in this dissertation. For a sense of the organization’s structure and practices in providing healthcare, see the organization’s website: [<http://www.pih.org/>].

advocacy work in canceling the debt of impoverished nations: “I represent a lot of people [in Africa] who have no voice at all...They haven’t asked me to represent them. It’s cheeky but I hope they’re glad I do.”⁵ Bono acknowledges that his claim to represent stretches our standard understanding of the term, and yet, it is an appropriate description of what he is *doing*. He was not elected for this position, but then again, there is no global constituency to elect anybody. Does that mean those interests should remain unvoiced? It opens a series of questions that an appeal to the meaning of representation cannot resolve. Should we be worried about the legitimacy of the representative person or about the legitimacy of the interests he or they work for? Many nongovernmental organizations, like Bono, struggle with the language of representation and yet cannot avoid it. In the next two sections of the introduction, I take up the two parts of this struggle – the experience of nongovernmental actors and the tradition of representation.

1

AN ETHICAL AND PRACTICAL ACCOUNT OF NONGOVERNMENTAL ACTORS

Nongovernmental actors have been an emerging phenomenon in global politics for a long time. The sovereignty of the nation-state in international politics has always been more of a general principle than an actuality in practice.⁶ There have always been some nonstate actors exerting strong influence on international politics. The history of

⁵ Bono is quoted in Saward (2009), 1. Saward draws it from a BBC op-ed reflecting on the roll of rock stars in politics, occasioned by the Live 8 concerts and the Make Poverty History campaign, see Brendan O’Neill, “What do pop stars know about the world?” *BBC News Magazine*, June 28, 2005: [http://news.bbc.co.uk/2/hi/uk_news/magazine/4629851.stm].

⁶ On ‘Westphalian sovereignty’ see Spruyt (1994), Skinner (1989), Osiander (2001), and on how it has affected democratic thinking, Connolly (1995).

global activism and the nongovernmental sector of the present is often rooted in the international movement for the abolition of slavery in the nineteenth century and the founding of the Red Cross in 1863.⁷ They capture the traditional twin concerns of the nongovernmental sector: human rights and humanitarian relief. The emergence of the nongovernmental sector began in earnest following World War II. The successes of organizations such as Amnesty International and Médecins Sans Frontières in the 1970s and 80s helped establish a recognized political place for nongovernmental actors.⁸ After the fall of the Berlin Wall in 1989, there was a rapid proliferation of nongovernmental organizations across the world. In the middle of this proliferation, as they assumed more prominent roles in providing humanitarian assistance and holding governments to account over human rights, the status of these actors became a question of interest.

The nongovernmental sector is a remarkably diverse set of political actors as varied in their organization as in the ends for which they work. My aim in this dissertation is not to map and categorize this complex general category of nongovernmental actors.⁹ Rather, I am interested in a subset of nongovernmental actors, those whose position and practices demonstrate established and committed relationships with communities that one might describe as representative. As such, the ideal

⁷ For a good account of these ‘historical precursors,’ see Keck & Sikkink (1998), Chapter 2.

⁸ On the active *creation* of these rights, see Foucault (2003a) and the extended analysis of Foucault’s statement in Chapter 6.

⁹ For an interesting attempt to categorize ‘nonstate actors,’ see the 2007 report produced from the think tank, National Intelligence Council, “Nonstate Actors: Impact on International Relations and Implications for the United States” – accessible through the NIC website: [http://www.dni.gov/nic/NIC_home.html]. Written from the perspective of the US government, it begins with the assumption that nonstate actors are potentially threatening. Bono and Bin Laden belong in the same group of “super-empowered individuals,” making it, unsurprisingly, difficult to make generalizations about *that* category of nonstate actor.

nongovernmental actor in this project is a nongovernmental organization (NGO) based in one location and working in another. This initial distance makes evident the gap in every claim to represent. That NGO has sought to bridge that distance by engaging the community as partner in the work. This displays a basic understanding that nongovernmental actors engage in practices and are evaluated based upon the character of the particular relationships they establish. These evaluations occur among several audiences, most notably the audience comprised of the community members, but also any audience before which the NGO has the opportunity to speak for that community.¹⁰ Lastly, the NGO should engage in nonviolent practices. This last qualification is not meant to deny the possibility of being represented *through* violence. It is the recognition that violence complicates the question of representativeness and deserves consideration on its own terms, which are beyond the scope of this dissertation.¹¹ The result is that the ideal nongovernmental actor in this dissertation will be those often associated with *social justice* and with a perspective aligned with the Amartya Sen's *capabilities approach*, which holds the value of human life rests in the capacity for *agency* – the ability to effect change in the world and one's life.¹²

The development of this type of nongovernmental actor begins to be articulated in the years after World War II. Albert Camus gives an ethical and practical defense for recognizing the place of nongovernmental actors in global politics at the moment in time

¹⁰ Rehfeld (2006) in his descriptive theory of representation, discussed below, focuses on the relationship between the representative and the audience, rather than the representative and the represented.

¹¹ I consider the role of violence in The Battle in Seattle in Chapter 1 §3.1.

¹² This perspective will be developed throughout the dissertation, see particularly Chapter 2 and Chapter 6. For strong statements of the capabilities approach, see Sen (1999 and 2009), Nussbaum (1992 and 2006), and Ignatieff (2001).

when nongovernmental actors are becoming a practical possibility. For Camus, whose writing and political activism were never far apart, the political circumstances in the postwar world demanded a response from individuals acting independently of their governments, which he saw as caught under the destructive ideological spell of the Cold War.¹³ Camus's ethical and practical position can be summarized in the juxtaposition of two claims: "I rebel – therefore we exist" and "we can at least hope to save the bodies in order to keep open the possibility of a future."¹⁴

"I rebel – therefore we exist." In this famous statement, Camus compresses an entire ethical and political theory. It is *political*; it gives an account of the relationship between the individual *I* and the collective *we*. Camus presents an account of a particular practice of an individual – *rebell*ing – that is capable of creating connection and community. Central to this possibility is the agency of the acting individual. She is capable of acting and her actions have consequences. Thus, the act is an acknowledgment of *solidarity* that also implies a *responsibility*.¹⁵ This ethical and political account locates the individual for Camus – more generally the nongovernmental actor for us – in a position of opposition.

Emphasizing this oppositional position is one of the ways that critics have attempted to dismiss nongovernmental actors. They see them as creating noise, as a

¹³ See Isaac (1992) on the similarities between Camus's thinking and that of Arendt and of Eastern European dissidents, such as Havel. All three saw the idea of *truth* as being threatened by the actions of governments and the reclaiming of basic practical truth served as the starting point for resistance. See particularly, Camus (1991a and 2006a), Arendt (2006), and Havel (1992b).

¹⁴ Camus (1991a), 22 and Camus (2006a), 261, respectively.

¹⁵ On the connection between Arendt's *worldliness* and Camus's *solidarity*, see Isaac (1992).

negative phenomenon *against* rather than *for* things.¹⁶ Camus's rebellion acknowledges that criticism and argues for its affirmative quality. In rebelling, the individual must take the position of being *neither* victim *nor* executioner.¹⁷ And so, rebellion, like much contemporary activism, begins in the negative – it is a refusal of that which is presented to us. Importantly, for Camus, this refusal implies an affirmation. The sentence before the claim about rebelling articulates that affirmation: “It founds its first value on the whole human race.”¹⁸ Here the claim about ‘saving bodies’ gives this affirmation direction.

“Saving bodies.” The act of saving bodies is a concrete, practical, affirmative practice.¹⁹ It is an act of measure that recognizes a “reason that knows its limits.”²⁰ As the act of rebelling affirms the agency of the one rebelling, the practice of saving bodies affirms the agency of the other by opening the possibility of a future. It does so by taking responsibility for those that are suffering.²¹ It acknowledges one of the practical conditions of humanity; whatever else humanity might mean, it is always a collection of bodies as well. Before being able to speak of our ethical selves or of our voices, we have

¹⁶ On the tendency to dismiss the ‘negative’ refusal of the sixties counterculture, see Breines (1982). On the same phenomenon in the present as it relates to The Battle in Seattle, see Chapter 1.

¹⁷ *Neither Victim, Nor Executioner* is a series of articles that Camus published in *Combat* in 1946. It shows a turn in his thought as this neither/nor becomes an affirmative position. Most of *NVNE* is concerned with constructing the thinking that guides that position. See Camus (2006a).

¹⁸ Camus (1991a), 22.

¹⁹ In *The Plague*, Camus has the narrator, Dr. Rieux, defend the principle of ‘saving bodies’ in the face of the epidemic (1991b, 126-129). For Rieux, the claim is, at first, grounded in the ethics of the medical profession. But Rieux comes to see the struggle to restore health as having broader significance.

²⁰ Camus (2006a), 274. For Camus, *le mesure* was a central principle of his ethics. It is often translated into English as ‘moderation’ but ought to be translated as ‘measure,’ see Warren (1992).

²¹ For Camus, the *suffering* of persons is a limit that demands a response. For a strong defense of this position, see his “Why Spain?” (Camus 2006b).

to recognize that who we are is rooted in our physical capacity to act. As such, suffering is a deprivation of freedom and working to alleviate suffering – that is, working to save bodies – is one way to affirm the agency of the other.²² This approach to politics is characterized by a democratic openness.²³ To save bodies is not to determine their ends; it is make their agency possible. Only in allowing this openness can the *we exist* of Camus’s rebellion have any substantive meaning. The saving of bodies is one’s response to the suffering other that invites a response in turn.

For Camus, this practical affirmation that connects one’s actions to the agency of the other is the means that compels persons to enter global politics independent of their other national, social, religious, or political obligations. It is the starting point for a new understanding of community.²⁴ For Camus, the individual does not stand alone but comes to participate in global politics through initiatives and nongovernmental organizations. Camus’s ethical and practical defense of the individual’s place in global politics serves as the starting point in thinking about the practices of contemporary nongovernmental actors. Camus draws our attention that these actions do not exist in isolation and the connection implied in the statement that *we exist* makes the question of representation

²² This is one of the points where Camus’s political ethics resonate most strongly with Sen’s capabilities approach. I return to the role of suffering in Chapter 6.

²³ A. Keenan (2003) takes openness to be the central value of democracy. He gives it three meanings, each of which has resonance with Camus’s thought. The three meanings are – (1) transparency and availability, (2) permanent condition of incompleteness, and (3) the freedom of self-construction, which is called *agency* here.

²⁴ Camus (2006a), 272. He borrows the language of social contracts, claiming: “Hence individuals, working both within their own countries and cross borders, must one by one enter into a new social contract that will unite them again in accordance with a more reasonable set of principles.”

relevant. How do we understand the political relationships constituted through these practices?

2

REPRESENTATION: ITS TRADITION AND CONTEMPORARY RETHINKING

Given the deep historical and theoretical tradition of representation, it is impossible to capture the concept in all of its iterations and nuance. Representation stands at the center of thinking about aesthetics and politics, and these two threads in the tradition of representation constantly adopt and adapt the insights of the other.²⁵ In this section, I focus on the political thread that has grown around one of the model forms of the nation-state – the *representative democracy* – in order to explain why the emergence of nongovernmental actors in global politics has produced the challenge to rethink the concept of representation. In becoming associated with the institutions of representative democracy, representation becomes dependent both conceptually and practically on the authority of sovereignty to guarantee one as a representative or as being represented. And since sovereignty ceases to be the determinant of the political boundaries in a global politics consisting of both states and nongovernmental actors, the concept of representation lacks its recourse to sovereign authority to legitimate it. Therefore, representation requires a non-sovereign rethinking.

²⁵ For two recent examples, see Ankersmit (2002) and Rancière (2009). This intertwining is evident also in the theories of Hobbes and Rousseau, see Chapters 3 and 4, respectively.

Most contemporary considerations begin, quite rightly, with Pitkin's *The Concept of Representation*.²⁶ Pitkin gives two related general definitions for *representation*. It can be understood as *re-presentation* – that is, a presenting again.²⁷ As a second (or third) presentation, it emphasizes the concrete character of that which is being represented. In this sense, the act of representing ought to always have a clear existing referent. In a related but different way, representation can also be understood as the making present of something that is otherwise absent.²⁸ This understanding captures the central difficulty and guiding questions in thinking about the practices of representation – What does it mean to make the absent present? In other words, how can you be present for another who is not the same as you?

The concept of representation has not disappeared from political thought since its emergence in the early modern period when it centered on debates concerning *corporations* and the status of the king.²⁹ In Hobbes's *Leviathan*, these debates intersected with the democratic claim for the representative status of the Parliament in England.³⁰ Hobbes's re-conceptualization of representation draws on those political debates as well as on the theatrical uses of the concept in order to present a mechanistic

²⁶ Pitkin (1967). While particular aspects of her claims have been challenged and modified, her thinking about the major difficulties with the concept continues to determine the approach that many take. Pitkin herself has continued to contribute to the modification of her original analysis, see also Pitkin (1968 and 1989).

²⁷ Pitkin (1967), 8.

²⁸ Pitkin (1967), 9.

²⁹ For treatments of representation in medieval and early modern Europe, see Kantorowicz (1997) and Runciman (1997).

³⁰ Hobbes (1994). For Hobbes on representation, see the conversation between Skinner (2002a, 2005) and Runciman (2000). On the rise of the democratic element in England, begin with the introduction to Sharp's collection of texts by the Levellers (1998).

view of society that is animated through the representation by a single sovereign ‘person.’³¹ Hobbes simultaneously confirms the democratic capacity of representation and erects a politics dependent on the (near) absolute sovereignty of the ruler. From Hobbes forward, thinking on political representation has remained closely bound to sovereignty. The sovereignty of the nation-state is, in practice, the sovereignty of the government that represents the nation-state.³² As such, defenses and critiques of representation tend to serve as proxies for arguments about the nature of sovereignty, its existence and location. The result is that political representation has become synonymous with the institutions of the government of sovereign nation-states.

Associating representation with government institutions has led to representation’s divergent fates. It is at once frequently rejected by democratic theory as separating the people from their governance, and it has become one of the ideal political modes of governance for a nation-state, to the point that for many a ‘democracy’ is a representative democracy.³³ The waves of (representative) democracy have obscured the longstanding tensions between representation and democracy.³⁴ The blurring between democracy and representation is evident in the progress from the American Revolution to

³¹ For more on Hobbes’s theory of representation and his idea of ‘person,’ see Chapter 3.

³² Skinner (1989) emphasizes this relationship. For attempts to break the link between sovereignty and representation, see especially Fraser (2009), Rehfeld (2006, 2009), and Saward (2006).

³³ On this ‘uneasy alliance,’ see Pitkin (2004). Also, Urbinati (2006) defends the direct connection between representation and democracy, both socially and institutionally. Within political science, the identification is assumed, see Huntington (1993) on the waves of (representative) democracy. For considerations on how to adjust the outcomes of representative institutions to make them more ‘democratic’ by reflecting the population better (Lijphart, 1999) or by translating votes to seats in the parliament better (Cox, 1997). And for an overview, see Powell (2004).

³⁴ The best articulation of democracy as participation, contra representation, is probably found in the thought of Wolin (1996, 2004).

the ratification of the US Constitution and the period of consolidation in the following generation. The debate displayed a tension between ‘constituent moments’ of claiming to speak for the people and the more institutionally channeled conceptions of representation in the Constitution itself.³⁵ Both the Federalists and Anti-Federalists argued for representation *in* government, though their understanding of what that meant differed.³⁶

The tradition of attacking representation as anti-democratic has its most powerful articulation in a particular interpretation of Rousseau as a participatory democrat.³⁷ This interpretation finds support in Rousseau’s writings. Famously, Rousseau claims that the English use their freedom to elect their new masters every few years.³⁸ For Rousseau, the people are either present and participating in their politics or they are not. This distinction serves as a fundamental tenet for much contemporary democratic theory. Yet, Rousseau’s rejection of representation was far from complete. He admits representation as the least distorting option for states larger than a city.³⁹ And this damning by faint praise has, until recently, been the fate of representation.⁴⁰

³⁵ On ‘constituent moments’ and the extension of these arguments into 19th century America, see Frank (2010).

³⁶ For the debate over representation that developed over the US Constitution between the Federalists and the Anti-Federalists, see Manin (1997) and Frank (2009).

³⁷ See Pateman (1970) and Barber (2003) for this reading of Rousseau. While not without its merits, I read Rousseau differently. It stands between the participatory reading and the immediacy reading given by, among others, Strong (1994). For Strong, the problem with representation is not that it precludes participation exactly, but that it denies immediate availability.

³⁸ Rousseau (1987), *The Social Contract*, 198.

³⁹ Rousseau (1985). There is a marked difference between Rousseau’s ‘practical’ recommendations to governments, such as Poland, and his theoretical considerations of representation both in an out of politics (see Rousseau 1960, on theatre and representing morality).

⁴⁰ Manin (1997) is a notable exception.

In the last several years, there has been an attempt to rethink representation beginning by rejecting the distinction between participation and representation.⁴¹ This picks up Pitkin's unanswered question – What kind of activity is representation?⁴² To think of representation as a practice opens the way that one thinks about where and when representation might be happening. This opening is expanded by Mansbridge's account of several potential indirect relations of representation that occur *within* elective institutions.⁴³ It has led to several considerations of representation by the unelected and the types of normative criteria that might be used to assess these non-elective claims to represent, including nongovernmental actors in global politics.⁴⁴ These considerations merge the question of representativeness with the issue of legitimacy and, often, accountability. Accountability remains a particular problem for nongovernmental actors.⁴⁵ As I was once asked – “What I want to know is – can we *fire* Bono – if we want to?”⁴⁶ And the answer remains unsatisfactory – *not really*. And so while the sanctioning power of accountability seems absent, other forms of accountability develop that allow

⁴¹ In different ways, responding against the view that participation is anti-representation are Young (2002) and Kateb (1992), who both claim representation gives representative democracies a ‘moral distinctiveness’. See also, Plotke (1997) and Urbinati (2007).

⁴² Pitkin (1967)

⁴³ Mansbridge (2003) and see her updated thinking in Mansbridge (2009). For a good overview of this section of the representation literature, see Urbinati & Warren (2008).

⁴⁴ For example, see Rehfeld (2006, 2009) and Saward (2006, 2009).

⁴⁵ On a consideration of what accountability might mean in this context, see Chapter 6. Also see, Rubenstein (2007), Saward (2009), and Borowiak (2011).

⁴⁶ Thanks to John Maynor for this phrasing of the question at the meeting of the Midwest Political Science Association, April 2010.

one – at least in the long term – to affirm or deny the representative status of these nongovernmental actors.

Considering this problem, Andrew Rehfeld argues that linking the expansion of the field of potential political representatives to the terms of their legitimacy obscures a practical category – the *illegitimate* representative.⁴⁷ In an effort to untangle the descriptive status of being ‘representative’ from the qualities that make it ‘legitimate,’ Rehfeld proposes a descriptive general theory of representation. He takes the question of representation to be descriptive of a particular situation in which one is granted the standing to speak or act in the name of another. The advantage of this approach to representation is that it emphasizes the importance of the *audience* to representation.⁴⁸ It is important to remember that every representative is representing another *to* some audience. In this dissertation, I do not, for the most part, directly engage the question of audience. I instead focus on the relationship between the representative and the represented. But this account begins with the insights that Rehfeld’s audience provides. It recognizes the contingency of the claim to represent and the possibility that the claim will be found wanting by one audience though perhaps not every audience. In this dissertation the question of audience remains in the background, as I am primarily concerned with the reasons that nongovernmental actors might give in order to legitimate their claims to represent.

⁴⁷ Rehfeld (2006), 3.

⁴⁸ Rehfeld (2006), 6. He defines *audience* as follows: “the relevant parties before whom the Representative claims to stand in for the Represented and act as defined by the Function [the purpose of the representation].”

In rethinking representation, I argue that the primary difficulty for representation is that it must have a mediating point – that is, the aspect of the representative situation that allows for the transfer from the represented to the representative. In the tradition of representation, the mediating point has served to divide the representative relationship into subject-object relations. This is evident in Hobbes and in the well known ‘independence-mandate controversy’ Pitkin discusses.⁴⁹ In those theories, there is one acting subject in the representative relationship and the other is the passive recipient – an object – in the process of representation. But the mediating point need not be a source of absolute division.

I propose a theory of *relational representation* that locates the mediating point in the interactive practices of the relationship itself. In doing this, representation becomes intersubjective, constructed around the actions and responses of both the representative and the represented. From this one shift, there result a number of changes. The end of representation is no longer ‘to represent’ or ‘to be represented;’ rather, it is to promote the agency of the other in the relationship. This affirms the pattern of response that characterizes the relationship. It also shows the intersection between the theory of representation and the ethical disposition and actual practices of the nongovernmental actors that adopt something like a capabilities approach. In other words, it shows why it would be appropriate to understand them as engaging in a representative relationship, providing audiences with reasons to consider them capable of speaking for the persons and communities they claim to represent.

⁴⁹ Pitkin (1967). See Chapter 5 for more an extended consideration of the controversy.

3**DISSERTATION OUTLINE**

In the attempt to connect the appearance of nongovernmental actors with a rethinking of representation as relational and responsive, the argument of this dissertation is structured in three parts, composed of two chapters each. In Part One, I consider the appearance and place of nongovernmental actors in global politics. In Chapter 1, I present the emergence of nongovernmental actors through a reading of ‘The Battle in Seattle’ – the WTO protests in 1999. In considering the organizational aspects of the event as well as the practices of the participants in the protests and the ensuing struggle to define the event, I conclude that the network of global activists presents a new understanding of political relations. They used the protests in Seattle to make a collective statement about representation. The statement has two parts. First, intergovernmental institutions like the WTO lack a connection to the people and, therefore, are not representative. Secondly, and more importantly, the nongovernmental actors that participated in the protests are engaged in representation through their everyday practices and that deserves recognition. In Chapter 2, I turn to the literature on global justice in order to think about the place for these nongovernmental actors within global politics. The three accounts of global justice examined each open certain resources but, ultimately, cannot account for nongovernmental actors that are representative. The most promising account is that of James Tully, who understands global politics from the perspective of the practices of global activists. While his account sheds light on the relationship between democracy and global activism, he closes the door on the language of representation. One way to

understand this dissertation project is as an attempt to rethink representation such that it would fit with Tully's vision of activists in global politics.

In Part Two, I approach the tradition of representation and particularly the role that mediation plays in it. In Chapter 3, I consider Hobbes's influential conception of representation. Within Hobbes's account, I recognize a distinction between the democratic character of the act of representation and the authoritarian politics that Hobbes favors. The result of Hobbes's account is the collapse of sovereignty with representation by locating the mediating point in the representative. This renders the subjects of the commonwealth mere spectators to their representation. In Chapter 4, I take up Rousseau's attempt to work within the mediating framework to recover an active spectator. Rousseau develops an exceptional case of representation in which the mediation is not experienced as a problem – the case of self-representation. In acts of self-representation, the spectator is active because she is both the actor creating the representation and the spectator, the one being represented. As such, Rousseau does not so much theorize an *active* spectator as he does a person that is an actor *and* spectator. Rousseau does not resolve the problem of representation – that is, how does a person represent another who is not the same? Yet, Rousseau serves as a resource for understanding the problems of mediation and thinking about what it would mean for a representative relationship to allow for an active spectator.

Part Three brings together the first two parts. In Chapter 5, I take up a rethinking representation as relational and responsive. This intersubjective account of representation places a priority on representation as grounded in a *responding to* another. This opens a practical ethics of representation that can serve as a measure of the representative quality

of the relationship. The end of this representation is the promotion of the agency of the other in order to continue the iteration of actions and responses. This purpose is then elaborated in a limiting principle of nondomination and two aspects of committed practices – solidarity and responsibility. In Chapter 6, the theory of *relational representation* is then applied to the practices of nongovernmental actors. I consider some of the difficulties associated in thinking about nongovernmental actors and their claims to represent, including the problem of initiating the relationship and assessing legitimacy within it. Then, through a case study of a nongovernmental organization, Partners in Health, I consider how a nongovernmental actor's practices can be understood through the lens of relational representation.

In the end, I hope that opening the language of representation to nongovernmental actors provides us with an avenue for making sense of the quickly changing global politics of the 21st century. In one sense, making a claim to represent makes a claim on both the claimant and the potentially represented. To place the practices of nongovernmental actors – global citizens acting in concert – within the language of representation makes the stake of that claim apparent. As one's actions stretch across political boundaries, they affect others who themselves have agency and a voice. This is a responsibility that we incur unthinkingly but which we can assume consciously. It is often the case that at the point we realize it, we have already made claims on others and the responsibility rests on us to make those claims matters of representation and not the perpetuation of suffering and domination.

PART I:
NONGOVERNMENTAL ACTORS IN
GLOBAL POLITICS

CHAPTER 1

THE BATTLE IN SEATTLE AND THE EMERGING NETWORK OF GLOBAL ACTIVISTS

It is obvious to everyone that political thought increasingly finds itself overtaken by events.

-Albert Camus¹

[T]hey pay more attention to the noise and clamor resulting from such commotions than to what resulted from them.

-Machiavelli²

1

INTRODUCTION: THE BATTLE IN SEATTLE

Many activist groups saw the World Trade Organization's Third Ministerial meeting in Seattle, Washington in late 1999 as an opportunity.³ In the years following the fall of the Berlin Wall, there had been rapid growth in the number of nongovernmental organizations (NGOs) engaged in a wide diversity of political issues stretching beyond nation-state boundaries. The increased presence of NGOs in international politics was

¹ Camus (2006a), 268.

² Machiavelli (1998), 113. *The Discourses* Book I, 4.

³ The description of The Battle in Seattle in the following pages draws heavily upon the accounts given in a number of texts. For witness accounts and reflections, see Cockburn & St Clair (2000); Solnit & Solnit (2009). For the general history and analysis of the event's meaning, see Halliday (2000); Scholte (2000); Kaldor (2000); Robin (2000); and Smith (2002).

paralleled by the expansion of multinational corporations (MNCs) into the rapidly opening national and global markets. To handle the increasingly interdependent globality of economic markets, the World Trade Organization (WTO) superseded the General Agreement on Tariffs and Trade (GATT) in 1995. The WTO and other economic international institutions such as the International Monetary Fund (IMF) came to be associated with a set of economic policies known as neoliberalism: they promoted a version of the free market that aimed to remove trade barriers and introduce an economic discipline in developing states that cut deeply into public services.⁴ The perception among many of the activists and NGOs was that the WTO had a neoliberal agenda beholden to corporate interests and not those of the citizens of the member states. This sense of a *democratic deficit* in the decision-making of the WTO fits with a broader critique of all the post-World War II international institutions, beginning with the United Nations, and the ways in which its structure fails to operate like a global parliament marked by equality between nations and with direct accountability to the people.

The WTO meeting in Seattle presented activists an opportunity on several levels. First, the meeting was being held in the United States, guaranteeing the active interest and substantial coverage by the American media that had, to that point, been relatively unconcerned with earlier attempts to protest and to critique these economic international institutions. Second, on the agenda of the Third Ministerial meeting was the completion of the Millennium Round of trade negotiations. The Millennium Round sought to expand the free trade regime substantially, but several of the leading developing economies,

⁴ Also called the Washington Consensus; it reflects a global political organization that prioritizes market freedom over other freedoms, including human rights and well-being. For a description of what neoliberal policies entail, see Held (2006).

including Brazil and India, were already voicing dissatisfaction with the proposed terms of the agreement. The uncertainty on the success of the negotiations gave the activists an opportunity to influence events and to connect their external discontent with internal skepticism about the proposed agreement.

In order to take advantage of the opportunity, a loose network of NGOs and global activists began to organize well in advance of the WTO meeting. Temporary internet-centered organizing hubs such as the Direct Action Network (DAN) began to connect persons and groups interested in participating in the protest events. They also helped coordinate protest events so that there would be a continual series of protests outside the meeting that did not compete against each other. The loose organization of the protests as a whole allowed a diverse range of participants to engage in various forms of protest, from marching to civil disobedience. Among the major groups joining in the protests were labor unions, agricultural groups, environmental groups, advocates for Jubilee 2000, and anti-capitalist groups. Estimates for the number of participants mobilized range somewhat widely, but most settle around 40,000.⁵

On November 30, 1999, the initial protests aimed to block access to downtown Seattle in an effort to prevent many of the WTO delegates from attending the first day of the meeting. This series of protests, known as the “N30” events, were to a large degree successful. By the end of the first day, the police had begun using nonlethal force to break street blockades, vandalism had begun by the ‘Black Bloc’ of so-called anarchists, the police arrested hundreds of protesters in an attempt to regain control of the streets,

⁵ Estimating the number of participants is difficult. The police estimate is on the low-end around 30,000 and on the high end, some activists claim upwards of 60,000 participants. On the politics of the count, see Gill (2000); Smith (2002); and Solnit & Solnit (2009).

and Seattle's mayor Paul Schell declared a curfew and established a massive "No-Protest Zone" in downtown Seattle around the conference. The conflicts between the police and the protesters earned the protest events their collective name – *The Battle in Seattle*.⁶ Occurring parallel to these moments of violence were other protest events that were peaceful and maintained a spirit of carnival. One oft-noted protest was a joint-march led by teamsters and environmental groups. Dubbed the "Turtle March" because many of the environmentalist activists dressed up as giant turtles, the protest was emblematic of the diversity of opposition to the WTO, as teamsters and environmentalists are often on opposite sides of political conflicts.⁷

The WTO meeting ended on December 3rd, failing to arrive at an agreement over the Millennium Round of negotiations. The protesters claimed victory.⁸ The postmortem in the media and academia tended to focus on the internal failure of the negotiations, claiming the protesters had little to no effect on the results.⁹ Yet from outside, the real possibility of assigning responsibility for the outcome of the meeting to the appearance of the highly organized yet diffuse participants in the protest events raises a series of

⁶ As will be discussed below, much of the popular meaning of the events in Seattle is reflects what they are named. It is most often called "The Battle *of* Seattle." I have opted for "The Battle *in* Seattle" because the phrasing slightly shifts the resonance away from the language of wars and emphasizes the fact that the conflict was not *about* the city of Seattle in any sense. It was the location in which political conflict became apparent. On occasion the events are referred to as "The Riots in Seattle." That label attempts to dismiss the *political* content and organization of the event by labeling them *riots* – the expressive, violent outbursts of the masses. For a discussion about the struggle to frame the events in Seattle from the perspective of some of the protest organizers in the Direct Action Network, see Solnit & Solnit (2009).

⁷ On the role of labor in the protests, see Levi & Olson (2000). For a radical interpretation of the diversity in types of protesters, see Hardt & Negri (2004), 85-88. On the building of this coalition, see Klein (2004).

⁸ Solnit & Solnit (2009)

⁹ On the decisive role the mainstream media played in framing the event, see Robin (2000); Bennett (2003). On the ongoing struggle with the media's portrayal of the event, see Solnit & Solnit (2009).

questions: Who were they? What did they want? Was it even right to speak of them as a *they*? And what does the appearance and mobilization of nongovernmental actors suggest about changing contours of global politics?

The Battle in Seattle is a phenomenon of *global politics*. Throughout this project, I use *global politics* to refer to the constellations of political institutions and actions that began developing after World War II.¹⁰ The Battle in Seattle marks the convergence of two powerful threads of the emerging global politics. The first thread was evident inside the WTO meeting, where the negotiations concerned economic globalization, understood as the expansion of “free trade.”¹¹ The second thread of global politics is the globalization of political action. The opening of political agency beyond sovereign nation-states was embodied in the massive gathering of protesters. Many of the protesters were not suddenly mobilized individuals, but persons that spend their professional lives working to effect change in global politics. In this sense, The Battle in Seattle did not mark a *new* politics, but it confirmed a long developing politics. It was the *appearance* of nongovernmental actors as political agents.

Events in global politics tend to be received with an element of surprise. The surprise relates to the experience of disruption associated with global political events.¹²

¹⁰ Tully (2009b), 49. Tully draws on the work of Held and McGrew.

¹¹ Critiques of neoliberal policies are often part of a critique of the ‘soft’ empire of the US; see Hardt & Negri (2001 and 2004).

¹² Badiou (2005) defines an *event* as a paradoxical intervention (p203). For Badiou, the event disrupts the order of being and so it is always more than the ‘multiples’ that constitute it and it becomes known only the practices of fidelity that give it the belonging it lacks in its appearance (p211). This aligns with Zolberg (1972) and his consideration of ‘moments of madness’ as events that appeared to be political failures but still shift the register of what is politically contestable. Klein (2007) emphasizes the other side of this

They disrupt the settled political categories and the division of action that had come to organize international politics. In 1981, reflecting on his participation in a nongovernmental initiative, Michel Foucault emphasizes the disruptive nature of nongovernmental work that must work to reject the “division of labor” in which “individuals can get indignant and talk” and “governments will reflect and act.”¹³ Foucault recognizes that events in global politics aim to disrupt the system of state sovereignty.¹⁴ The element of disruption and its resultant experience of surprise obscures the pattern of events that points toward the emergence of global politics as more than exceptional disruptions of unshakable norms, but as a new understanding of what it means to act beyond the nation-state and who qualifies as agents capable of acting politically. As hinted in the media-given name for the event – *The Battle in Seattle* – the focus on the disruptive conflict reduces the event to violence or triviality, getting lost in the *clamour* and *tumults*, and missing its political significance. To understand The Battle in Seattle’s political significance, it must be connected to the tradition of nongovernmental activism that is one of the drivers of the emerging global politics.

This chapter focuses on understanding the political agency of nongovernmental actors through their appearance in The Battle in Seattle. My argument is that The Battle in Seattle is representative in two senses. First, as an event it is itself *a representation*. That is, it was a moment of appearance in which nongovernmental actors *presented*

phenomenon. It is also an opportunity for the consolidation of power found in the disruptive moment, particularly in the context of what she calls *disaster capitalism* – using humanitarian crises to push through what under ‘normal’ political conditions would be unpopular policies.

¹³ Foucault (2003a), 64

¹⁴ On the conflict with state sovereignty in global politics, see Chapter 2.

themselves as related and interconnected as a network of global activists. Second, the political claim underlying the protest events was a claim *about* representation. The claim has two aspects: one negative, the other affirmative. The negative one is that the current situation of representation in global politics reveals a democratic deficit.¹⁵ The deficit reflects the failure of translating the domestic strategies of democratic accountability that connect the people to their representatives into transnational institutions. The affirmative one sees in the everyday political activity of the nongovernmental actors an alternative conception of representation that focuses on the substantive aspects of the representative relationships. In other words, this rethinking of representation sees it as a relationship that engages the agency of both the representative and the represented. In this chapter, I give a reading of The Battle in Seattle against the way it has been received in the literature and media. I read The Battle in Seattle as an important political event that makes apparent the place that nongovernmental actors have assumed within global politics and that, in this recognition, opens a rethinking of representation that I work to elaborate across this dissertation.

2

A SPECTACLE: THE BATTLE IN SEATTLE AS A REPRESENTATION

¹⁵ The literature on the democratic deficit in Europe is large. In the specific context of intergovernmental organizations, see Pogge (1997) and Goodhart (2007). Also, on the affect problem in the democratic deficit, see Chapter 2, §4.

To call The Battle in Seattle a *spectacle* suggests that it has a theatrical element in which something was made to *appear* before some audience.¹⁶ To understand the event, I begin with a consideration of the descriptive aspects of this appearance and how they connect to the participants' vision of how global politics has come to work. In the following section, I consider three of the elemental features of the protests and what political claims underlie each feature. First, I examine the role that the diversity of the protesters plays in their self-understanding (§2.1). Then I look at the organizational structure of the protests and the relations within the nongovernmental community from which the participants were mobilized (§2.2). And third, I consider the performative practices of the protests and their significance (§2.3).

§2.1 One No, Many Yeses: The Plurality of the Participants

Among the most common observations about those who participated in the protests in Seattle is that they were diverse and consciously celebrated that diversity as a strength of the protests. This plurality was expressed along several dimensions. Though a majority of the protesters tended toward the 'progressive' causes of the left, the protests included participants from both the political right and left. The participants came representing a diverse range of professional interests as well. There was a substantial labor union presence, teamsters and teachers. There were many different professional

¹⁶ The visual dimension of representation as a *spectacle* is considered at length in Chapters 3 and 4. Here, I mean *appear* in the sense of making something apparent. It is not a moment of creation, but one of recognition. In other words, I use *appear* in the sense meant by Arendt (1998) when she thinks of politics as a "space of appearance" – in which one's equality as a political actor is acknowledged. Rancière (1999) attempts to capture the same elements of equality and acknowledgment in his discussion of politics as a *counting*. I consider acknowledgment in more detail in Chapter 5.

nongovernmental organizations and civil associations, including environmental groups, human rights and humanitarian service groups, and faith-based groups centering on the Jubilee 2000 movement. In this diversity of participants, it is tempting to see division and lack of collective purpose. Yet, in making this diversity a focal point of their appearance, the participants emphasized the power of the protests *because* it created a unity from such great diversity.

With the diversity of participants came pronounced differences about how to understand what the protests meant and what their goals were. For some the protests were merely a performance meant to dramatize the exclusion of the people from decision-making processes in international organizations, such as the WTO. For others, particularly the labor unions, the protesting was a demand for immediate inclusion – a seat at the negotiating table. A focus on the diversity of the participants as *difference* leads to dismissing it as chaotic, lacking a positive identity. From that position, the narrative of the events unfolds in a predictable manner: the protests were a riot – the incoherent, meaningless noise of malcontents.

Such a conclusion is dismissive of both the self-understanding of many of the participants and of the developing history of nongovernmental actors in global politics over the last sixty years. Indeed, the diversity of the protestors places limits on the achievable discipline of presentation and message, but that is not necessarily a sign of disunity. For the participants, the diversity was a purposeful expression of a broad and diffuse plurality of nongovernmental actors, who for all their differences held common purpose. They shared a conviction in the *refusal* “not to be governed thusly,” to borrow

Foucault's turn of phrase.¹⁷ This basic refusal – expressed on protesters' signs as *No WTO!* – appears to be a negation, pointing towards a negative shared identity of the protesters.¹⁸ But this one act of negation opens the space for a plurality of affirmations.¹⁹ And it is this open space for affirmations that is shared and constitutes the protesters' positive identity.

The affirmative identity emerging from the negative refusal of the political status quo is best captured in the understanding of global activists as putting forward “One no, and many yeses.”²⁰ The basic refusal functions as an orienting value for the participants. In sharing the refusal, it grounds an affirmative commitment to their solidarity. Here, I mean *solidarity* as an expression of acting in concert without erasing the differences between the actors.²¹ As such, the solidarity that emerges from the shared refusal and the affirmation of the possibilities it opens does not suggest the deep agreement of the participants, but that they are willing to appear together and demand change. This solidarity depends on *appearance*; it is enacted through the practices of the protests. For example, it is in the joint “Turtle March” that the solidarity between the teamster and the environmentalists is established. And that the environmentalists appeared dressed as sea

¹⁷ Feher (2007), 17. I consider Feher's understanding of nongovernmental politics in some detail in Chapter 6.

¹⁸ For a critical reflection on the ambiguity of this framing message, see Smith (2002), 209.

¹⁹ Camus (1991a) grounds his theory of rebellion on a similar move in which a single negation opens a positive politics. He summarizes it in his famous pronouncement, “I rebel – therefore we exist” (22). For more on Camus's political theory as an early attempt to grapple with the place of persons within a global politics, see the Introduction.

²⁰ See Kingsnorth (2003), Klein (2004), and Gibson-Graham (2008).

²¹ For a development of the concept of *solidarity*, see Chapter 5.

turtles visually reminds one of the principled differences between the actors and, thereby, also emphasizes the power of their acting in solidarity. The observation of a meaningful plurality – that is, diversity grounded in a value of solidarity – among the protesters in Seattle points toward a substantive set of interrelations. In other words, the relations between the protesters were organized and structured outside of the protest event.

§2.2 The Emerging Network of Global Activists

The protest events constituting The Battle in Seattle exposed the *networked* structure of global activism.²² That global activism has a network structure is significant for two reasons. First, the network structure of the protest events themselves mirrors the evolving connections and relationships within the broader network of global activists.²³ In this sense, The Battle in Seattle as a spectacle appears as a representation of the everyday situation of global politics. The capacity of the protest events to operate with relative independence of one another, but also, to come together rather easily in moments of solidarity such as the ‘Turtle March’, reflects the types of increasing interconnectedness between nongovernmental actors in general. The Battle in Seattle as an event demonstrated the *ideal* relations of the global activist network. First, nongovernmental actors approach situations with a spirit of partnership based in a common purpose that speaks to a tentative trust. This allows small organizations to act in

²² This is the central claim in Hardt & Negri (2004) concerning The Battle in Seattle (p85-88). For them, the network structures point toward the *multitude* as the subject of global politics. The multitude is specifically not the individual citizen or a constituted ‘people’ because the network is not conducive to that type of isolation or consolidation.

²³ On the structure of networks in general, see Powell (1990) and Barabási (2003). On networks in social and political relations, see Castells (2000); Podolny & Page (2004); Tully (2009a and 2009b); and Christakis & Fowler (2009).

concert and to tackle the issues of suffering and injustice that motivate their participation. Second, understanding global activism to be organized as a network, rather than as a cohesive movement or as many isolated actors, helps explain the types of political effects we can anticipate from their mobilization and those that we will tend to fail to see.

The concept of *networks* has come to describe all manner of social relationships between actors.²⁴ The basic language of networks refers to *nodes* that relate to one another through *connections*. In applying it to the global activist network, each individual nongovernmental actor, understood on the level of organized groups, is a node in the network. Each node is connected directly to some other nodes and, then, indirectly to the others through the nodes to which they connect.²⁵ The ideal type of the network is *flat*, possessing no relevant power differentials between connected nodes.²⁶ But actually existing networks do contain power differentials that affect the structure of the network.²⁷ As such, the language of networks can be applied to structures of relationships ranging from classic hierarchical structures (*scale-free networks*) to the flatter, anarchic structures (*random network*).²⁸ The scale-free network has one central node to which every other node in the network is connected and *through* which they connect to one another. That

²⁴ Christakis & Fowler (2009)

²⁵ The language of the next several paragraphs is drawn from Barabási (2003) and Castells (2000). See in particular Barabási's explanation of indirect connectivity in networks in his chapter on 'six degrees' (p25-40).

²⁶ Castells (2000) see the movement within networks as being very fluid. The connections are made, broken, and remade frequently and quickly. For Castells *information* is the model subject of a network. Indeed, the more that the network is built around information transmission, such as the internet, the more likely it is to be essentially flat with very little inequality between the nodes.

²⁷ On the role of inequality in international political networks, see Lake (2009), Lake & Wong (2009), and Kahler (2009).

²⁸ For descriptions, see Barabási (2003) and Wong (2008)

central node is the only significant point of connection for the entire network. I mean *significant* descriptively, in the sense that existent connections between two non-central nodes in a scale-free network will not tend to increase each node's capacity to achieve its ends; the productive, enabling connections are typically mediated through the central node. The random network mirrors the ideal of a network. It is flat in the sense that each node has relatively the same number of connections and those connections do not make any one node more central or significant than any other.

Evident in the extreme of examples of the scale-free network and random network, the *connectedness* is the primary determinant of the network's overall structure and of the power or significance of individual nodes. Two factors contribute to measuring connectedness: the number of connections and the quality or strength of those connections.²⁹ Generally, a node is seen as more significant when it has more direct connections to other nodes. But not all connections are equal, and so the strength of the connection measures the substantive weight of each particular connection. The importance of the quality of the connections is manifestly evident in considering an individual's personal social network. You may be directly connected to several hundred people, but in an emergency, you would not contact just any member of your social network. Instead, there is a smaller group of persons – family members, close friends perhaps – with whom you have a thicker connection and, thus, are more willing to use

²⁹ Powell (1990) notes that the connection between nodes is a matter of density of the *trust* between them. This places network thinking well within the tradition of political theory. Locke's measure of politics in *The Second Treatise* (1660) is about the presence and loss of trust. On Locke and trust, see Dunn (1984 and 1990). For the development of *trust* as an alternative to *authorization* for assessing claims to represent, see Chapter 5 & 6.

your own resources and time to assist and from whom you tend to anticipate relational reciprocity.

In addition to the quantity and the quality of the connections, a third factor needs to be considered in non-random networks – that is, ones with inequality between the nodes. This third factor has to do with the significance of the particular nodes to which one connects. The more significant the node to which one connects, the more indirect but close connections one makes. Within the global activist network, direct connection to a significant node can make a big difference in the success of a startup NGO. A smaller NGO would find itself open to a different set of opportunities if it were connected to a few smaller NGOs rather than being connected to one large and well-connected NGO, such as Amnesty International or Doctors Without Borders. One interesting consequence of the global activist network being driven by *connectedness* is that the single connection to a network-significant NGO, even if outside the direct issue space of the smaller NGO, may still be more important than all of its connections to other organizations working within its issue space.

The global activist network is less hierarchical than a scale-free network, but it does contain inequality between nodes and is not a random network either. The global activist network operates as a *small-world network*.³⁰ Unlike scale-free networks, small-world networks lack a single connecting central node. And unlike random networks, the connections are not evenly distributed. Rather, the nodes form into clusters in which one or several nodes with more and thicker connections are more significant than the other

³⁰ On the small-world, see Barabási (2003) and Wong (2008)

nodes and serve as the nodes that connect that ‘small world’ to the other ‘small worlds’ of the network. Each small world forms a semi-independent field of activity that maintains only a few connections to the wider network. As a result of this structure, small-world networks tend to be rather diffuse on the macro-level and yet densely connected within particular ‘worlds’ – extensively sharing norms, resources, and practices.

Within the global activist network, the small world structure allows the space for the diversity of issues and organizations present within it to thrive while still recognizing the strong influence that *horizontal accountability* plays between nongovernmental actors collectively. To demonstrate the position of a typical NGO within the global activist network, I draw on the experience of Tostan, an NGO that works on education and rights in Africa.³¹ Tostan, meaning ‘breakthrough’ in the West African language of Wolof, is far from being the only organization engaged in education and rights work in Africa. Its immediate connections are with organizations that also work on the same issues and in the same area. The connections between these NGOs are created and maintained because they share an activist world. They attend the same conferences of issues of common concern and often share the same donors. This creates an interconnected small world formed around the shared issue – education projects in Africa. Horizontal accountability describes the relations between the nodes within this small world. In this context, the accountability takes the form of emphasizing certain practices and de-emphasizing others. Tostan’s increasing reputation within its small world has been shaped by a recent shift toward a preference for their practices in establishing education projects in Africa.

³¹ My account in this paragraph is deeply indebted to a conversation with Gerry Mackie about Tostan and the issues NGOs face (11/06/09). See also, Gillespie & Melching (2010) on the practices of Tostan.

When it began, Tostan's community-based, Deweyan experimentalism was new and, therefore, *de facto* marginalized within its small world. As such, Tostan's early years were marked by efforts to draw attention to the advantages of its educational model. Its reputation increased within its small world as its education model met with success in the communities of Senegal and throughout West Africa. Tostan's community-based approach emphasizes enabling the agency of individuals within the community and the community as a whole. These successful projects included updating infrastructure in many villages as well as leading to the development of a program for communities interested in pursuing women's issues including the ending of female genital cutting.³² Tostan's success raised its profile within its small world, but its practices also aligned with a general shift in attitude about how to approach nongovernmental work within the entire global activist network. As such, Tostan has become more significant within its small world and established a thick connection outside its small world by partnering with USAID, a large and well-connected NGO.

Tostan is an example of how an organization's place within the small world can be affected by the other organizations in its small world and by connections outside of it. Another case – that of the rubber tappers in Acre, Brazil – demonstrates how within the global activist network as a whole, one's position can change as one connects small worlds together.³³ Francisco 'Chico' Mendes, who led the rubber tappers' attempts to preserve their traditional livelihoods against the ranching interests in Brazil until his murder in 1988, summed up his experience in the activist network as follows, "At first I

³² Gillespie & Melching (2010)

³³ Keck (1995)

thought I was fighting to save rubber trees, then I thought I was fighting to save the Amazon rainforest. Now I realize that I'm fighting for humanity.”³⁴ Mendes's reflection on development of his own understanding of what his activism signified is linked to the different activist small-worlds with which the movement became connected. Keck traces the history of this evolution as it grows from a local struggle over indigenous land rights to a regional labor-based dispute and, finally, to a transnational environmental struggle. As Mendes put it: the objective of the activism developed from the very particulars of saving single trees in a specific area, to the Amazon rainforest as a whole, to the global ecological concern that affects all of humanity. The increasing levels of connection from the local to the global are examples of network connections across small worlds and the real political effect that these network connections can have. Mendes's death appeared on the front page of the *New York Times*, a surprise to many Brazilians since he was not a household name in Brazil.³⁵ In the wake of Mendes's death, international pressure pushed Brazil to begin changing its environmental policies, including setting aside millions of acres as preserves.³⁶ The diversity between the different small worlds of activists in this case demonstrates the potentials that exist in the global activist network. Differences in issues and levels of activity – the local, the national, and the global – can become

³⁴ Mendes quoted in Ekins (1992), 83.

³⁵ Keck (1995)

³⁶ Keck (1995)

connected in the concrete particular struggles for justice as in the case of the rubber tappers of Acre.³⁷

As a representation of the global activist network, The Battle in Seattle was also structured as a small-world network, aiming to produce a broad common purpose while preserving the plurality of the ‘small worlds’ to which the actors belonged. The Battle in Seattle drew on the strength of the connections of the global activist network by having protest events driven by small worlds – several groups linked through issues and practices – and by holding protest events across small worlds, such as the ‘Turtle March’ described above. That the protest events were the mobilization of these existent network connections, The Battle in Seattle taken as one big event, made apparent the strength and flexibility of the network-form of relationship. It allowed for wide mobilization without requiring centralized authority or large amounts of network-wide trust because each protest event grew out of the thicker relationships of trust in the small worlds.

In The Battle in Seattle, some have seen the birth of a *movement*. This movement was given the name *antiglobalization* in the wake of the Seattle protests, but this frame was against all of the self-presentations of the protesters, who now seem to have settled on calling themselves the *global justice movement*.³⁸ The appeal of the *movement* language is the history and tradition of successful activism in which it places The Battle

³⁷ Forst (1999) sees this type of movement from the particular, concrete experiences of injustice up to the broader general rights claims to be more appropriate than the universalist, top-down model of human rights. To facilitate the bottom-up approach, he posits a single primary right to justification. That is, all have the right to make the case for their justification.

³⁸ On the topic of framing the activist network, see Robin (2000) and Klein (2002). A more detailed discussion of framing occurs below in §3.2.

in Seattle. Indeed, The Battle in Seattle and the continuing work of global activism ought to maintain a historical connection to the tradition of social movements, but as a descriptive category the concept of *movements* is ill-suited to understanding contemporary global activism because a movement requires a thicker commonality in practice and purpose than is evident among global activists. Indeed, even when global activists describe themselves in terms of being a movement, the commonality is somewhat thin and abstract. What holds the movement together is a commitment to *global justice*. It lacks the specificity of classic new social movements such as the anti-nuclear movement that began across several Western democracies in the 1970s, or even the related environmental movement. If there is a global justice movement, is there a shared conception of what it means to effect global justice?

It is more appropriate to describe some of the particular small worlds of the larger global activist network as movements. For example, some of the older social movements such as the environmental movement have become integrated into the larger global activist network. One can also speak coherently of newer small worlds as movements. It makes sense to conceive of anti-sex trafficking activism as a movement because the organizations that compose the small world share a thick sense of purpose and have a strong issue-centered identity. That parts of the global activist network can be described as movements has led some to argue that The Battle in Seattle signaled the beginning of a *movement of movements*.³⁹ This categorization emphasizes the plural sources from which the activism emerged. But it simply repeats the difficulty in understanding global

³⁹ Mertes (2004) uses this language of a 'movement of movements' to gather a variety of activists and thinkers who were participants or, at least, sympathetic to the protesters in Seattle.

activism as a movement. The repetition of the word allows for a sense of the plurality involved, but it does not capture the organizational and structural dynamics of contemporary activism. The language of *networks* is better suited to explaining the central tension in preserving the particularity of organizations and valuing their interconnectedness.

Looking at the meanings of social movements as both a history of activism and as a descriptive in more detail helps elaborate its continued appeal for understanding contemporary global activism and its limitations. The most important relationship between The Battle in Seattle, contemporary global activism and the category of movements is that it places them as the inheritors of the tradition of nongovernmental activism that began after World War II and became increasingly prominent in the social upheaval of the 1960s and its subsequent professionalization in the 1970s and 1980s. Indeed, a number of the significant NGOs, such as Amnesty International, began in the context of this period of activism.⁴⁰ Yet, the New Social Movements (NSM) paradigm developed as a powerful analytical tool to describe nongovernmental political activity in this particular context.⁴¹ As suggested by the *new*, the NSM paradigm was built on a narrative about the shift from *old* to *new* social movements. And as those two types of social movement could not be analytically collapsed, the transnational transformations in global activism similarly cause several of the assumptions about *new* social movements

⁴⁰ On the history of Amnesty International, see Clark (2001); Hopgood (2006); Wong (2008); and Lake & Wong (2009).

⁴¹ The debate within the NSM paradigm centers on the relative importance of political opportunity (state-society relations), resource mobilization and maintenance (organizational survival), and framing. For more, see Tarrow (1988), McAdam, McCarthy, & Zald (1996), Della Porta (1996), and Della Porta & Diani (1999). For a critique of the *social movements* label, see Melucci (1988 and 1996).

to be inapplicable to them.⁴² The shift in political context alters the goals and purposes of activism, and so to judge The Battle in Seattle and the ‘movement’ it began in terms of the NSM paradigm leads to seeing it as a failure because it does not achieve what a successful new social movement should.⁴³ In part, the assessment of the failure of the global justice movement and The Battle in Seattle is an artifact of measuring it with the wrong analytical tool.

The analytical assumptions of the NSM paradigm are formed in its original purpose – to explain the changes in the form and content of the activism of the 1960s and 70s. The events of the late 1960s resulted in a pronounced shift toward the professionalization of political activism in which the popular movements, evidenced by the worldwide events of 1968, were supplemented by a growing number of organizational, institutionalized structures aimed at becoming professional activists. This trend toward professionalization continued throughout the remainder of the Cold War and witnessed an explosion in the number of NGOs following the fall of the Berlin Wall in 1989. This specific history has led to two biases within the NSM paradigm. First, since the paradigm is rooted in the activism of the 1960s, it tends to identify primarily ‘progressive’ causes as being social movements.⁴⁴ Second, and more relevant to the

⁴² This shift can be traced through the development of Tarrow’s work, from the distinction between old and new social movements (1988) to the attempt to apply the movement language transnationally (2005).

⁴³ On The Battle in Seattle as a failure, see Gill (2000). Scholte (2000) argues that the success of Seattle will be determined not in the particulars of the moment, but in its capacity to *begin* a new economic-political organization. Scholte (2004) later notes that the constructive politics emerging from Seattle, such as the World Social Forum, remains overshadowed by the negative aspects of the event (p228). On the failure of the ‘movement’ as a result of changing political conditions, namely 9/11 and the shift in emphasis on the anti-Iraq War movement, see Hadden & Tarrow (2007).

⁴⁴ Offe (1990). For the problems that this creates for understanding popular movements, see Edelman (2001) and Pichardo (1997).

contemporary global activism, the NSM paradigm tends to conflate all nongovernmental political activity with structurally identifiable groups aiming to be integrated into the institutional structures of governance.

As such, the NSM paradigm measures movement *success* through the development and endurance of organizational structures.⁴⁵ While this criterion of success does capture the move toward the *professionalization* of activism for many organizations, it mistakes the part for the whole. Indeed, many individual NGOs value their continued survival *as an organization*. But this micro-level survival does not necessarily translate to the macro-level. The function and services of many contemporary organizations are much more fluid than the traditional NSM paradigm assumes. This fluidity is easy to understand in the framework of a small-world network in which connections are made, broken, and re-organized with regularity, but it does not fit the NSM paradigm that focuses on the establishment of more permanent structures that can be purposed for mobilization.⁴⁶ As is typical of network structures, the global activist network sees the rapid emergence of a different type of political actor – the organizing hub. These organizations focus on connecting and mobilizing other organizations interested in shared issues. These types of organization operate as significant connecting nodes in the network, but their organizing work is often of short duration at which time the organization either disburses or refocuses on connecting organizations for other issues.⁴⁷

⁴⁵ For the best summary of the problems this creates for both NGOs and the NSM paradigm, see Offe (1990) and Tarrow (1988), 123-138.

⁴⁶ McAdam, et al (1996)

⁴⁷ Bennett (2003)

In the case of The Battle in Seattle, the Direct Action Network (DAN) served as one of the primary event coordinators, yet the group purposefully avoided becoming a central node in what followed the event.⁴⁸ The DAN focused on teaching seminars on civil disobedience discipline and providing a space for the many groups to coordinate plans for the N30 events in Seattle on the first day of the WTO conference. Following The Battle in Seattle, DAN disbursed and other groups appeared to organize those mass protest events and coordinate the follow-up strategies for effecting political change.⁴⁹ Since the organizational structures are in continual flux, there is no institutionalized central organizational node to professionalize. Thus, the assumption favoring professionalization in the NSM paradigm does not accurately describe the diversity of NGOs and groups that were part of the Seattle protests, and it certainly does not describe the organization or purpose of the political phenomenon that appeared in the streets of Seattle in late 1999.

Contemporary global activism, particularly the groups that organized the protest events in Seattle, also resists professionalization for ideological reasons. Chief among the reasons for DAN disbursing after the event was an attempt to preserve the fluidity and relative equality within the global activist network as a whole. Thus, many contemporary instances of global activism aim specifically *against* professionalization by adopting *non-integrative practices*. These non-integrative practices favor expressive action that relies upon the generation of temporary and semi-spontaneous community spaces. Non-integrative practices are often referred to as *festival politics*, discussed in more detail

⁴⁸ Bennett (2003) and Solnit & Solnit (2009), who were among the leaders of DAN.

⁴⁹ Solnit & Solnit (2009) give several reasons for the disbursing of DAN after Seattle. Chief among the reasons were personal desires to do 'other' things, but also a philosophical commitment to the anarchist idea that the concentration of power in any one place is dangerous.

below (§2.3).⁵⁰ They are non-integrative in the sense that the practices use the limited temporality of the expressive acts to signal *potentialities* without having to compromise with the interests that tend to reify practices into institutions, which would defeat the critique of the protests in the first place – that there is an gap between the expressive will of the majority of people and the governance carried out in the political institutions in our name. Thus, the ephemeral aspect of non-integrative practices is integral to its political argument and thus, such groups define *success* not as a duration through time, but as a disruption not for disruption's sake but as a spur to participation and reflection.

A third way in which the NSM paradigm's understanding of success as professionalization is problematic in assessing contemporary global activism has to do with what it means to professionalize. Even among NGOs that do value their continued existence as an organization, there are two routes towards professionalization. Both, of course, aim to effect political change, but one attempts this through integration into the institutional structures of domestic and global governance while the other attempts to preserve its organization as explicitly *nongovernmental*, minimizing its direct ties to governments and emphasizing its grassroots-control.⁵¹ The NSM paradigm favors the

⁵⁰ The immediate origins of the contemporary forms of non-integrative practices include forms of culture jamming, such as the flash mobs pioneered by Reclaim the Streets and the Ruckus Society. See Klein (1999); Sellers (2004); and the edited volume, Duncombe (2002).

⁵¹ This is the primary distinction between Held and Tully considered at length in Chapter 2. Held takes the integrative approach; Tully the non-integrative. Several recent attempts to understand the field of nongovernmental politics consider integration into the governmental structures to be costly to a nongovernmental actor's legitimacy, see Feher (2007). Saward (2009) lists *untaintedness* as one of his three criteria in assessing the representative of a nongovernmental actor. The other two are *connecting* (authorization) and *confirming* (accountability). By *untaintedness*, he means that the nongovernmental actor is not in any way dependent on the interests of a government. In other words, the nongovernmental actor is authentically representing the non-state interests or groups.

former, seeing professionalization in terms of integration into the international bureaucracy of expertise.⁵²

Another assumption of the NSM paradigm that does not match contemporary global activism is the claim that activists are concerned with *postmaterialist* issues – that is, a set of cultural values that de-emphasize the economic and focus on the quality of everyday life.⁵³ In assuming a concern with postmaterial interests, the NSM paradigm views activism as *defensive* in nature, mobilizing against threats to the existent, if currently obstructed, cultural domain.⁵⁴ In this sense, the NSM paradigm recognizes only examples of *affirmative* politics, adopting the grammar of the dominant political frames in order to protect threatened spaces and practices.⁵⁵ Indeed, the series of movements emerging in 1960s and 1970s in the advanced industrial nations tended to adopt postmaterial issues. The green movement is a defensive movement, seeking to conserve threatened ecological species and spaces both for the sake of the diversity of the earth and in order to maintain the health and quality of life that a non-polluted environment

⁵² Feher (2007). From the constructivist perspective, Finnemore (2008) notes that global politics in the present has selection pressures toward the building of the international bureaucracy of global governance.

⁵³ Granato, Inglehart, and Leblang (1996), building on Inglehart's earlier work, argue that in 'postindustrial' societies, the generational value set shifts from materialist values, as articulated best in Weber's Protestant Ethic, to postmaterialist ones, such as social belonging and environmental protection. Similarly, Habermas (1987) defines the values, around which NSMs mobilize, as perceived threats to "the domain of cultural reproduction, social integration, and socialization" (p392). The value of 'everyday life' is a third way to articulate these concerns over "space, time...and the biological and affective dimensions of life" (Melucci 1998, 258). De Certeau (1984) emphasizes focus on the everyday as a matter of *active* engagement, rather than as passive or unaware. The centrality of the everyday remains in contemporary democratic theory, see §5 on Tully in Chapter 2.

⁵⁴ Habermas (1987) sees NSMs as responding to what he calls 'the colonization of the lifeworld' (p332-373, 394).

⁵⁵ On the distinction between an affirmative and transformative politics, see Fraser (2009), particularly Chapter 2.

provides.⁵⁶ One aspect of the concern with postmaterial issues is evident in contemporary global activism – the concern with everyday life. Indeed, increasingly global activism equates justice with a test of how persons are actually living. But whereas postmaterial issues focus on the defensive and the cultural, contemporary global activism synthesizes the postmaterial values with the economic concerns that had served as the distinction between old and new social movements.

In adopting this synthesized position, contemporary global activism changes the language in which they make claims. Politically, the language of defense has given way to calls for *social justice*, and economically, the critique of the macro-view of development aims to enable *sustainable development* – that is, concrete and enduring change within particular communities.⁵⁷ These shifts in language also signal a shift in politics from the merely *affirmative* to the *transformative*. While many of the values remain the same, the emphasis is on changing the everyday life of persons and communities. At the center of the shift towards the transformative aims of social justice is the recognition of *poverty* as the source of many of the injustices including those that had been framed as merely postmaterialist.⁵⁸ The poverty-centered view of activism assesses

⁵⁶ Dalton (1994) is an excellent study on the green movement and the pressures it faced in joining party politics versus remaining nongovernmental.

⁵⁷ Often called the *capabilities approach*, following Sen (1999 and 2009), it is also associated with the idea of *human flourishing* in Nussbaum (1992 and 2006), and broadly with the call for *social justice*, see Farmer (2005b).

⁵⁸ For the grounding of global justice in an understanding of *poverty* as a primary source of suffering and rights violations, see Sen (1999), who defines poverty as a *deprivation*, and Farmer (2005b). See Chapter 6 of this dissertation on how this orientation to poverty changes the relationships nongovernmental actors develop with the communities in which they serve.

justice claims based upon what Amartya Sen calls substantive freedoms or capabilities.⁵⁹ That is, the measure of successful activism is not in terms of simply actualizing existing rights – though that may have a part in it – but in enabling the agency of persons, understood as having the capability to effect change in their own lives. From this perspective, poverty is always an economic and social-political deprivation, and activism seeks to enable persons’ capabilities.

The NSM paradigm has difficulty recognizing the significant difference between activism centered on postmaterialist issues and those that adopt a capabilities approach to activism. The affirmative politics of standard NSMs emphasize advocacy practices that apply pressure for governmental reforms in laws or for their proper enforcement. And to the extent that advocacy remains a significant aspect of global activism, the paradigm recognizes portions of contemporary activism. It has trouble, however, accounting for the transformative aspects of contemporary activism that has developed a set of innovative practices aimed at alleviating poverty and, as a result, challenging the existing boundaries and frames of global politics, creating new roles and spaces for nongovernmental organizations to effect political change.⁶⁰ The source of the transformative potential in the global activist network is located in its practices. The performative dimension of the contentious practices in Seattle attempted to demonstrate that the event was more than an isolated occurrence in a series of “distant proximities.”⁶¹ Rather, Seattle was a key

⁵⁹ Sen (1999) defines *capabilities* as “the alternate combinations of functionings that are feasible for her to achieve” (p75). In other words, a capability focuses on promoting the agency of persons.

⁶⁰ Fraser (2009), 22-23.

⁶¹ Rosenau (1997). Gill (2000) recognizes that the activists in Seattle were very conscious of avoiding this possibility.

expression and the appearance of a well-connected network of activists as a single political agent. In other words, it showed the *power* of the network – that is, their capacity to act in concert.⁶²

§2.3 A Representative Event Through Non-Integrative Practices

The third notable feature of The Battle in Seattle is the diverse set of practices evident within the protests.⁶³ The practices were consciously *non-integrative* and *performative*. The practices were non-integrative in the sense that they used their limited duration both to avoid their own reification into institutions and to present a contrast between their expressive capacities and that absence in the closed political practices of the WTO conference. In its original use, a *performative* is a type of speech act in which the utterance is seen as *doing* something, not just saying it.⁶⁴ The expansion of the concept of the performative is to focus on those aspects of human activity that are made the case through their performance.⁶⁵ The practices were performative in the sense that the protests were enactments of the alternative politics that they claimed were absent, particularly with an emphasis on democracy, equality, and social justice. Thus, in the practices of the protest events, the desired politics existed and were shown to be possible

⁶² Arendt (1972) defines power as “the human ability not just to act but to act in concert” (p143).

⁶³ I bracket the question and role of violence in the protests in this section, but consider it in depth below (§3.1).

⁶⁴ Austin (1970). A classic example of this would be the act of promising. In saying, “I promise...” one is actually making the promise.

⁶⁵ For two applications of this expanded sense of performative, see Frank (2010) on representation as a performative practice and Cavell (2002a and 1979) and Markell (2003) on acknowledgment as fundamentally a performative act. For more on both these performatives, see Chapter 5.

– at least momentarily. As such, the practices constituted the spectacle that was the event of The Battle in Seattle. In other words, The Battle in Seattle served as a representation of the global activist network. It was the concrete performance of the everyday political activity, values, and connections that construct the network. To recognize the performative dimension of the practices at the protests in Seattle both affirmed the network itself and, through its public presentation, made claims against the political status quo, addressing both of its audiences – the delegates in the WTO meeting and the general public.

Through the enactment of the protests in Seattle, the participants affirmed the existence of the global activist network as a whole, yet this general affirmation was built on the many localized affirmations found in the practices of the particular protests. As the structure of the protests as a whole mirrors the structure of the network itself, so the practices – at their best – affirm the political situation of the participants. It reveals the developing political agency of nongovernmental actors in global politics. As such, the practices that compose the protests make apparent the relationships between the participants themselves and their audiences.

The practices of protest were first meant to affirm the commonality of purpose among the diverse participants, thereby confirming and creating particular connections between particular ‘nodes’ in the network, especially across ‘worlds.’ Thus, the performative aspect of the practices was, on the first account, a self-presentation for those in the global activist network. The capacity of protest practices to create instant community through shared practice is evident in the experience of Reclaim the Streets, an

‘organization’ that inspired many of the practices seen in Seattle.⁶⁶ The British group Reclaim the Streets is a grassroots organization that connects its branches through the enactment of shared practices. The essential feature of the practice is to reclaim the streets by creating an alternative space for a limited amount of time. Thus, in a strategy that has come to be known as a flash mob, many people flood a preselected section of street and reclaim as part of a participatory community. The idea is that car-culture, with people isolated in their vehicles, is typical of the alienation of contemporary life, and in reclaiming the street and stopping traffic by creating a festival atmosphere, it encourages the audience – those stuck in traffic – to consider their isolation and become participants at least in this temporary community. In this way, Reclaim the Streets presents the alternative community it envisions as something available through its practice. The protest practices of The Battle in Seattle attempted the same.

It was this broader, more inclusive community of the network of global activism, connecting across ‘worlds,’ that was new for the participants in the protests. For many of them the idea of activism, engaging their political agency, was not new; it was their everyday experience as members of various NGOs and participants in many issue-specific causes. The newness emerges through their practices in Seattle, which instantiate a common political subject – the global activist network – that can then be understood in certain ways as a single, acting subject. This is the transformation enabled by the

⁶⁶ On Reclaim the Streets, see Klein (1999).

performative aspect of The Battle in Seattle. It appears to the participants first as an instantiation of what had already been the case – there exists a global activist network.⁶⁷

The changes and advances in communication technology enabled the planning and mobilization of the global activist network in Seattle. This organizational medium had an effect on the relational dimension of the practices at the protest events. The Battle in Seattle is considered to be one of the most important early attempts at using the internet as a medium for mass organizing.⁶⁸ The internet-based organization shifted the nature of the connections between the individual activists and groups. It allowed for extended discussion between geographically disparate persons on questions of tactics, appropriate practices, schedules, and questions of substantive purpose. While it is incorrectly dismissive to suggest that internet communications are ‘not real’ or without ‘impact’, it is fair to describe these relations as primarily of political *potential* and not actively political. The protests in Seattle were a performance that confirmed the concrete political existence of the global activist network that had to that point been a virtual political movement. It was a private discourse between activists that then became public in the form of protest events.⁶⁹

⁶⁷ On understanding this in terms of the language of the future anterior (what will have been), see Honig (2009) as well as Frank (2007 and 2010). It relates to the notion of Arendtian appearance. Again, see Chapter 5 for a development of the connection to acknowledgment.

⁶⁸ On Seattle and technology, see Bennett (2003). It is important here to distinguish between the analysis of ‘resource mobilization’ common to the NSM paradigm and the idea that the practices of organizing are themselves transformative. The latter is evident both in Bennett and the work of Castells (1996, 2000).

⁶⁹ See Castells (2000) and Tully (2009b) on the difficulty of gauging what it means to *participate* in politics in the age of internet-based activism. The difficulty has to do with the gap between the capacity for virtual mobilization versus a presence-based mobilization. This debate recurs with each technological advance, most recently in 2009, concerning whether Twitter could be an effective tool of resistance, as it appeared to be in Moldova and the Green Movement in Iran.

With the shift in organizational practices came a shift in the *repertoire of contention* toward the non-integrative and performative practices of *festival politics*.⁷⁰ The repertoire of contention is the set of practices through which resistance, opposition, or protest is expressed. The repertoire of contention is historically rooted, but not determined.⁷¹ It evolves and adapts the strategies and practices of the past, introducing innovations emerging in the particular context in which it finds itself. The evolution in the repertoire of contention evident at The Battle in Seattle is partially due to the technological changes. The ease of coordination between protest events changes the scope and capacity of the demonstrations and thus the appearance of the larger event overall, but the communication advances were not the cause of the shift in the particular practices used. Instead, the shift in the repertoire showed the evolution of contentious practices that had been developing since the 1960s. These practices focused on peaceful obstruction and civil disobedience. They included intersection blocking and the creation of educational spaces with teach-ins. These historical contentious practices were combined with the repertoire of cultural resistance that had emerged particularly through anti-corporate activism in the 1990s.⁷² At the core of anti-corporate activism is the confrontational moment, typically by recasting the images and language of corporate advertising in order to reveal the social reality that the market tends to mask. The spirit of

⁷⁰ The term *repertoire of contention* comes from Tilly's historical work on practices of resistance. It is best developed in Tilly (1986), Chapter 1. Tilly (2008) updates the concept. Tarrow (1998) modifies the scope of the term and then traces the changes to the repertoire in contemporary contentious politics (2005).

⁷¹ Tilly (1986) stresses the important role of contingency and purpose in the adoption of particular repertoires.

⁷² On these early roots of global activism, see Klein (1999), Sellers (2004), Cassen (2004). On their direct relationship to the repertoire in Seattle, see Cockburn & St Clair (2000) and Solnit & Solnit (2009).

revelation within the spaces and images of the target of the activist's critique paired with the traditional practices of protests led to a new repertoire of contention in which the strategy of any protest event was to establish a temporary space based on the values missing from the institutions of global governance – equality, participation, and freedom.

The repertoire of contention used drew heavily on the idea of a *festival politics* as the expression and form of appearance for the global activist network.⁷³ The *festival* as a space for oppositional expression is deeply rooted in Western traditions.⁷⁴ Festivals were not spaces of active resistance, rather they were developed as the spaces in which oppositions could be expressed and given their recognition as part of life. This does not mean that they were simply tools of control either; as the recognition that the world includes chaos and oppositions is a recognition that the world is ultimately beyond human control.⁷⁵ Festival strategies became part of the modern repertoire of contention in the French Revolution as the revolutionary government attempted to establish societal

⁷³ Most descriptions of the developing repertoire of contention point out the carnivalesque quality of the protests, and several note the purposeful rethinking of *spaces* in the performances (for example, see Klein 2004). Hardt & Negri (2004) align festival practices with the *multitude* and the network organization. The festival spaces show the doubleness: the “always-already” and “not yet” of the politics the protests want to bring about (p222).

⁷⁴ For a historical account of the place of festivals in European cultures from the Middle Ages and its evolution, see Taylor (2007), 45-54. On the use of festivals in French culture, particularly surrounding the French Revolution, see Ozouf (1988).

⁷⁵ Taylor (2007) lays out four theories of the festival: (1) the safety valve, an opportunity for the poor to express their frustrations safely once a year to prevent rebellion; (2) a Saturnalia, harnessing the energy of chaos to feed the regular order; (3) Bakhtin's ‘utopian strain of laughter’ as establishing commonality; and (4) the idea that mocking the regular order in the festivals makes a distinction between the order of things and the community. The former is hierarchical and the latter egalitarian. Taylor synthesizes these to make a point about the necessary co-existence of ‘structures’ and ‘anti-structures.’ It is this balance lost in the French Revolution's appropriation of the festival. The opposite marginalization – of structure – is the risk of the contemporary mobilization of festival practices. It negates structures well, but has had difficulty place the anti-structure into a productive relationship with new structures.

transformations through the performances of a series of secularized festivals putting reason in the place that had been God's.⁷⁶

Festival strategies became a part of contention in the 1960s as the youth-based movements embraced the celebratory, expressive aspects of festivals in practices such as the absurdist confrontations carried out by some of the activists.⁷⁷ These had the appearance of spontaneity and a sense of surreality, familiar to festival performances. The spatial aspect of the festival tradition was also evident in the practices of groups such as the Students for a Democratic Society (SDS). SDS claimed to engage in *prefigurative politics*, meaning that they as a community were organized and practiced the politics they wanted to see in the society as a whole.⁷⁸ Thus, an SDS event or meeting – at its best – demonstrated the possibility of their political agenda because they were enacting it. It prefigured what politics could be. The repertoire of contention practiced in Seattle combined these two strains of festival strategies, aiming to use the festive atmosphere to encourage participation and to use the spaces that these festivals created to juxtapose the politics of the street with the politics locked behind the conference center doors.

One benefit of festival strategies is that they incorporate potential audience members in the activities, transforming spectators into actors. One of the difficulties in protesting an international organization like the WTO is that the audience of the protest is both geographically dispersed – the general public – and isolated from your protests – the

⁷⁶ Ozouf (1988) is an excellent work that details the particulars of the festivals during the French Revolution as well as a solid analysis of the relationship between festivals and the dimension of meaning, such as time and space.

⁷⁷ See the selections by Hoffman and Rubin in Duncombe (2002).

⁷⁸ On SDS in general, see Miller (1994). On *prefigurative politics*, see Breines (1982), Chapter 4.

delegates to the WTO meeting. Thus, festival strategies attempt to transform at least the immediate audience into participants in order to demonstrate two things. First, it aims to establish a connection between the general public and those participating in the protests – the audience only remains a spectator because of distance, not from any principle of distinction between those participating and those in the audience. Second, the practices that include spectators are juxtaposed to the practices of exclusion of the WTO. As such, the festival strategies draw attention toward the democratic character of the protest’s practices and its absence in the WTO and global governance. Both these elements – the inclusive participation and its juxtaposition to the non-democratic appearance of the international organizations – are made concrete in the performance of a democratic practice, such as voting on whether or not to block a particular intersection in the streets of Seattle or to keep marching. Of course, the visually representative benefits of the spectacle of inclusive participation are evident, but as a representation it has practical limits. Reflecting on the uncritical praise sometimes lavished on the participatory festival politics, Benhabib reminds us not to “confuse politics with the carnival.”⁷⁹ She means that while the theatrical communication of these strategies points toward a series of often over-looked relationships, such as the connections within the global activist network, this does not automatically translate into a coherent *politics* – that is, the type of political commitment that will follow through and effect the changes that are *prefigured* in the performance.

⁷⁹ Benhabib (2009), 91.

Through the non-integrative and performative practices of festival politics, the participants in the protests that composed The Battle in Seattle were able to have the global activist network *appear*. The Battle in Seattle, as an event, was a re-presentation of the global activist network that already existed in the everyday networking of many of the participating groups, but which was affirmed and made apparent to its audiences – the general public and the delegates to the WTO – who had been unaware of the breadth and scope of nongovernmental politics in 1999. In understanding The Battle in Seattle as a representation, it is possible to recognize several accomplishments of the event. First, in its appearance, it affirmed the existence and character of the global activist network as a plurality of interconnected activist ‘worlds’, making it more than a description of relational structures but also showing it to be an agent capable of acting as a unity.⁸⁰ Second, in the repertoire of contention employed during The Battle in Seattle, it showed a new set of contentious practices that used their temporally limited, non-integrative, and performative aspects to reinforce the political changes they wanted to effect.

Through these practices, the participants attempted not only to have the event itself be *a representation* of the activist network but to also demonstrate the types of political relations that could claim to be genuinely representative. As the contentious practices aimed to embrace participation as constitutive of communities, so also the shift in the political values of global activism has focused on what it means to meaningfully participate in one’s own life. In that regard, at stake in The Battle of Seattle is a claim *about* representation – the absence of democratic representation in the institutions of

⁸⁰ Keck & Sikkink (1998) note the distinction between treating networks as structures or as agents is an important issue to keep in mind, although practically the network is always both. They emphasize networks as agents. See also Kahler (2009).

global governance, but also an emerging idea of representation as the set of practices shared in the global activist network that are directed toward establishing relations that enable capabilities and affirm the agency of the participants.⁸¹ Among the narratives concerning the meaning of The Battle in Seattle, locating the meaning of the event as making claims *about* representation is the only one that considers and values the political commitments evident in the everyday work of those in the global activist network.

3

MAKING SENSE OF THE BATTLE IN SEATTLE

There are three primary narrative frames concerning the meaning and, therefore, significance of The Battle in Seattle.⁸² One account understands The Battle in Seattle in terms of *violence*. A second reads it as an event of *antiglobalization*. And a third understands it in terms of making claims about *representation*. The first two accounts misunderstand the purpose and product of the event because they read it only in negative terms – as violence and as antiglobalization. As such, The Battle in Seattle is understood to be an event whose meaning is found in its disruptive aspect. It is a negation, capable only of destruction. The third account concerning representation finds in the event a substantive refusal supported by a set of positive values and practices. Let us consider these three accounts in order.

⁸¹ The focus on *agency* is one of the threads uniting capabilities approaches to global justice, see Sen (1999 and 2009), Tully (2009a and 2009b). For a defense of agency as the central value of human rights, see Igantieff (2007).

⁸² On frames, see Benford & Snow (2000); and McAdam, et al (1996). For an account of politics as enabled and disabled by the adopted frames, see Fraser (2009).

§3.1 About Violence: A Riot in the Streets of Seattle

To read The Battle in Seattle as fundamentally a riot is to elevate the violence that occurred to its purpose or, at least, its sole product. This account is a strategy of either dismissal or sensationalism, creating a closed narrative in which the questions concerning the violence are not raised because violence serves as both the source and expression of the event.⁸³ This reductive narrative attributes violent intentions to the participants as a whole. It grows out of the inaccurate reporting of the events that originally claimed the protesters began the violence by throwing Molotov cocktails. Though these claims have been discredited, the perception of the protesters as essentially violent persists.⁸⁴ While it is important to counter the narrative that The Battle in Seattle was *about* violence, it is equally important to recognize the necessarily confrontational aspects of protest activity. One of the ends of the protests against the WTO was to make a political conflict visually present. Thus, the confrontation inherent in protest activity does not mean that it *is* violent, but in making conflict present, violence remains a potentiality.

The view on using violence differed among the diverse participants in the protests. By far the most common practices were marches and demonstrations, many of which had received permits from the city of Seattle beforehand. The guiding principle for many of the other protest activities was nonviolent civil disobedience. The goal of such activities is to be maximally disruptive without causing harm to others. These goals are

⁸³ The sensational aspect of the media is well noted. For two perspectives from opposite ends of the 'nongovernmental spectrum, see Boltanski (1999) on mobilizing people in cases of suffering and Bob (2005) on 'marketing rebellion.'

⁸⁴ Robin (2000), Bennett (2003), and Solnit & Solnit (2009).

evident in the popular practice of intersection blocking. Interrupting the flow of traffic causes disruption in the form of delays and it draws attention to the act of protest because it cannot be easily avoided. But given that there were a number of participants that refused to disavow violence and some, such as the so-called anarchists of the ‘Black Bloc’, who were actively pro-violence, it cannot be said that the participants collectively were totally nonviolent. They were primarily so, but violence remained a possibility.

Any consideration of violence and The Battle in Seattle must reckon with the fact of the violence that did occur. Whatever the intentions of the vast majority of the participants or the police of Seattle, the protests that had begun peacefully descended into violence by the end of the first day of the protests, November 30, 1999. Clashes between protesters and the police were common, which led to the arrest of over 600 protesters and the establishment of a ‘No Protest Zone’ bubble around the WTO meeting, which would become the norm at the meetings of international organizations over the next several years.⁸⁵ Official accounts of the events now suggest that while there was damage done to property – such as the breaking of windows – the violence against people was initiated by the overwhelmed Seattle police. The violence spread in the city. Many protesters were tear-gassed and arrested. This violence dominated the media headlines and gave the protest events their collective name – *The Battle in Seattle*.

The narrative account in which The Battle in Seattle is about violence owes much to the media framing the event as a *battle*. To call it a battle invokes the overused, overstretched political imagery of war – the War on Terror, the War on Drugs, the War

⁸⁵ Cockburn & St Clair (2000) and Solnit & Solnit (2009). The city of Seattle has determined that the violence was not begun by the protesters though there had already been intentional damage to private property when the police started using more intense tactics.

on Poverty. Framing the protests as a matter of ‘war’ elevates the violence over attempts to make sense of the political claims and substance of the protests. The Battle in Seattle was not the beginning of a war; it was a political moment of conflict. As Machiavelli reminds us, many get lost in the mere fact of *clamour* and *tumults*, but they are part of the political process and, thus, point beyond momentary violence to something more substantive. In framing the protests as The Battle in Seattle, the event stands as strangely singular – a battle in a war with no other battles, an outburst of violence without roots or fruit.

In order to counter the narrative in which The Battle in Seattle is about violence, one has to look at the relationship between contentious practices and violence. All contentious practices must channel the potential for violence, but they need not be *defined* by violence. To illustrate the relationship between contentious practices and violence, I contrast the practices of Martin Luther King, Jr. and Malcolm X in their attempts to push for racial equality and justice. King and Malcolm X both adopt practices that recognize the presence of violence in the act of protesting, but they channel the violence differently. King’s practices of nonviolent civil disobedience attempt to draw attention to the violence inherent in the conflict over segregation and locating the source of the violence with the civil authorities, not the civil disobedients. The success of King’s nonviolence was an effective contentious practice because the response to the protests by the authorities demonstrated the political claims that the civil rights activists were making. It located the violence with power structures, validating the justice of the activists’ claims.

The continually evolving practices of Malcolm X channeled the potential violence in the conflict over civil rights rather differently than those of King. Malcolm is often associated with the more violent strains of African-American protest and Black Power. What this association misses is the total absence of physical violence in Malcolm's public appearances. Whereas King's nonviolent practices often resulted in a violent response against the protesters, Malcolm's appearances were marked by an absence of actual violence. When speaking, Malcolm employed a rhetoric that did not incite violence, but it always made clear the potential for violence. He framed this potential violence as the last response to the violence continually done to the African-American community. Thus, the violence would be defensive. Malcolm used this potential future violence to set the boundaries of the public protests and his politics. As such, while violence was never manifest in Malcolm's appearances, it was ever-present as a way to emphasize the stakes of the conflict and the tensions that characterized the American political status quo. King and Malcolm X both recognized the presence of violence in the political conflicts they were addressing, and they did not attempt to hide that violence but used it to strengthen their justice claims without engaging in it themselves.

The same channeling of violence inherent in the contentious practices occurred in the protests in Seattle. As such, one cannot dismiss the violence of the event as it was an elemental feature of the confrontation, but it would be a misunderstanding to take this part for the whole meaning of The Battle in Seattle. Violence was not the purpose of the protests and, more importantly, it was not its only product.⁸⁶ To reduce the events in

⁸⁶ Scholte (2004), 228. Scholte notes that mentions of Seattle in the media are still dominated by the symbols of violence, rather than a discussion of the political structures it did begin, such as the World Social Forum.

Seattle to the rioting and police response on those several days obscures the opportunity to ask questions about the conditions that made the violence possible. If the protests in Seattle were *about* violence – that is, if it was simply a riot – then it has no political purpose beyond the negative expression of the violence. In this reductive account, the violence serves no purpose and functions like noise and chaos – signaling the end of politics. In such a reading, since The Battle in Seattle is about violence, it is essentially noise that demands no understanding. To reduce the meaning of The Battle in Seattle to violence is to dismiss it as a political event.

§3.2 About Antiglobalization: Refusing the World

The second narrative account of The Battle in Seattle is that the participants were an expression of *antiglobalization*. As with the narrative about violence, the narrative about antiglobalization also mistakenly takes the part for the whole. The antiglobalization account takes the shared basic refusal of the participants – captured in slogans such as *No WTO!* – and takes that for the entirety of their political purpose. Thus, the protesters are, according to this account, wholly negative in their expression and shallow in their political position. In elevating the basic refusal to the exclusive purpose of the protesters, it follows that the protesters are *anti*-globalization in its entirety. To frame the global activists that participated in the protests in Seattle as antiglobalization misses the number of ways in which the global activist network embraces the forces of globalization as opening the possibility of a more just world.

The antiglobalization meme continued in part because of the organization of the global activist network. As a small-world network, it is structured to allow for much

autonomy between the ‘worlds.’ This results in a great diversity of the participants that fit into the network. This positive principle of inclusion is tempered by the political disadvantage that self-framing for the network as a whole is difficult. The diversity in self-framing opens the network to the risk of being counter-framed. In the case of the protests in Seattle and the global activist network connected to it, the counter-frame came to be the dominant label of their political agenda despite their resistance against it. The complex constellation of self-articulations by the participants was reduced to the elegantly simple counter-frame of ‘antiglobalization.’ Immediately, the participants in the global activist network resisted the antiglobalization frame, but in the absence of an alternative positive frame, the antiglobalization one continued to stick.⁸⁷ In the last several years, there has been a shift away from the antiglobalization frame toward the language of *global justice*.⁸⁸ The relative success of this reframing is in part due to the activists having themselves adopted this common language to describe their work and, thus, producing a counterweight against the previously dominant antiglobalization.

As a summary of the political purpose of the protests in Seattle, *antiglobalization* reduces the participants’ position to an absolute negative. It sees the ‘one *no*’ and neglects the ‘many *yeses*’ present within global activist network.⁸⁹ The ‘one *no*’ of the activists is a rejection of the economic policies of the WTO and other international

⁸⁷ See Klein (2002, 2004); Robin (2000); Gill (2000). Zizek (2002) emphasizes the irony of the label; he writes, “The promise of the ‘Seattle’ movement lies in the fact that it is the very opposite of its usual media designation (the ‘anti-globalization protest’): it is the first kernel of a new *global* movement, global with regard to its content (it aims at a global confrontation with today’s capitalism) as well as its form (it is a global movement, a mobile international network ready to intervene anywhere from Seattle to Prague)” (p300).

⁸⁸ Fraser (2009) makes this frame explicit. For a fuller elaboration of global justice, see Chapter 2.

⁸⁹ Kingsnorth (2003) and Gibson-Graham (2008).

organizations for what the activists consider to adversely affect everyone and particularly the world's poor. The label of antiglobalization takes the rejection of a particular form of economic globalization as a rejection of globalization in every sense.⁹⁰ The label of antiglobalization gains some traction because of a tension within the global activist network between the local and global. This tension is evident in the conflict between humanitarian ends and cultural self-determination.⁹¹ The preference for self-determination elevates the local over the global. Yet this is *not* a rejection of the global; it is meant as a call to work through that tension. This is evident in the oft-repeated mantra, "Think global, act local." The tension is the recognition of the connection between political work, which always has a locality, and a way of thinking that aligns one's local practices with the norms of global justice.

The global activist network has attempted to reject the false choice implied by the label of *antiglobalization* – you are either for or against globalization. They have attempted to reframe their position and the debate around the positive language of global justice by emphasizing the necessary connections between the local and the global. As such, globalization is more than the globalizing of a set of free trade policies and consumer markets. David Held understands globalization in this expanded sense; he says, "Globalization denotes a shift in the spatial form of human organization and activity to transcontinental or interregional patterns of activity, interaction and the exercise of

⁹⁰ Klein (2004) and see the Zizek (2002) passage in the footnote above.

⁹¹ Finnemore (2008) notes that self-determination has replaced sovereignty as the opposing value to humanitarian intervention.

power.”⁹² Given such an understanding of globalization, a position of anti-globalization does not make sense; it would almost have to amount to a total rejection of modernity. Indeed, the perpetrators of the antiglobalization frame aim to depict the protesters as reactionary, resisting the ‘natural’ extension of the free market.⁹³

The conclusion drawn from the antiglobalization frame is that the protesters were unceasingly negative, aiming to destroy globalization. This dovetails with the conclusion of the narrative about violence. Both dismiss the protests and the participating network of activists as being non-serious positions of purely expressive rejection. To counter the antiglobalization frame the global activist network has adopted the positive language of global justice and developed a nuanced critical position on certain aspects of globalization while embracing others as the mechanisms of the political change they want to effect, such as the global capacity of communication technology and the increasing globalization of human rights norms.

§3.3 About Representation: Claims to Justice in New Relations

The third narrative account of the meaning of The Battle in Seattle reads it as being about representation. Unlike the narratives concerning violence and antiglobalization, the narrative about representation takes seriously the demonstrative qualities of the protests and the juxtapositions between the inclusive organization of the

⁹² Held (2006), 293

⁹³ One of the interesting developments opened by the anti-corporate sentiment present in the protests in Seattle is the movement of the *solidarity economy*. The solidarity economy is an attempt to reconfigure one’s market participation around community and healthy choices; see Gibson-Graham (2008) and Borowiak (2010). On the related ‘slow food’ movement as political, see Honig (2009).

protests and the exclusions from the WTO meeting. Yet, as with the narratives concerning violence and antiglobalization, the narrative about representation can place too much emphasis on the negative critique of representation at the expense of understanding the constructive rethinking of representation evident in the participants' practices both at the protests and in their everyday engagement in global politics. As such, within the account concerning representation, there are three interpretations of what it means to see The Battle in Seattle as being *about* representation. The first two see the representative claims of the event to focus on the democratic deficit of contemporary international organizations. As such, The Battle in Seattle assumes a critical significance in revealing a fundamental *lack* of representation within global politics. The third sees the participants in The Battle in Seattle and the global activist network to be making positive claims to represent themselves. Therefore, the focus is not on a lack of representation within global politics but on the failure to recognize the varied modes of representation already present in the everyday works of the activists.

To read the narrative of representation as beginning in the basic refusal of the protests is to understand the participants as making a claim about the absence or lack of representation beyond the nation-state.⁹⁴ This lack serves as one of the primary sources of injustice in global politics. There are two versions of this narrative concerning the lack of representation in global politics. Both versions adopt a narrow sense of representation as a set of popular electoral institutions. The first version of the narrative argues that representation is confined to the context in which it was developed – within the sovereign

⁹⁴ Fraser (2009) adds representation as her third pillar of global justice. The other two are redistribution and recognition. For her reasoning in separating the two, see Fraser & Honneth (2003).

nation-state. Thus, there cannot really be political representation beyond the nation-state in which one can identify a specific constituency that can be represented as a single community.⁹⁵ This strict limitation of representation denies the capacity to represent outside of and beyond the state government. Under these constraints, global politics *lacks* representation and necessarily will. Therefore, the real problem is the insistence of attempting to make global politics *representative*. This first version of the narrative concerning the lack of representation is of limited use as it reduces representation to a particular constellation of institutions and based on that narrow definition dismisses the diversity of representative claims that constitute politics both domestically and transnationally.

The second version of the narrative concerning the lack of representation does not dismiss the possibility of representation beyond the nation-state as the first one does. Instead, it makes the observation that in the international institutions of global politics, the people – usually as distinguished from corporate or state interests – are poorly represented in the decision-making processes that occur beyond the nation-state. This version of the narrative tends to focus on the ways in which state sovereignty trumps the perceived political and economic needs of local populations and the global community.⁹⁶ Attempts to reverse this lack of representation range from establishing a global parliament to the more deliberate inclusion of nongovernmental organizations into the

⁹⁵ Feher (2007) makes this claim, arguing that non-state actors can best hope for a self-representation, a mode of authenticity. On the trope of authenticity in nongovernmental politics, see Seward (2009). For an enlightening consideration of what the concept of *constituency* enables and disables, see Rehfeld (2005).

⁹⁶ On the dominance of corporate interests in global governance and the popular attempts to counterbalance that, see Keck & Sikkink (1998) and Held (2005). It is also central to Benhabib's understanding of global justice, which I elaborate upon in Chapter 2.

institutions of global governance.⁹⁷ A global parliament would be directly accountable to the people of a state rather than to its government, which is then (sometimes) accountable to the people. The incorporation of nongovernmental actors into the current structures of global governance aims to expand the number of perspectives in the decision-making process without adding to the number of decision-makers.

In this sense both versions of the narrative concerning the lack of representation reproduce the constraints and limits of sovereign representation. *Sovereign representation* here is understood as locating the practice of representation *within* the governing structures. It results in two levels of representatives: the representatives that participate in the policy debates and the singular sovereign representative, which is the government considered as a single actor.⁹⁸ The call for a global parliament reproduces the model of sovereign representation on a global level. The incorporation of nongovernmental actors into the policy debate process does increase the number of representatives to the extent that it refers to the time *before* the policy decisions are made, at which point only the sovereign representatives – the governments – remain as acting representatives making the political decision.⁹⁹

⁹⁷ This is the approach of many of the advocates of global civil society, who see the issue primarily as a matter of global governance. For example, see Kaldor (2000), who claims that NGOs can only participate in representation within the institutions of global governance (p111). In Chapter 2, I use David Held as a representative of this approach to questions of nongovernmental politics. Held's cosmopolitan democracy does the best job of dealing with the difficulties associated with the integrative politics of the global governance model.

⁹⁸ The idea of sovereignty as a singular representative is central to Hobbes's theory of representation, considered at length in Chapter 3.

⁹⁹ This position is the extension of Millian liberalism by deliberative democrats. Mill's theory of representation was distinguished from his endorsement of the 'marketplace of ideas' (Mill 1978 and 1993). For Mill, it was a series of steps to refine public opinion. The openness of public speech is narrowed by the number of perspectives adopted by the representatives to Parliament, which is then further refined into a single political decision, determined by a vote. As such, for Mill, only the government is a political actor,

In focusing on the *lack* of representation in global politics, it reinforces the practices of sovereign representation – attempting to change its parameters but not its conception of representation. As such, it tends to reproduce the limits of sovereign representation familiar to liberal democratic theory. The people’s political activity is limited to selecting representatives and then exercising their rights to speech and demonstration, and the governments reserve the right to make political decisions. As Foucault says, it perpetuates the myth that it is the role of the people to “talk and only talk” while governments “act.”¹⁰⁰ Foucault recognizes the value and necessity of the role of advocacy and the pressures it creates to effect political change, but advocacy falls short of realizing the capacity of persons to *directly* enact political change within the global community.¹⁰¹ That the narrative concerning the lack of representation fails to articulate a place for the direct political agency of nongovernmental actors – not only as advocates but as decision-makers as well – is a limitation of grounding the account in the negative critique of representation in global politics. As such, it can recognize the failures of representation within the current structures of global governance, but it misses the

everything else is the discussion that precedes the political action. Mill’s deliberation-only model of politics is repeated in contemporary theories that emphasize *advocacy* as the model for nongovernmental activity. For example, see Urbinati (2000), who draws it explicitly from Mill, and Keck & Sikkink (1998).

¹⁰⁰ Foucault (2003a)

¹⁰¹ The idea that politics is still mediated through states is evident in theories that take the power of nongovernmental actors seriously, such as Keck & Sikkink (1998). Their ‘boomerang effect’ necessitates inter-state pressure in order for nongovernmental actors to achieve their political ends. The endorsement of the council or ward system in Arendt (1990) comes from sharing the same difficulty with the gap between the direct political action of individuals and its mediation through representative governmental institutions.

affirmative rethinking of the concept of representation itself within the everyday practices of the global activist network.

The third interpretation of The Battle in Seattle as being about representation focuses on affirmative aspects of the contentious practices of the protests and the everyday practices of those in the global activist network. From this grounding, the claim is not that global politics *lacks* representation but that we fail to see the alternative representations already present. Key to this third interpretation of the narrative about representation is that it builds on the same basic refusal as the interpretations that focus on the lack of representation. As such, it does not strictly locate the solution in adjusting the administration of current representative institutions, yet it does not require that one dismiss the benefits of that approach. Instead, it focuses on a rethinking of what it means to represent. The rethinking provides an expanded sense of representation that takes seriously the relationships developed by nongovernmental actors within the global activist network and between themselves and the communities in which they work.

This expanded sense of representation opens a space in which global politics is characterized by a plurality of representatives. Some are governmental; some are nongovernmental. Following this logic, the demonstrative object of the protests in Seattle was not simply to delegitimize the delegates at the WTO meeting as representatives, but to apply pressure to their claim to represent by both critiquing the absence of democratic accountability and presenting themselves as representatives of another kind. This position reads the basic refusal of the protesters in Seattle as a critique not so much of particular practices but as a conceptual critique of what it means to represent. As such, one of the purposes of the protests was to make the representativeness of the global activists

apparent. This is evident in the visual juxtaposition between the inclusiveness of the protests and the exclusion of the WTO meeting. In this juxtaposition, the point is not to critique the possibility of representation entirely but to make present and apparent the plurality of claims to represent that are politically available.

As an event, The Battle in Seattle's disruptive quality opened the possibilities of rethinking representation. The substantive sources of this rethinking begin in the everyday practices of the nongovernmental actors. In this sense, to read The Battle in Seattle as about representation in this expanded sense incorporates not only the immediate moment of the protests but also the commitments and ends evident in their everyday practices. In these practices, they attempt to effect global justice as measured by the exercise of one's political agency in an effort to enable the agency of others. In contrast to the narratives that hold The Battle in Seattle to be about violence and antiglobalization, the narrative that it is about representation can articulate a meaningful, affirmative position in the tactics of the protests and in the everyday lives of the participants. To read The Battle in Seattle as being about an expanded sense of representation is to account for the global activist network as being based on "one *no* and many *yeses*" without dismissing either the refusal or the affirmations implied by it.

4

CONCLUSION

The Battle in Seattle was an event of global politics. Attempts to understand the protests against the WTO meeting held in Seattle in 1999 have tended either to marginalize or to mythologize the event. The Battle in Seattle is sometimes dismissed as

either incidental to the failure of the negotiations in the WTO that year or as a failure to become a 'real' democratic movement. In this chapter, I have argued that The Battle in Seattle is best understood as an event that uses the disruption inherent in protest activity as a moment of appearance and a claim to recognize the global activist network as political actors within global politics. What was new in The Battle in Seattle then is the fact of the network's appearance, though the demonstrative point is that the participants in the network were already present and acting within global politics.

From this understanding, The Battle in Seattle was a moment that attempted to make apparent who those in the global activist network were and what political changes they wanted to effect. It is in this context that the narrative accounts of the meaning of The Battle in Seattle are important to understanding what was at stake in Seattle. Observations about the diversity of the participants can be misrecognized as disorganization though it is a constitutive element of the flexible organization of the global activist network. Similarly, the broadness of the messaging is misrecognized as a total rejection of the current world, feeding the mislabeling of the activists as *anti-globalization*, rather than as seeking a different global politics. And, of course, the sensationalism of the violence that marked the protests in Seattle is used to avoid confronting the substantive political claims of the protesters, by laying blame for the violence with them. While the historical facts do not support the narrative of the extreme violence of the spectators, the frame continues to disable discussion about what is at stake in global politics.

What the participants in the protests in Seattle were putting forward was more than a critique of existing democratic deficit; it was the presentation of an alternative

global politics. The argument of this chapter has been that this conception of global politics is built on the existent practices of the global activist network and can be best understood as a substantive rethinking about what it means to represent. In the next chapter I link this claim about representation to several contemporary accounts of global justice. Already evident in the practices of the global activists is a rethinking of representation in-line with values of social justice in which the purpose of political agency is to develop relationships that enable the capabilities of the persons in relation. As such, to make a claim to represent is to claim to contribute to flourishing of that person or community.

CHAPTER 2

NONGOVERNMENTAL ACTORS AND GLOBAL JUSTICE

However, my argument is not that this alternative form of democratic integration is *possible*, in the abstract sense that ‘another world is possible.’ Rather, I wish to suggest that this democratic orientation to integration is *actual* but *overlooked*.

-James Tully¹

1

INTRODUCTION: JUSTICE AND REPRESENTATION IN GLOBAL POLITICS

In the last chapter, I examined The Battle in Seattle as an event in global politics. In analyzing who the participants were and their modes of organization, I argued that the event and the everyday network of global activists to which it belonged are attempting to rethink what it means to represent within global politics. Before being able to understand what is at stake in this rethinking of representation, we must consider two different contexts in which this rethinking is taking place. Later, in Chapters 3 and 4, I take up our inheritance of the concept of *representation* as a form of mediation in order to understand how to shift it toward the practice-based intersubjective model developing in the nongovernmental sector of global politics. Here, in this chapter, I take up current attempts

¹ Tully (2009b), 226.

to articulate the place and function of nongovernmental actors within global politics as well as their justifications for their activity.

In constructing justifications, the principle of *global justice* is increasingly invoked to explain the experiences of persons and groups in global politics.² While many activists and theorists of global politics have coalesced around this language, the understandings of what it means and how a particular nongovernmental actor relates to it expressly differ. On one side, there are those that view the nongovernmental actors as *agents of justice*, justified in their acting because of their alignment with the principles of justice.³ The difficulty that arises with this position is that it denies the *political* aspect of the interventions and encourages a view of nongovernmental actors as if they were experts in justice.⁴ This conception of nongovernmental actors as agents of justice helps resolve certain questions about their legitimacy by tying it to a framework of justice that is both moral and legal. Yet, in so doing, it is difficult to make sense of the political *practices* of nongovernmental actors – the relationships between persons and communities they maintain, the substantive practices they engage in, and (potentially) their capacity to make legitimate claims to represent others. The purpose of this chapter is to explore how the discourse of global justice enables and disables this engaged, political understanding of nongovernmental actors.

² Boltanski & Thévenot (2006) explore the construction of justifications as a development of what they call “economies of worth.”

³ O’Neill (2000 and 2005) coins the term “agents of justice.” The perspective is shared rather broadly in the literature; see Kuper (2004, 2005, and 2007), Gould (2004 and 2009).

⁴ On expertise as a central value in global governance, see Keck & Sikkink (1998) and Finnemore (2008).

In order to discuss the current discourse of global justice, it is necessary to explain some of the terminological choices I have made in my discussion of global politics. As a still-developing field, there is a diverse range of terminology from which to choose. Each covers the same phenomena but gives them distinct resonance, emphasizing different aspects of their meaning. The first term that requires explanation is *post-sovereign*. I hold global politics to be a post-sovereign politics. This claim is grounded in the recognition that there is a plurality of legitimate political agents acting within global politics. The condition of post-sovereignty is primarily *descriptive*, referring to a political situation in which the sovereignty of nation-states is no longer the exclusive determinant of decision-making authority or recognition as a legitimate political actor.⁵ Post-sovereignty is not meant to make claims about the disappearance or irrelevance of the nation-state or even to challenge the legitimacy of their claims to sovereignty in principle.⁶ Rather, a post-sovereign politics recognizes the increasing involvement of nongovernmental actors in transnational political issues and makes the observation that these actions are increasingly seen as being, at least in some sense, legitimate. Consequently, the post-sovereign condition of global politics describes the fact that governments and nongovernmental actors increasingly share the world of global politics.

⁵ On the role of sovereignty in global politics, see §2 below.

⁶ Held & McGrew (2007) note that many of the early claims about the impending disappearance of the nation-state have been tempered. This results in two types of claims. First, there are many attempts at developing a 'states-plus' model of global politics, supplementing and modifying the existent state-based institutions (Lotz 2007). David Held's cosmopolitan democracy discussed below is one example of the 'states-plus' approach. Second, some understand the US response to 9/11 to have reversed the apparent trend towards the disappearance of borders, reinforcing both state borders and sovereignty as the reason of state.

The recognition of global politics as post-sovereign leads to two other terminological shifts. The first is from discussing the agency of *states* to the agency of *governments* and *governmental actors*. The second is to speak of *nongovernmental actors* rather than *nonstate actors*. There is a tendency to discuss the state as if it is an actor, but it is not.⁷ The state is a territory and a political unit; it is not an acting agent.⁸

Sovereignty's central claim identifies the government with the state, granting the state an agency mediated through the government. Further, this identification results in the need to reserve the field of politics to 'states.' Thus, the absolute claims necessary for a sovereign politics attempt to erase the conceptual gap in thinking of the actions of a government as the actions of the state. This absolute conception of sovereignty must be reconfigured to fit within a post-sovereign politics. One can see this conceptual shift in the transition from thinking of sovereignty to thinking of self-determination.⁹

It is also necessary to make explicit the separation between the state and its acting agent, the government. The result is to prefer the language of *governments* and *governmental actors* to uses of the *state* as an acting agent. In this shift, it opens an element of contestability in representing the state. Sovereignty, then, is the claim that

⁷ Drawing attention to this fact is one of the central goals of Quentin Skinner's historical project. He is interested in the ways in which we have collapsed in our usage and thinking the state and government. Skinner understands this historical development as having many threads within late medieval to 17th century thought, reaching a paradigm shifting point with the thought of Hobbes. See Skinner (1989) on the state generally and on Hobbes specifically (2002a, 2002b, and 2005). For more on Hobbes, sovereignty, and representation, see Chapter 3.

⁸ Contra Weber (2004) whose famous definition of the state considers it as both agent and structure. Weber defines it as follows: "Nowadays, in contrast, we must say that the state is the form of human community that (successfully) lays claim to the *monopoly of legitimate physical violence* within a particular territory – and this idea of 'territory' is an essential defining feature" (p33). For Weber, the emphasis on the spatial aspect of the state was meant to counter conceptions of the state based simply on *ethnos*. On the limits of territoriality, see Connolly (1995).

⁹ Finnemore (2008)

links a government to the state. It is not absolute or certain; it is a *claim* open to contestation. By keeping the state and its government separate, we can articulate the types of political situations that arise in post-sovereign politics. For example, the case for humanitarian intervention hinges on this distinction because the justice claim is that the government has either failed to protect the state and its population or it is actively harming them.¹⁰

Parallel to the shift toward speaking of governments as acting agents in politics, rather than the state, I refer to *nongovernmental actors* rather than *nonstate* ones. A nongovernmental actor neither is a political agent that seeks to govern nor claims its legitimacy through sovereignty.¹¹ This broad definition covers a wide range of nongovernmental actors. Under this definition, one can include nongovernmental organizations (NGOs), multinational corporations (MNCs), and even certain insurgency groups that make no claims to govern. Throughout this project, when I refer to nongovernmental actors, I have in mind a narrower population of political agents. These nongovernmental actors are principally nonviolent, not primarily driven by instrumental self-interest, and engage in a set of practices beyond advocacy to governmental actors. I focus on principally nonviolent actors because of the tendency of violence to overshadow the substance of the political claims being made. Also, I focus on the *principally* nonviolent since contentious practices, as seen with The Battle in Seattle, often provoke

¹⁰ Finnemore (2003 and 2008)

¹¹ Feher (2007) articulates this position with a different emphasis. His focus is on pointing out the *political* status of nongovernmental actors, which do not – at the same time – make any pretensions to governing, at least in the strict sense of ruling over a territory or community.

violence even when they do not initiate it.¹² The qualification that the nongovernmental actors be not primarily driven by instrumental self-interest excludes MNCs with a profit motivation.¹³ The qualifier here is *primarily* because survival as a political actor and, thus, a capacity to maintain one's organization, is a necessary component in considering any political actor – governmental or nongovernmental. The qualification that the nongovernmental actors engage in practices beyond advocacy relates to an understanding of politics as the capacity to affect direct change in a community. Advocacy is certainly one of the principle activities of many nongovernmental actors, but it should be understood as part of a set of practices, not as the exclusive legitimate practice of nongovernmental actors. When nongovernmental actors limit themselves to advocacy, they tend to lose their political character; instead, serving as advisers to those who engage in political decisions and practices.¹⁴

While the post-sovereign condition of global politics is descriptive of the situation in which both governments and nongovernmental actors act and make claims to legitimacy, this does have several theoretical implications. The first is that the political

¹² See Chapter 1, §3.1. As such, I am not certain that much of what is said would not apply to some violent nongovernmental actors; it is simply not the focus here. For example, Hezbollah in Lebanon seems to blur many of the established categories of political actors. In certain ways it is a para-governing body, in others a military insurgency, and others still it provides the type of humanitarian services discussed throughout this chapter.

¹³ On MNCs, see Klein (1999) and Keck & Sikkink (1998). Interestingly, in contemporary global activism, MNCs are more often like a governmental actor, serving as the target of activism and the location of attempts to expand democratic involvement – best exemplified in the use of *stakeholder* language in anti-corporate activism (Feher 2007). A further complication, that should be kept in mind before categorically eliminating MNCs, is the move that many corporations have made toward being “responsible” corporations – giving to certain NGOs and beginning their own activist projects both within their field of production and outside of it.

¹⁴ On advocacy as the focus of nongovernmental politics, see Keck & Sikkink (1998); as an understanding of representation, see Urbinati (2000). The limits of this view are brought up throughout this project as it is one of the fundamental misunderstandings of what it means to be a nongovernmental actor.

field is characterized by a democratic equality. By this, I do not suggest an equality of power or influence between actors, but a basic equality in condition. Actors – whether governmental or nongovernmental – are not invested with authority by virtue of their identity. That is, legitimacy and authority are not the function of one’s role, but rather of one’s actions. It follows then that no specific claim to authority or justice immediately dominates the others. Instead, the claims are *equal* in that they are both acknowledged as claims being made by particular actors. These claims, often competing, interact, producing the political situation. From this interaction of claims the practical conception of what constitutes global justice emerges.

The body of this chapter is divided into four sections. In §2, I discuss the developing discourse on global justice. I argue that this discourse is the result of a practical working out of the experienced lapses and failures of inter-national justice. These failures are embodied in the situation of the refugee, whose situation is treated as exceptional and difficult to remedy on anything other than an *ad hoc* basis under the dominant principles of international justice – sovereignty and abstract universal human rights.¹⁵ In the other three sections, I consider three different contemporary accounts of global politics. All three recognize the emerging global justice to be reconfiguring sovereignty and altering the Westphalian system, though they disagree about the ways in which it is changing and the directions in which it should continue to develop. I evaluate the accounts based upon their understanding of the substantive end of global justice and

¹⁵ This articulation of the problem of the refugee is indebted to Arendt’s account in “The Perplexities of the Rights of Man” in *Origins of Totalitarianism* (1973).

the means through which it is actualized. Central to understanding the means of effecting global justice is articulating a place for nongovernmental actors not dependent upon governmental ones. Critically, these non-governmental actors must have the opportunity to make claims to represent others and have the capability to support those claims through practices.

In §3, I consider Seyla Benhabib's cosmopolitan federalism. She sees the instantiation of the international human rights regime through what she calls *democratic iterations*.¹⁶ For Benhabib, the end of global justice is the reconciliation of *popular sovereignty* with human rights. Benhabib sees the expression of this reconciliation through the iteration of legal norms at every level of political organization. It is appropriately a *reconciliation* because the engine of harmonization is the popular power of law-making. Thus, for Benhabib, the human rights regime is an effect of many smaller reconciliations of popular sovereignty with human rights. In this sense, it is akin to the Rawlsian overlapping consensus; the commonality is an after-effect of the politics, not its intention.¹⁷ This allows Benhabib to reconfigure sovereignty while avoiding the risk of constituting human rights as a new sovereignty.¹⁸ In emphasizing legal norms and the law-making power, Benhabib relegates nongovernmental actors to civil society, treating them as publicly-minded private individuals; not as active political agents.

¹⁶ Benhabib (2004, 2006 and 2009)

¹⁷ Rawls (1999) argues that the *global basic structure* is something like a reasonable accident, not built with intention but able to be perceived in the present (at least by the international community of liberal-democratic states he focuses on).

¹⁸ Honig (2009), Chapter 5 incorporates her direct response to Benhabib's Tanner Lecture *Another Cosmopolitanism* (2006).

In §4, I consider David Held's cosmopolitan democracy, a form of global governance theory.¹⁹ For Held, unlike Benhabib, the international human rights regime is intentionally manifested through global institutional structures.²⁰ Held identifies the substantive end of justice as being the instantiation of universal human rights. In order to achieve justice, Held argues that the domestic institutions of representation – 'democracy' – need to be scaled up for the global community, providing a level of politics focused on global governance. I argue that this means to justice fails to adequately account for the relocation of sovereignty and authority beyond the nation-state into global politics. It also only recognizes nongovernmental actors as political when they become integrated into the governance structures as experts; in other words, when they lose their political and non-governmental status.

In §5, I consider James Tully's theory of democratic global citizenship. For Held, the end of global justice is *agency*. As such, the means of pursuing justice is through political practices that are both manifestations of agency and work to create further agency. From these intersubjective practices, a substantive practical account of global justice emerges. Unlike Benhabib and Held, the process of global justice is not the reconciliation of practice with ideal; its content is actually generated "from below" through the practices. Thus, justice is located within the political practices themselves. Substantively, I argue that Tully constructs a workable understanding of what global justice means and the ways to work toward it. My disagreement with Tully is

¹⁹ Held (2004a, 2004b, 2006, 2007, and 2009)

²⁰ Hollinger (2001) cites the argument of Sheffler who perceives the basic split between cosmopolitan theories to be those that are interested in authenticity/culture and those interested in 'justice.' One way to see Benhabib's project is an attempt to reconcile the two types of cosmopolitanism.

terminological. Tully sets his practice-based account of global justice *against* representation, whereas I conceive of Tully's approach to be an example of the substantive rethinking of representation. Tully sees his account as opposed to representation because he adopts a narrow institutional understanding of representation, using it as synonymous with the institutions of representative democracy that place representation *within* government. Given an understanding of representation grounded in the expansive set of practices outlined by Tully, it opens thinking about global justice as being constituted by the practices that enable the agency of others. And thus, a legitimate claim to represent has, as its purpose, practices that enable the agency of those for whom one acts.

2

THE CHARACTER AND TENSIONS OF GLOBAL JUSTICE

Beginning with the assumption of post-sovereignty and the plurality of global political agents, *global justice* prioritizes the practical dimensions of justice rather than its ideal universal ones of international justice. One of the limitations of international justice is that the universal rhetoric falls far short of the implementation because it remains subordinated to state sovereignty.²¹ Long before the international human rights agreements, Edmund Burke recognized the conflict between universal human rights and sovereignty, and he suspected sovereignty to be the stronger. Thus, he famously declared that he would always prefer the rights of an Englishman to the Rights of Man.²² He

²¹ Donnolly (2003) notes the tendency for international agreements about human rights to be promotional.

²² Burke (1999a). The best contemporary reflection on practicality of Burke's position is Arendt (1973).

preferred the concrete, historically-rooted rights of an English citizen over the universal articulation of human rights coming out of the French Revolution that lacked historical instantiation and depended on the universality of reason.

Burke's reservations about a politics of both universal rights and sovereignty have proven prescient. Reflecting on her own experiences as a *stateless person* between the World Wars, Hannah Arendt articulates the gap in international justice. In order to count as a rights-bearing individual – in order to have “the right to have rights” – depended not on one's humanity but one's citizenship status.²³ The universality of human rights is meaningless if one is not first recognized as belonging to a sovereign state. In subordinating human rights and claims of location to state sovereignty, it creates a group of stateless persons – *refugees*. Their situation captures too well the limits of international justice. Persons can become refugees, flee their country of origin, and then be denied entrance into another state. As a result, they are housed in refugee camps along state borders. The camps belong to no state, often administered by the United Nations and other relief organizations, and established *as if they were* temporary, though the reality is that many spend years of their life in these camps. As the *refugee* is the unintended consequence of international justice, her existence can serve as the starting point for a conception of global justice.²⁴ Only in a politics not exclusively dominated by state sovereignty can a *refugee* make justice claims. The emerging discourse on global justice

²³ Arendt (1973). Also see Benhabib (2004 and 2006).

²⁴ As seen below in §3.1, recent neo-Kantian revivals of the right to hospitality found in Kant's *Perpetual Peace* (1786) are attempts to bridge this type of failure of the sovereign political order. *Hospitality* begins this work but ends up being limited in dealing the experienced permanence of the refugee camps. On cosmopolitan hospitality, see Benhabib (2004) and Nussbaum (1997).

is an attempt to articulate the grounds on which individuals and groups can make claims to justice without being mediated through state sovereignty.²⁵

The *refugee* is one case of a larger phenomenon of globalization, the movement of populations. The constant movement of populations occurs both within and across borders. In the flow of persons from rural to urban centers and from less developed to more developed economies. To categorize the movement of populations as a phenomenon of globalization is to make both a descriptive and a normative claim.

David Held provides a descriptive definition of *globalization*. It “denotes a shift in the spatial form of human organization and activity to transcontinental or interregional patterns of activity, interaction and the exercise of power.”²⁶ The movement of populations, particularly across borders, is one of the primary *shifts* in human organization as it changes the content of both the communities from which the populations migrate and the communities that they settle in. The normative claim is to understand the movement of populations as being the *product* of globalization. This claim relies on an analysis of the economic and political factors that cause populations to move. In part, the global character of consumption drives population movement. Products are grown and processed, assembled and finished in several different locations. This draws labor to the places where manufacturing and service work is concentrated, leading to significant population movements. These changes are enabled and sustained by the development of the global communications network. The advances in communication

²⁵ The need for state mediation in political activity is a central feature of the ‘boomerang effect’ discussed in Keck & Sikkink (1998).

²⁶ Held (2006), 293

technology shrink certain types of distance for both the corporate producers and for the workers that move from their home community.²⁷ The maintenance of the migrant's connections to her home community allow for a range of connective practices including remittances.²⁸ The movement of populations has political implications as it shifts forms of "human organization." Benhabib argues that these population movements are extensive enough to be politically transformational, leading to the "reconfiguration of sovereignty and reconstitutions of citizenship."²⁹ I take up Benhabib's argument about the relationship between global migrations and the reconstitution of citizenship along the lines of residency rather than nationality in §3 on her interpretation of global politics because it is unique to her.

The second element of Benhabib's argument – the reconfiguration of sovereignty – is an essential part of an analysis of global politics. Benhabib is right to focus on the *reconfiguration* rather than the *replacement* or *disappearance* of sovereignty. Sovereignty has not disappeared as a political claim, but the scope of its authority is being bound and its monopoly on political legitimacy has been challenged. The particulars of this bounding and challenge differ between interpretations of global politics, and this will be considered in detail in the following sections on the three interpretations considered here – those of Benhabib, Held, and Tully. Here I focus on the common points of reflection and conflict at stake in the reconfiguration of sovereignty.

²⁷ On speed and democracy, see Connolly (2002).

²⁸ For a particular example of these practices among the Maya population in Cancún, Mexico, see Castellanos (2010).

²⁹ Benhabib (2009)

For all three, global politics demands a rethinking of sovereignty to fit with the post-sovereign character of global politics. They each argue that the Westphalian system of international politics based on the mutual recognition of state sovereignty has passed.³⁰ Likewise, the Westphalian model's assumption that states are the only legitimate political actors is no longer empirically defensible. The Peace of Westphalia in 1648 is the symbolic beginning of a system of international politics based around the nation-state.³¹ As such, the Peace of Westphalia did not eliminate the competitors to nation-states, but it marks the shift in the balance of power toward political units organized as nation-states.³² This shift in power eventually leads to the disappearance of most political units not organized as nation-states and encourages new political units, such as liberated colonies, to constitute themselves as nation-states, though exceptions remain, such as Vatican City. Concurrent with the declaration of new sovereign states in the latter half of the twentieth century, there has been the emergence of several types of nonstate actor, which have gained increasing power and influence in political matters traditionally exclusively decided within the Westphalian conference of states. This suggests limits on the authority of a state's claim to sovereignty. It is no longer sufficient to establish the limits of international politics. As such, politics cannot be exclusively determined by the mutual recognition of sovereignty, as several types of political actor are constituted and legitimated on grounds other than sovereignty.

³⁰ Ruggie (1992) would add that it depends on mutual belief. Fraser (2009) adds the axis of economics to this frame; she speaks of Keynesian-Westphalian politics.

³¹ On the history of the Peace of Westphalia, see Spruyt (1994).

³² Spruyt (1994) and Osiander (2001) all point out that the Westphalian system describes a general condition, not an absolute reality.

The reconfiguration of sovereignty in global politics is produced by both economic and political factors. One manifestation of the economic challenge to sovereignty is the development of *free trade zones*.³³ These free trade zones are made possible by the global movement of capital, the push from international organizations for removing restrictions on free trade, the mobility of production sites, and the strength of multinational corporations. A free trade zone is a space usually lying within a state's borders, but potentially across them as well, in which the economic and political regulations of the state or states, such as labor laws and tax collection, do not apply to the business conducted there. Like the refugee camp, the free trade zone has the appearance of being temporary – quickly constructed without much effort to develop the surrounding area – but unlike the refugee camp in which the problem is its continuance, the free trade zone uses its impermanence to maintain its mobility as a threat meant to prevent the sovereign state in which the zone exists from levying taxes or enforcing regulations. As a consequence, the free trade zone operates as either a sovereignty-free zone, if viewed as being free from state regulation in several important ways, or as an alternative sovereignty, if viewed as setting up its own regulations within its territory. In either case it presents a limit on the authority of state sovereignty, forcing it to reconfigure in order to accommodate this economic phenomenon. Free trade zones are in direct tension with the one of the primary political forces reconfiguring sovereignty, human rights regimes. Free trade zones are frequently among the most problematic sites for human rights

³³ Klein (1999)

violations because they exist outside the enforcement of state regulations, which are increasingly aligned with human rights norms.

The increasingly alignment of states with human rights norms has led many to claim that there is an emerging *human rights regime*. A *regime* in international politics is a “system of norms and decision-making procedures accepted by states as binding in a particular issue area.”³⁴ Donnolly understands there to be a series of human rights regimes of regional and global scope in various stages of development.³⁵ Benhabib focuses on the substance of the widest regime, the international human rights regime. She describes it as “a set of interrelated and overlapping global and regional regimes that encompass human rights treaties as well as customary international law or international ‘soft law’.”³⁶ The central question about human rights regimes concerns enforcement. *What is the force of human rights norms and what should it be?* The responses fall somewhere on the continuum between viewing human rights as primarily *promotional* and viewing them as having the *force of law*.³⁷ Those that endorse the human rights regime, often take the position that in the present moment human rights remain promotional but they are trending toward becoming legally enforceable on domestic and international levels.³⁸ The problem of the level of enforcement is attended by several other difficulties including determining who should enforce them, what are the political

³⁴ Donnolly (2003) draws the definition from Krasner (1982) and focuses on its increasingly wide applications.

³⁵ On the evolution of the various human rights regimes, see Donnolly (2003), 151-154.

³⁶ Benhabib (2004), 7

³⁷ See Donnolly (2003) and Gould (2009).

³⁸ Gould (2004, 2009) is the strongest contemporary defender of this position.

structures that maintain the regime, what is the bundle of human rights given priority, and finally what are the political ends appropriate to the human rights regime?

In its strongest formulation as an independent force of law, the international human rights regime would constitute something like a new sovereignty.³⁹ It would be an absolute authority, the highest political appeal. In such a case, the human rights regime would reiterate the problems of state sovereignty, delegitimizing justice claims that were not articulated and framed in its language. Indeed, this is the risk of the total instantiation of the human rights regime, but reality presents us with a different political situation in which human rights exist somewhere between being simply promotional and having the force of law. From this in-between position, human rights norms constitute a common language that provides opportunities for persons to articulate injustices and that opens the capacity for cooperation. Thus, while it falls short of being a state-transcending body of law, human rights norms function as countervailing forces and challenge state sovereignty.

The use of the norms of the human rights regime to make justice claims forces the reconfiguration of sovereignty by limiting its authority. Benhabib considers three relatively new political practices that point to the existence of the international human rights regime and its role in limiting state sovereignty. She singles out the legal category of crimes against humanity, humanitarian interventions, and the increase of transnational migration.⁴⁰ These three practices point to three different levels of political action. The legal category of a *crime against humanity* affirms a level of human rights beyond any

³⁹ Derrida (2005), 88. Also, see Honig (2009).

⁴⁰ Benhabib (2004)

particular state, potentially one that is global. The difficulty with the category remains its general articulation and its attribution to specific perpetrators and stems from its universality.⁴¹ Other serious human rights violations, such as *genocide*, articulate a more specific practice and intention that is more demonstrable.⁴² Benhabib's second practice is *humanitarian intervention*. She rightly argues that the recognition of the possibility of humanitarian intervention establishes a limit to state sovereignty. But unlike a crime against humanity, the intervention occurs within the language and structures of the Westphalian order. Its justification does not necessarily invoke a limit to sovereignty; its about the removal of the mutual recognition that sustains the Westphalian model. As such, it points toward the instantiation of the international human rights regime as the justification for the intervention as 'humanitarian,' but the resulting reconfiguration of sovereignty is limited.⁴³ The third practice is *transnational migration*, which as it increases, leads to state populations composed of many nationalities, thereby blurring the relationship between residents and the state. The movement of populations tends to uproot the *national* justifications for state sovereignty and reconfigures state relations along the lines of governance rather than authority.

Reconfiguring sovereignty through the practices resulting from the emergence of the international human rights regime parallels the reconception of justice as having a global character. Global justice – unlike the international justice of the Westphalian

⁴¹ Schmitt (1996). Carl Schmitt's attack on the concept of crimes against humanity revolves around the difficulty in conceiving of what it means to be an outlaw of humanity.

⁴² The original definition of *genocide* articulated by Raphael Lemkin is "acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group."

⁴³ Finnemore (2003 and 2008)

system – recognizes the individual person as the subject of justice claims and the agent of political activity. A change in the substance of global justice matches the shift from states to persons as the subjects of justice claims. The practices of and related to the human rights regime reconfigure sovereignty in such a way as to not negate it – it remains a legitimate political claim – but to alter it by limiting its authority under certain conditions and recognizing the practical difficulties in maintaining the myth of the independent sovereign in a globalizing world. Since human rights have been the force that has broken the monopoly sovereign states had on transnational politics, the spaces that have opened up around the reconfiguration of sovereignty are ones that explicitly recognize the subjects of human rights – individual persons. Thus, as a political force, human rights norms affirm that individual persons bear rights and, it follows, responsibilities.⁴⁴ It is in the recognition of the individual person's rights and responsibilities that their capacity to make justice claims and to act politically is grounded. Thus, the person is the subject of global justice. Here we return to the figure of the refugee, caught in-between sovereign states, claimed by neither and thus left in a semi-permanent political limbo, living out her days in a fenced-in tent city. The refugee is the *remainder* of the Westphalian system, one of those who is not accounted for.⁴⁵ Under the developing conception of global justice in which transnational politics is a field comprised of a reconfiguring sovereignty with limits to its authority and an international human rights regime that opens the space for

⁴⁴ On the development of human rights as an obligation, see the edited volume by Kuper, *Global Responsibilities: Who Must Deliver on Human Rights?* See particularly the pieces by Kuper (2005) and Pogge (2005).

⁴⁵ Rancière (1999) sees politics as a matter of counting. For Rancière, this plays out within communities, as a question of counting the poor.

individual persons as the subjects and actors in global politics, the refugee can stand and make justice claims against the sovereign states that produce her situation. And of equal importance, other individuals who hear the justice claim can accept the responsibility to respond to it.

3

BENHABIB'S COSMOPOLITAN FEDERALISM: DEMOCRATIC EXPRESSION IN LEGAL NORMS

Seyla Benhabib develops a unique conception of cosmopolitanism that recognizes the manifestation of an international human rights regime through what she calls *democratic iterations*. For Benhabib, global justice is instantiated in legal norms, which are generated from within localities but are substantively universal. As discussed above, Benhabib recognizes the process to include the *reconfiguration* of sovereignty, in which popular sovereignties bind themselves through legal norms. Yet this reconfiguration retains not only the priority, but also the exclusivity of the connection between sovereign claims and legitimate political action. As a result, for all the changes to sovereignty and citizenship Benhabib's cosmopolitanism calls for, the nature of political membership remains the same. Citizens are merely voters and the work of democratic iterations remains within legislative bodies – a matter for governmental actors.⁴⁶

⁴⁶ Benhabib (2004) suggests a role for both 'strong' publics (legislating bodies) and 'weak' publics, those in civil society (p179). In the end, Benhabib does not develop the role of weak publics and instead depends on the language of legal norms, leaving members of weak publics without a clear function if they are not law generators.

Benhabib's cosmopolitanism attempts to reconcile the tension between sovereignty and human rights, democracy and universal norms. There are two changes that aid this reconciliation – the reconfiguration of sovereignty and the reconstitutions of citizenship.⁴⁷ Considering citizenship first, Benhabib sees the requirements of citizenship shifting from national membership toward residency driven by the practices of global migration.⁴⁸ For Benhabib, the theoretical foundation for the reconstitutions of citizenship rests on a conception of human rights grounded in the norm of *hospitality*.⁴⁹ For Benhabib, human rights are not self-evidently universal; their universal validity derives from being a product of hospitality. Benhabib argues that the norm of hospitality is universal, though its instantiations are local and varied. The advantage of basing human rights on hospitality is that it begins with the recognition of difference. The norm of hospitality is to offer refuge to strangers passing through one's home.⁵⁰ That is, the enacting of hospitality is done by a person at home, an acting self, and is given to a stranger, the receiving other. Hospitality is a limited act, both temporally and substantively, but it holds universally. In preserving the difference between the acting self and the receiving other, hospitality contains a plurality. It avoids the risk of an undifferentiated singular conception of humanity that results from the Enlightenment,

⁴⁷ Benhabib (2009)

⁴⁸ Benhabib (2006) examines the ways that the German state has opened their local elections to non-citizen residents.

⁴⁹ Benhabib (2004) notes that Kant invokes hospitality as a right itself, not just a norm (p25-48). Kant (1983) treats universal hospitality as the *limit* of cosmopolitan right rather than its grounding as Benhabib attempts.

⁵⁰ Kant (1983) defines hospitality not from the perspective of the host, but from the stranger's. He defines it as follows: "the right of an alien not to be treated as an enemy upon his arrival in another's country" (p118).

reason-derived conception of human rights. A second advantage basing human rights on hospitality is that as an act hospitality makes demands on the self; it is a responsibility, and the right belongs to the stranger. This relationship counters the tendency in contemporary rights discourse to think of rights free of responsibility, focusing on the one who has rights and not on the agents who must enact them.

There are two limitations to using hospitality as a basis for human rights. First, while the norm of hospitality recognizes plurality, it is a limited recognition in that the stranger receives hospitality as an unknown person, remaining an other – an object of one's hospitality. As such, the recipient of hospitality tends to not be engaged as an acting agent. This suggests a rights discourse in which the bearers of rights are rendered silent. Rights discourse requires a dialogical component. Benhabib notes the second limitation of using hospitality to ground human rights. Hospitality is offered to a stranger *passing through*. As such, the relocation of populations through global migration is different than the situation of hospitality; it fits closer with the treatment of strangers living within the community.⁵¹ Thus, hospitality as a grounding norm opens to but cannot fully accommodate the types of reconstitutions of citizenship that Benhabib identifies in contemporary politics.

Despite its limitations as a norm, the enacting of hospitality serves Benhabib's theory of cosmopolitanism well because it operates through the local instantiation of a universal value. This is how Benhabib conceives of the international human rights

⁵¹ For Kant (1983) the distinction is between the right to hospitality and a 'contract of beneficence' which allows a visitor to stay permanently. See Benhabib (2004), 27-28 on this point. Also see Honig (2001) for a consideration of democracy and the immigrant through the lens of Derrida's ideas of friendship as the Aristotelian pleasure, virtue, and use. For Derrida's extended reflection on *hospitality*, see Derrida (2000).

regime. Through local instantiations, her *democratic iterations*, there are particular constellations of hospitality-derived norms that differ in details but share a rather substantial overlap of substantive norms. Thus the norms, the set of human rights, come to be universal in a practical fashion – they are norms chosen by each democratic iteration and *global* in character only as an aftereffect.

Benhabib's cosmopolitan-federalism is driven by *democratic iterations*. The concept of democratic iterations draws on the principle of federalism, recognizing a number of democratically structured communities, some of which are contained within larger ones, others that overlap partially, and some that remain politically independent of one another. The many democratic communities are *iterations* of democratic practices and values. Benhabib draws her use of *iteration* from Derrida and means it to capture the necessary difference brought into existence through the processes of repetition and modeling.⁵² As such, no single democratic iteration is universally authoritative or reducible to any other democratic iteration.

In each democratic iteration, the community produces an iteration of democratic norms through self-legislation. The particular democratic communities make 'local' legal norms that are aligned with the universal content of human rights, which for Benhabib is equivalent to democratic values. The local self-binding to human rights results in an aggregative international human rights regime. There is no universally applicable independent set of legal norms, but practically, each democratic community has chosen to hold itself to accountable to local iterations of a set of universal values. This allows

⁵² Honig (2009) in her response to Benhabib points to this being a rather creative use of Derrida's concept.

Benhabib to claim that *democratic iterations* have “a normative as well as empirical component” which places the concept “between *justification* and *legitimation*; more precisely, it is concerned to analyse how real processes of democratic discourse within and across state boundaries can create or *fail to create* justification through legitimation.”⁵³ Benhabib here aligns the normative elements with *justification* and the empirical with *legitimation* and claims that legitimation can create justification. In other words, for Benhabib the local generation of legal norms, which is the primary (only?) form of legitimate democratic political action she recognizes, can transcend the locality of its iteration and *create* justification, granting the norm universal validity. It remains unclear to me how this movement from the particular to the universal, or even from one particular to another operates. In other words, it seems that legitimation cannot produce the claimed desired end of *justification* because every interaction of competing legitimations is a process of context-dependent translations that can never actualize a universal understanding, which is the real definition of *justification*, an appeal without the need for reasons.⁵⁴ While I maintain that Benhabib’s democratic iterations must necessarily fall short of actualizing justification, it gives a compelling account of how global politics works and how structures such as a human rights regime might emerge.

For Benhabib as for most theorists of global politics, the central issue is sovereignty. Benhabib identifies the problem as being the collapse between what were

⁵³ Benhabib (2007), 456 (emphasis original). See also Benhabib (2009), fn13. She acknowledges the possibility that democratic decision-making might move away from the universal, but this caveat remains set in the context of the reality of the international human rights regime. As such, Benhabib’s theory is optimistic, understanding the bad outcome as exceptional, not as a possible alternative course to the democracy she sees developing.

⁵⁴ See Honig (2009). It is on this point that Honig’s reclamation of Derrida from Benhabib (2006) makes the most sense.

once two separate understandings of sovereignty – popular and state.⁵⁵ Benhabib argues that state sovereignty had come to dominate popular sovereignty, but the forces of migration and the logic of human right norms have begun to “pry open the state logic” and place political power back with popular sovereignty.⁵⁶ The results of this move toward popular sovereignty, the “reconfiguration of sovereignty” discussed above, are a move from a citizenship of rights to a view of membership as the relevant principle of inclusion in a community; a tendency toward porous, not open, borders; and the avoidance of having to theorize structures of transnational governance, which she claims posits a nonexistent *demos*.⁵⁷ For Benhabib the first two results of popular sovereignty establish community boundaries not for ideological reasons but for the practical necessity of having boundaries to mark the end of one community and the beginning of the next. The third result is really her critique of the models of global governance proposed by some theorists of global politics such as David Held (see below, §4). For Benhabib, popular sovereignty, which is democratic, must refer to some *demos* – a people. The problem with global governance is that it posits all of humanity as the relevant *demos*. This has a practical and theoretical problem. Practically, the democratic structures are not there to enable anything like global governance on democratic principles. Theoretically, the notion of a global *demos* is a fiction that refers for Benhabib to *nowhere* – notice, not to *nobody*. For Benhabib, schemes of global governance are *utopian* – literally, referring

⁵⁵ Benhabib (2009), 81-82

⁵⁶ Benhabib (2009), 82

⁵⁷ See Benhabib (2009) on borders (p106) and on governance (p91).

to *no place*.⁵⁸ Popular sovereignty requires both place and people, and in the workings of democratic iterations, both operate as practical limits, not as substantive modes of exclusion.⁵⁹

Democratic iterations are instances of popular sovereignty. For Benhabib, democratic iterations are a matter of *jurisgenerative politics*.⁶⁰ They are places and moments in which a *demos* generates the rules and norms by which they will interact with one another and others – it is the generation of laws.⁶¹ As such, the product of *democratic iterations* is the institutionalization of democratic norms as laws, and so wherever the move for change begins, it ends up in the act of law-making, primarily in parliaments and occasionally as matters of popular referenda. It is here that Benhabib’s invocation of popular sovereignty enables and disables her project. The popular and democratic character of this action is often mediated through the familiar institutions of representation in the legislature, save moments of community constitution such as constitutional conventions. Thus, the project of democratic iterations is less democratic than it is liberal. It holds that the authentic expression of the community is not the participation of the people or their self-legislation, but, rather, the legislation arrived at through the deliberative process of legislative representation.

⁵⁸ Benhabib (2009) makes this claim. This is not the place for a full reconsideration of the meaning of *utopia*, but as witnessed in the attempt of Camus (2006a) to reclaim the language by differentiating absolute and relative utopia, as seen in the Introduction to this project.

⁵⁹ Dovi (2009) attempts to recover the virtues of exclusion in democratic representation.

⁶⁰ At one point, Benhabib (2009) gives a much broader understanding of *democratic iterations* that covers all modes of political engagement from institutional to associational politics to any instance “in which peoples learn from one another.” (p94). Such a description empties the concept of its meaning and seems significantly at odds with the rest of her cosmopolitan project.

⁶¹ See Ruggie (1999) on constitutive rules.

In the emphasis on legal norms, Benhabib affirms the traditional liberal roles of citizens. The role of the individual is then voting for her representative, her member of the legislature. Outside of that singular moment of democratic activity, the individual may participate in “civil society.”⁶² Civil society is a form of semi-political activity with the task of presenting popular opinions and voices to the legislative representatives for their consideration. The invocation of civil society upholds the liberal division between the truly political action, deliberation and law-making, and the activity of publicly-minded private individuals.⁶³ Thus, while Benhabib’s theory pushes for a wider inclusion of who counts, shifting from citizenship and national identity to a measure of membership as residency, the politics of democratic iterations do not end up changing what it means to be counted.

Benhabib ends up binding popular sovereignty to state sovereignty because she affirms the Hobbesian claim that representation, and thus politics, requires authorization.⁶⁴ She claims first that the logical demand of representation is for “demarcation”, though it need not be a substantive exclusion as it is for civic republicans and cultural-communitarians. This demarcation establishes a particular demos that can *authorize* a representative to act in their name. Benhabib seems to not recognize any cost in mediating popular force through representatives in government. In selecting the generation of laws as the political instantiation of democratic iterations, Benhabib is

⁶² Benhabib (2009), 93 and 96. For activist driven model of politics and the ways in which it challenges deliberative models, see Young (2001 and 2006).

⁶³ This is the limit of Mill’s model of representative politics (1993). Mill emphasizes deliberation *within* government as the substance of politics. For a more generous view of what Mill accomplishes, see Urbinati (2002 and 2006).

⁶⁴ Benhabib (2007), 448

saddled with the institutions of state, not popular, sovereignty, including the idea that the legislature is the political space, populated by political representatives. Representation remains a matter of elections and the exclusive function of legislators. The rest of the *demos* is primarily depoliticized.

Benhabib's theory of cosmopolitan-federalism provides a powerful account against understanding global politics as a distinct and independent level of politics. As such, the products of global politics are *emergent*, constellations of smaller political communities, creating a global pattern only as an aftereffect. This avoids the dangers of viewing human rights as a new sovereignty. In focusing on democratic iterations, Benhabib also recognizes the tensions between popular sovereignty and human rights and chooses popular sovereignty as the democratic engine toward human rights, which she believes to be democratic values. For Benhabib, the results are democratic iterations in which 'local' communities align themselves with the values of human rights through self-legislation. Thus, in generating laws a community's authenticity is upheld and the human rights are legitimated through the procedures of sovereignty. The problem with Benhabib's theory is that by emphasizing legal norms, she depoliticizes community members who do not participate in law-making. In other words, representation remains the exclusive function of legislators. This is compounded with the sense of optimism that the changes of global politics, including migrations, will push toward increasing legitimation of and compliance with human rights norms. In the next section, I turn to David Held's cosmopolitan democracy, a theory of global governance.

4

GLOBAL GOVERNANCE IN HELD'S COSMOPOLITAN DEMOCRACY

David Held articulates a view of global politics he calls *cosmopolitan democracy*. Held recognizes globalization to be an economic, social, and political phenomenon that has led to new forms of organization as well as new problems that have revealed “fundamental deficits in our governance arrangements.”⁶⁵ These deficits have expressed themselves in four primary ways: an overlap in the jurisdiction and purpose of the existent international institutions, a lack of political will to mount international collective action to face global problems, the political rigidity of the domestic-international division while globalization has economically and socially eroded that division, and a profound accountability deficit in international institutions.⁶⁶ For Held, the solution is cosmopolitan democracy, a system of multiple levels of semi-independent governance including a layer of legal and political institutions working on the global level.⁶⁷ The primary advantages of Held's theory over Benhabib's cosmopolitan-federalism are that Held gives a more substantive account of the human rights that underpin cosmopolitanism and that he places the issue of representation at the center of his vision of global politics. The impact of each of these advantages is limited because they are contained within a context of the institutions of governance. This context produces three specific problems for Held's

⁶⁵ Held (2007), 242

⁶⁶ Held (2007)

⁶⁷ Held (2006), 305. Among the critics of Held's theory are Nakano (2006) and Lotz (2007). They critique the theory of opposing reasons. Nakano views Held's cosmopolitanism to be the problem, whereas Lotz argues that Held's solutions are not sufficiently democratic.

theory: a problem of authority and legitimacy, one of affect, and the co-optation of nongovernmental actors into the structures of governance.

The first value of Held's theory of cosmopolitan democracy is the emphasis it places on representation. For Held, a *lack* of representation is one of the central causes of the deficits in governance arrangements, and as such, much of the institutional innovation is focused on expanding representation in order to produce a more equitable representation beyond the state. By increasing the institutional contexts in which equitable representation is a structuring priority, cosmopolitan democracy aims to provide alternatives to domestic, state-based representation in an attempt to further puncture the monopoly that the governments of nation-states have in determining global political governance in a way that Benhabib's cosmopolitan-federalism cannot since it depends on the instantiation of cosmopolitan norms explicitly through the structures of domestic representation. The problem with Held's multiplication of the sites of representation is that increasing the *quantity* of representation is effective only to the extent that the problems with representation are merely a matter of lacking quantity, but that is not the case. There are several substantive problems with the electoral and formal mode of representation Held relies on. The most problematic is its dependence on authorization.⁶⁸

The second value of Held's cosmopolitan democracy is that it articulates a broad but substantive conception of "cosmopolitan principles."⁶⁹ For Held, the principles of

⁶⁸ See Held (2006) on representation as authorization. Against Held on this point, Saward (2009) uses the criterion of 'connecting' as a proxy for authorization. It attempts to capture the relational elements of authorization without the sense of control.

⁶⁹ Held (2009), 538. In full: "Cosmopolitan values can be expressed formally and, in the interests of

cosmopolitanism provide his account of global governance with their purpose. One can measure the effectiveness of this governance if its policies and practices are consonant with these principles. The first three principles articulate a capabilities approach to human rights that begins with the foundation of equal worth and dignity and enables *active* agency of persons, which allows for personal responsibility and accountability. Held's emphasis on the agentic account of human rights allows for a global politics potentially enacted by persons, rather than treating persons as the somewhat passive receivers of rights, who act only in claiming their rights, as Benhabib's account tends to characterize them. The next several of Held's cosmopolitan principles focus on the values that should be reflected in the institutions of global governance. Notably, for Held, the institutions are to be "democratic" in a formal sense, operating through "voting procedures." These principles are constrained by the last principles: the avoidance of serious harm and sustainability. While taken alone each principle has much to contribute to the type of open and transparent politics Held desires, there is a question about whether these are possible in the type of institutions with global-scope that he envisions. One such problem discussed below is the tension between voting procedures and the inclusion of nongovernmental actors.

As a theory of global governance, Held is bound to an institutional understanding of the problems of and solutions to the deficits he identifies in global politics. Thus, the limits of his theory are also connected to his reliance on institutional solutions. The first problem relates to the formal, electoral model of representation Held uses. In multiplying

brevity, in terms of a set of principles. Eight principles are paramount. They are the principles of: 1. Equal worth and dignity; 2. Active agency; 3. Personal responsibility and accountability; 4. Consent; 5. Collective decision-making about public issues through voting procedures; 6. Inclusiveness and subsidiarity; 7. Avoidance of serious harm; and 8. Sustainability."

the sites of representation, Held changes the context of representation without altering the concept of representation. This is a problem because it scales up the procedures and functions of representation without also scaling up the basis of legitimacy for those representative institutions. Electoral representation developed within the context of the sovereign nation-state. The legitimacy of the representative institutions does not derive from the electoral procedures but from the authority of sovereignty. It is a mistake to think of elections as performing the legitimating function as an election merely legitimates the selection of a person to fill the *office* of representative; it does not serve to legitimate the representative institutions themselves. Held subscribes to the authorization view of representation, which since Hobbes has found that authority in sovereignty.⁷⁰ In multiplying the sites of representation, Held attempts to break the connection between sovereignty and representation without providing an alternative authority or legitimation for the new representative institutions. Held is caught in-between positions. He rightly recognizes the problems that sovereignty creates for global politics, but he solves the problem simply by jettisoning it without facing the consequences this has for institutions that, as designed, *require* some form of authority to provide their legitimacy. Benhabib's cosmopolitan-federalism avoids this problem by bootstrapping the authority of sovereignty to legitimate the global legal norms in the international human rights regime. The two other possible strategies are to replace sovereignty with a different legitimating authority or to provide an alternative conception of representation not dependent on authorization for its legitimacy. Held does none of these.

⁷⁰ Held (2006)

The loss of the legitimating authority for the representative institutions relates to the second problem with Held's model of global governance – the lack of democratic affect. The relationship between *affective attachment* and democratic politics has recently been revived in considering the situation of European Union.⁷¹ The EU as a transnational level of governance structured with democratic institutions is often held to point toward the direction of governance beyond the nation-state. But the EU has had a difficult time creating an affective attachment between the populations of the member states and its institutions.⁷² Held's cosmopolitan democracy suffers from a similar lack of affect. What connects persons to institutions of global governance? This affect-deficit is similar to Benhabib's critique of global governance as utopian, a politics of nowhere, but it avoids the territorial assumption maintained in Benhabib's work. There are several potential resources that Held could draw upon to bridge the affect-deficit, but each of them falls short of explaining the generation and sustainability of affective attachment.

The two resources evident within Held's work, though not explicitly defended as generators of affect, are an affect for democratic procedures and the all-affected principle. The affection for democratic procedures, such as elections and representation, suggests that the institutions have meaning in themselves *as procedures*. The case of the EU suggests against this vestige of deliberative democratic thinking. Held defends the use of

⁷¹ See Markell (2000) for a consideration of affect in democracy. It is a response to Habermas (2001b). Habermas's constitutional patriotism is developed in a number of his recent works; see for example Habermas (1998, 2001a). For an excellent and thoughtful discussion of the discussion about constitutional patriotism and its application to the EU, see Müller (2007). I would also like to acknowledge my debt to Andrew Poe for innumerable and enlightening conversations on this topic.

⁷² For a view of the range of perspectives in the literature on the 'democratic deficit' in the EU, see the conversation held between Majone (1998), Moravcsik (2004), and Follesdal & Hix (2006). Also, see Goodhart (2007) and Pogge (1997), who emphasizes the 'constitutional' democratic deficit.

the all-affected principle as a means of selecting participants in the new institutional contexts, such as in the issue networks he sees as complementing the more traditional state-based institutions.⁷³ The all-affected principle has two problems: the method of selecting the actors *most* affected by issues requires a selection process itself open to the problems of misrepresentation and seems to be itself a very limited claim for asserting the right to not only voice concerns but to make policy-decisions as well.⁷⁴ It is possible that by including persons and groups in decisions that are already affecting them might generate the types of affective attachment necessary for such institutions, but this seems limited to the issue networks as it does not translate to the more traditional representative institutions.

The other two potential resources of attachment that Held does not explicitly explore are constitutional patriotism and human rights. Constitutional patriotism has developed in the context of thinking about the EU and its affect-deficit. Instead of relying on attachment to democratic procedures themselves, a constitutional patriot develops an affective attachment for a constitution, the document legitimating those procedures. Habermas holds that the constitution is a neutral object that can generate affective attachment without succumbing to the exclusionary problems associated with national identity.⁷⁵ The problem associated with the position of constitutional patriotism is that it is unclear what about a constitution motivates the affective attachment.⁷⁶ One possible

⁷³ Held (2007), 252

⁷⁴ Held (2007), 252

⁷⁵ Habermas (2001a and 2001b)

⁷⁶ Markell (2000) and Müller (2007).

affective source of attachment comes from the participation in the generation of the constitution and its periodic reconstitutions. But the affective attachment, like the reconstitutions, would be sporadic and momentary, not a grounding for a constant identity.⁷⁷ The second source for affective attachment is human rights. Several theorists of global politics call for the primary political attachment of persons to be to human rights.⁷⁸ This resource seems to be a natural extension of Held's thinking because he purposely identifies the language of global justice with human rights and also for Held, *democracy* is often a set of values not a principle of governing. It is in this context that Held can claim that nation-states tend to be more accountable and nonstate actors more democratic.⁷⁹ The democratic here cannot refer to electoral procedures or to principles of internal governing, as many nongovernmental actors are not internally structured with "democratic" institutions. Held, instead, is referring to two related assumptions about what it means to be democratic. For Held, the plurality of voices represented by the nongovernmental actors is inherently democratic in the sense that fits with a theory of democracy that rests on public opinion and deliberation.⁸⁰ Also, and more important in the context of democratic affect, for Held, the issues of these nongovernmental actors forward substantively democratic values, which are synonymous with global justice and

⁷⁷ Wolin has developed an understanding of democracy as *fugitive* that accepts the periodic and momentary expression of democracy. See Wolin (1994, 1996, and 2004). Xenos (2001), Markell (2000), A. Keenan (2003), and Frank (2010) both call attention the difficulty in requiring the presence of 'the people' as any appearance of the people is always partial – that is, representative.

⁷⁸ Gould (2004 and 2009) and Kuper (2004 and 2005)

⁷⁹ Held (2006), 276

⁸⁰ Like Benhabib, Held is a deliberative democrat, indebted to Mill. One way to understand Held's project is an attempt to bridge the gap between the marketplace of public opinion in *On Liberty* (1978) and the representative politics of *Considerations of Representative Government* (1993).

human rights. Attempts to make human rights the primary affective political attachment tend to cast human rights as a new sovereignty that justifies a strong level of global governance.⁸¹ Since human rights have the authority of sovereignty and is, by definition, just in its content, then it will earn the affective attachment of persons. But politically, there is a gap between the rationalist claim that justice *should* demand affective attachment and the political reality that it often seems insufficient to do so.⁸²

The third problem with Held's cosmopolitan democracy is the role it identifies for nongovernmental actors.⁸³ Cosmopolitan democracy attempts to incorporate nongovernmental actors within the structures of global governance. According to Held, moving nongovernmental actors into the governance structures is beneficial because it increases the democratic character of the institutions, as mentioned above. As such, the ideal of the structures of global governance is to be an institutionalization of a Millian public sphere.⁸⁴ The advantage of this view is that it values open discourse and the plurality of opinion. It denies the liberal split between the state and civil society to the extent that the division implies a division of labor within democracy between decision-making and being a stakeholder.⁸⁵

⁸¹ See §3 of this chapter on the risk of this in Benhabib.

⁸² Geuss (2008a) is an attempt to shift political theory back toward thinking through the gaps between the theoretical and the practical political experiences of persons.

⁸³ Given Held's theory, he uses *nonstate actor* to contrast with his focus on a 'states-plus' solution. Except when directly quoting Held, I follow the conventions of this dissertation and refer to them as *nongovernmental actors*.

⁸⁴ This is Held's Millian debt. For a critique of public opinion in the global politics, see Fraser (2009).

⁸⁵ Held (2006) draws strongly on Pateman (1985) and that thread of participatory democracy.

But there are several difficulties with incorporating nongovernmental actors into the structures of global governance. First, while this erases the division between civil society and the state, it does so by making all political action part of state-like institutions. By virtue of this incorporation, nongovernmental actors assume the roles of bureaucrats and technocrats, experts in a given issue, and lose the independence to speak from a position explicitly not concerned with governance. Their status as *non-governmental* is a signal about such actors' priorities and motivations. By incorporating them into governance, they lose those constitutive elements of their identity. Politically, the incorporation of nongovernmental actors into institutions serves to delegitimize opposition strategies that *refuse* incorporation into the governance structures, as is central to many forms of resistance.. As in Mill's theory of representative government, the supposed openness of the institutions to a variety of opinions only appears free, but it still makes demands about *how* an actor appears in the political space and *what* the appropriate types of action and modes of expression are.⁸⁶ For Held, nongovernmental actors must appear in the role of technocrats and, thus, their deliberative position is constrained to what fits that mode of expression.

The concerns about incorporating nongovernmental actors into the structures of global governance extend beyond the status of the actors themselves to the difficulties of selecting the actors that get to participate in these structures. The technical problems of selection connect to the problem of authority and legitimation as well as the tension in Held's sense of democracy both as procedures – primarily elections – and a defense of a

⁸⁶ Mill (1993)

set of specific values. It is not clear that these two demands necessarily occur together. The attempt to incorporate nongovernmental actors into global governance highlights a moment where the two aspects of democracy separate. The reason that this persists as a problem for Held's cosmopolitan democracy is that he insists on identifying representation with elections. His dependence upon sovereign representation in attempting to construct a post-sovereign global governance necessarily breaks down because it attempts to use old conceptions of institutions in a politics for which they are not suited.

Held's theory of global politics is insightful, and he, better than Benhabib, defends a purpose for the human rights regimes – to defend the agency of persons. But this insight gets pushed to the background as Held focuses on global governance as the means to actualize a just global politics. In the end, Held's cosmopolitan democracy is more deeply influenced by the demands of institutionalization, the *administration of justice*, and not justice itself. That Held's solution remains singularly institutional is a fatal problem, but it would be mitigated if he destabilized his conception of representation. Instead of working from a conception of sovereign representation, dependent on elections, Held would benefit from recognizing the diversity of representative relationships already present in global politics that exist and thrive outside of the institutions of governance. To begin thinking through the implications of such a conception of representation that can bring to the fore the value of agency, Held wishes to enable, I turn to James Tully's work on *democratic practices* in the next section.

5

EXPANSIVE PRACTICES IN TULLY'S DEMOCRATIC GLOBAL POLITICS

James Tully defends what he calls the “extensive practices of governance and democratic freedom.”⁸⁷ These extensive practices are both enabled by and constitutive of democratic agency. Wary of the “restrictive practices” of institutionalized global governance, such as those proposed in Held’s cosmopolitan democracy, Tully connects political practices to the ordinary and everyday, in the matters that constitute the “practical identities” of persons.⁸⁸ Tully pulls together this constellation of extensive practices in several ways that emphasize the priority of agency. On the practical level, he refers to it as “living democracy.”⁸⁹ As it appears within the field of global politics, he defends it as *glocal* or *diverse citizenship*.⁹⁰ In this section, I argue that Tully’s account of the extensive practices are central to understanding the promotion of agency as the core principle of democracy in global politics. The focus on the practices of persons emphasizes the constitutive dimension of democracy missing from “restrictive” or institutional solutions to democratic deficits and the insufficiencies of global justice. My primary disagreement with Tully hinges on the relationship between these practices of *glocal* citizenship and representation. Tully holds that they are non-representative, I argue

⁸⁷ Tully (2009b), 50

⁸⁸ Tully (2009a), Chapters 1-3. Practical identities are, for Tully, the sources of meaning (2009b, 30) and are found in what he calls the “dispersion of practices” (2009b, 49). The dispersion occurs both on the level of individuals and cultural groups. Tully supports Taylor’s claim of “alternative modernities” and the deep diversity and equality it implies. For Taylor’s account of the concept, see Taylor (1989 and 2007).

⁸⁹ Tully (2009b), 226

⁹⁰ Tully (2009b), 300-308 on it as the processes of *glocalisation*.

that they actually constitute the substance of the relations of non-sovereign representation.

In the contrast between “restrictive” and “extensive” practices of democracy, Tully lays out an understanding of global politics that is strikingly pragmatic; it is grounded in observations of the formations already present. Tully claims, “we need to situate our question in the existing field of relationships” and not in possibility but in the “actual and overlooked.”⁹¹ Fundamental to Tully’s global politics is its organization as networks. This has two significant implications for Tully’s understanding of global politics. First, it means that communication – as technology and practice – is central to the connections that enable the democratic practices of agency. The theoretical reliance on communication is similar to Benhabib and Held, but for Tully the communicative practices constitute the politics, they are not bound within a constituted political frame. Second, it also means that global politics is post-sovereign because the network, not the nation-state, is the basic political unit and means of social ordering.⁹² This differentiates Tully’s understanding from that of Benhabib and Held. For them, post-sovereignty is the recognition of the diversity of political claimants being made in global politics, but the nation-state remains the primary political unit and model for other non-state political units. Tully’s more radical claim is not about the disappearance of the nation-state or necessarily its loss of primacy but that nation-states, like other social organizations, are presently reconstituting themselves through their practices as participants in global networks.

⁹¹ Tully (2009b), 186 and 226, respectively

⁹² Tully (2009b), 170-174. He draws heavily on the work of Castells (1996, 2000).

Given the importance of networks and, thus, communicative practices, Tully understands *recognition* as the foundational political question.⁹³ Drawing on Taylor's account of recognition, Tully links recognition to both equality and freedom.⁹⁴ Like Taylor, Tully understands recognition to establish conditions of equality that serve as the grounding for the freedom to act. Tully, with Taylor, moves between viewing this on the level of individuals and cultures as they are intimately linked within a person's "practical identity." As such, Tully's concept of agency is grounded in the conditions of recognition that necessarily implies both equality and freedom and bears a striking resemblance to Sen's concept of *agency freedom*, the capacity to act to effect one's life.⁹⁵

Aware of the dangers of misrecognition, Tully is critical of practices that produce inequality, particularly in ways that close opportunities to redress claims of inequality.⁹⁶ Importantly for Tully, basic inequalities have not disappeared with the shift from a politics of the nation-state to the politics of networks. Indeed, that communication is enabled by technology is a reminder of a fundamental exclusion of those without access to a reliable power grid.⁹⁷ Furthermore, as discussed above, actual networks are not flat in the way the ideal type network is.⁹⁸ Some nodes are more connected and, thus, at an

⁹³ Tully (2009b), 32

⁹⁴ Taylor (1994) sees recognition as primarily a matter of equality contrasting conceptions of equality as sameness and impartiality and as plurality and difference.

⁹⁵ On the capabilities view, see Sen (1999 and 2009).

⁹⁶ Tully (2004) is an attempt to merge his democratic politics with Taylor's politics of recognition (1994).

⁹⁷ Tully (2009b), 175. Approximately one-third of the world's population does not have regular access to electricity.

⁹⁸ Tully (2009b), 178

advantage. It is this incapacity to address fundamental inequalities that renders institutionalized solutions to the problems of global democracy and justice inadequate. They are “restrictive” because they depend on systems to justify themselves, and thus, remain *closed*.⁹⁹ Systems require persons to perform roles, recognizing them by function rather than the substance of their practices. As such, Tully claims, persons are “more ‘patients’ or ‘subjects’ than ‘agents’ or ‘citizens’.”¹⁰⁰

Tully’s critique of restrictive practices of governance and democratic freedom centers on the limitations presented by their systemic logic. Tully identifies restrictive practices with Held’s cosmopolitan democracy, recognizing it as the most expansive account of restrictive practices.¹⁰¹ Tully also links restrictive practices to “globalization from above” as its solutions rest in reforming existent governing structures and calls them “representative” since they are adaptations of representative democratic institutions. I return to Tully’s identification of representation with restrictive practices in more detail below. Here I only note that Tully’s usage of *representation* is similar to Held’s and refers to exclusively to the institutions of representative democracy. His dismissal of representation as restrictive is based upon this constrained understanding of representative practices.

Tully presents two primary criticisms of restrictive practices. First, they cannot modify enough to respond to the challenges of global politics.¹⁰² Because the practices

⁹⁹ On *openness* as one of the primary values of democracy, see A. Keenan (2003).

¹⁰⁰ Tully (2009b), 50

¹⁰¹ Tully (2009b), 60-63

¹⁰² Tully (2009b), 62-63

are bound within the frame of representative democratic institutions, they cannot adapt adequately to the network ordering. In attempting to address global politics through representative institutions, theorists of global politics lose the balancing tension between representative popular sovereignty and the rule of law that characterizes representative democracy. As such, the restrictive practices must give priority to one over the other. For Held, the rule of law takes precedence over popular sovereignty. Benhabib, aware of this problem, attempts to balance them through her democratic iterations, but ends up giving priority to the justice of the rule of law. In other words, for Tully, restrictive practices lead to piecemeal reforms that lose the coherence of the original system without establishing a new foundation. Tully's second critique of restrictive practices is that they cannot account for the practices of extensive democracy that are already happening.¹⁰³

Importantly, these *extensive* practices of governance and democratic freedom that Tully defends are already in practice. They are *actual*, not possibilities dependent upon future institutional reform; they are grassroots, emerging as a non-systematic response to the limitations of the current institutions of global politics.¹⁰⁴ In contrast to the restrictive practices that occur within the institutions, Tully aligns the extensive practices with "globalization from below." And the purpose of extensive practices is to engage in "governance" as broadly understood by Foucault as acting "to structure the possible field of action of others."¹⁰⁵ In other words, extensive practices are governance to the extent

¹⁰³ Tully (2009b), 64

¹⁰⁴ Tully (2009b), 226

¹⁰⁵ Tully (2009b), 56. Throughout I favor language other than that of *governance* because while the rhetorical power of the Foucauldian sense of governance is evident, it risks confusing practices of

that they are aimed at expanding or at least supporting the field of action in which other individuals and groups enact their agency. Tully later calls this *living democracy*, understood as engaging in practices of integration that are “always open to new voices, responsive and creative experimentation, and renewal as a shared way of life.”¹⁰⁶

Tully gives several accounts of what these extensive practices of democracy are and what it means to engage in living democracy. Central to his general description is the notion of the extensive practices as *responsive*. They are happening as responses to the world as it is. They are enacted from a democratic orientation in which one’s agency is enacted as a response that acknowledges a relationship between oneself as a freely acting agent and others.¹⁰⁷ These practices should seek a democratic integration that engages diversity by cultivating “attachments to norms through participation.”¹⁰⁸ From this responsive orientation, Tully claims four essential aspects of democratic relations.¹⁰⁹ First, it requires a democratic principle of *listening* as a form of accountability.¹¹⁰ To emphasize listening as a form of accountability is to prioritize the relational aspects of repeated interaction, and it requires the acting agent not to be passive, but certainly to

governance with the claim of nongovernmental organizations to not desire ‘governing’ in the more limited sense of assuming a role within a government. See Foucault (2003d).

¹⁰⁶ Tully (2009b), 226. He ties it to a number of 20th century thinkers that elevate the everyday against “the tendency to project an abstract form of representation over everyday activities.” I agree with this to a point, as the goal of this project is to develop a theory of representation that is not abstract and would not present a choice between itself and everyday activity.

¹⁰⁷ Tully (2009b), 225

¹⁰⁸ Tully (2009b), 227. Tully feels that the EU faces legitimacy problems because of its failure to cultivate such attachments democratically.

¹⁰⁹ Tully (2009b), 229

¹¹⁰ This places Tully in the context of recent attempts to think of non-deliberative models of politics. On listening, see Coles (2005).

relinquish the idea of acting alone. At one point, Tully refers to these as *negotiated practices*.¹¹¹ Second, there must be democratic determination of the political frame.¹¹² This is a practical prerequisite to any practices of deliberation because a predetermined political frame begins with exclusions that hinder the democratic character of all the practices that occur within that frame. Third, integration must come from “below”, growing out of an acknowledged diversity and not forced by an appeal to a justificatory abstract universality.¹¹³ And lastly, the practices should be part of an ongoing open-ended dialogue experiences as a part of a living democracy.

Given the above guiding principles for democratic practices, Tully defends what he calls *glocal* or *diverse citizenship* against modern citizenship, the passive subject of a sovereign state made active only in the moment of election. By *glocal*, Tully means to capture the global and local demands on modern citizenship. As a critique of modern citizenship, Tully’s project shares the same goal as Held and Benhabib. Indeed, in attempting to destabilize modern citizenship, both Held and Benhabib point toward some of the non-institutional political activities, but only Tully makes these extensive practices the focus of efforts to reconstitute citizenship in global politics as democratic in both action and consequence.

Glocal citizenship then is an active citizenship existent to the extent that it is practiced. Its practices ought to expand the field of action in which other individuals and

¹¹¹ Tully (2009b), 243

¹¹² Fraser (2009) understands this as the function of representation within the discussion of what she calls democratic justice.

¹¹³ For more, see Chapter 6.

groups enact their agency. According to Tully, glocal citizenship then ought to be practiced with the following values in mind.¹¹⁴ These values are the practical dimension of the four essential aspects listed above. The practices should engage in praxis, begin from diversity, encourage participatory freedom, claim an active role in the citizen-governance relationship, and establish “partnerships” between citizens. To concretize these values, Tully emphasizes a shift toward *civic* practices that place more rights and decisions of governing within the civic sphere, expanding the public beyond the limited bounds of state citizenship, in a similar way to Benhabib’s focus on a citizenship of residency. Consequentially, Tully emphasizes the relations between citizens as partnerships founded in equality and solidarity and marked by a willingness to work together out of feelings of conviviality and trust.¹¹⁵

Tully’s emphasis on the extensive practices of democracy that make up glocal citizenship draw on the strength of the everyday and embodied practices as the basis of the “living democracy” that is missing from Benhabib and Held’s institutional accounts. Tully’s position better captures the global politics of the global activist network as discussed in the last chapter. But there is a problem with that conclusion because there are two disagreements between the account I gave and Tully’s position. Tully claims that the extensive practices of democracy are non-representative, and in his critique of NGOs, he is ambivalent about them as a vehicle for democratic practices. In considering these two disagreements, I grant the force of Tully’s critiques of representation and NGOs, but

¹¹⁴ See Tully (2009b), 267-300. I draw heavily from it in the next paragraph. I also take the liberty of condensing several of the values he lays out.

¹¹⁵ See Chapter 5 for the relationship between solidarity and trust as central elements expanded representation.

only insofar as he adopts a limited conception of each. Both the concept of representation and the actually existing NGOs can be aligned with the extensive practices of democracy that Tully outlines.

In considering the global activist network, as it appeared in *The Battle in Seattle*, I argued that the actors in the network, including NGOs, are making claims to represent. These claims to represent are an alternative to representation understood in the context of electoral institutions and governments. They are instead based on relational practices between the activists and the communities they claim to represent. Thus, the conception of representation is not constrained to its institutional understanding; it serves as a way to understand iterative political relationships in which in some contexts one party is in a position to speak on behalf of the other and can be understood to do so legitimately.

Tully claims that the extensive practices of democracy that constitute glocal citizenship “cannot be understood adequately in terms of theories and traditions of representative government.”¹¹⁶ This leads Tully to identify the extensive practices as non-representative. To the extent that Tully ties the concept of representation to representative government, he is right to claim the extensive practices are “non-representative”. But in identifying representation with the institutions of representative government, Tully denies the resources available in rich relational language central to the concept of representation. When understood in this broader relational way, the extensive practices Tully favors are the types of practices that constitute legitimate representative relations.

¹¹⁶ Tully (2009b), 47

Tully's rejection of the language of representation is grounded in one serious problem with theories of representation. For Tully, the problem with governmental representation is that it demands the application of "an abstract form of representation over the everyday", and practically, the form never fits reality and, thus, produces exclusions and remainders that lack recourse to be heard and made visible.¹¹⁷ The form of governmental representation under the Westphalian system has become synonymous with sovereignty.¹¹⁸ The systemic aspects of representative institutions when linked to the singularity of sovereignty leads to a politics that is closed to actually occurring political activity and, as such, moves further away from political reality. He articulates this as a problem of "conduct and comportment" meaning that while the practices of governance are always ways of acting and interacting, representative institutions are based on a proxy for acting – they are based on the actor in a role or office.¹¹⁹ As such, the systemic nature of governmental representation is ill-suited to the interactive elements of Tully's "negotiated practices" in that it recognizes persons in roles, not persons as they are. And the systemic structure of representative institutions has trouble adapting to the network ordering of global politics.

Indeed, Tully is right about theories of representation that limit it to the systemic institutions of government. But in his critique, Tully emphasizes the very relational elements necessary to a fuller conception of representation. As such, Tully's extensive practices are *not* actually non-representative; they are an integral part of a legitimate

¹¹⁷ Tully (2009b), 226

¹¹⁸ Tully (2009b), 49

¹¹⁹ Tully (2009b), 66

representative relationship. Many of the practices Tully embraces are not themselves claims to represent, but they are practical intersubjective engagements, attempting to negotiate and integrate from a position acknowledging diversity. Such practices are the constitutive elements of a democratic representation that create the conditions in which claims to represent make sense and can be seen as legitimate.

The second apparent disagreement between my argument and Tully's about NGOs is not really a disagreement, but more a point of ambivalence that overlaps substantially but does not wholly coincide. Tully claims that the role of NGOs within democratic global politics is ambivalent.¹²⁰ For him, the ambivalence is that while NGOs have become one of the primary vehicles through which democratic freedom – that is, agency – has been spread, NGOs for structural reasons also reproduce some of the contemporary undemocratic freedom within global politics.¹²¹ Tully's ambivalence is warranted as NGOs are neither necessarily inherently democratic as some in the civil society literature tend to imply, nor are they necessarily the 'friendly', low-intensity forces of imperialism and empire as others suggest.¹²² Indeed, they are a diverse set of political actors engaged in a diverse set of practices for diverse ends. Any such generalizations about NGOs are as misguided. Where Tully's account and my own are in tension is a matter of emphasis. For Tully, the structural facts of many NGOs are reasons to suspect their capacity to contribute to democratic freedom. And indeed, these concerns

¹²⁰ Tully (2009b), 191

¹²¹ Tully (2009b), 192

¹²² Tully (2009b), 192. Theorists of global civil society see them as democratic, while Hardt & Negri (2004) see them as extensions of the dominant values of Western hegemony.

should not be glossed over, but the internal constitution of the NGO is secondary to the relationships they initiate, enable, and practice because it is through *relations* that democratic agency expands.

Tully's critique of NGOs is that their structures and origins tend to render them as institutions only capable of reproducing the restrictive practices he identifies with representative government. He defines them as "non-democratic concentrations of power that are sites of struggle for democratization in the representative sense."¹²³ The two claims here are that NGOs are non-democratic concentrations of power and that they are bound to the institutions of global governance. Looking first at the relationship between NGOs and global governance, Tully's claim is that NGOs serve as complements to the representative institutions of global governance that at best are capable of pressing for change within the representative institutions themselves. Thus, they remain vehicles of minor reform. This function fits with certain realities of NGOs. For example, Tully notes that over 70% of NGOs are registered in Europe and North America and maintain a connection to those governments through economic or political support.¹²⁴ The close relationship between the nongovernmental organization and governments creates opportunities in which the inclusion of NGOs as 'informal consultants' within the institutions of global governance is used as "political cover" for the hegemonic practices of governments.¹²⁵ As such, NGOs in practice are "often unaccountable to the people

¹²³ Tully (2009b), 62

¹²⁴ Tully (2009b), 192

¹²⁵ Tully (2009b), 192. He notes such NGOs are known as CONGOs – Co-Opted NGOs.

whose interests they claim to represent.”¹²⁶ Tully is right to point toward this pattern of practice among NGOs. Many NGOs operate with such a disconnect between their claims to represent and their accountability to the supposed represented. But Tully leaves the reader to assume this to be norm of NGO practice, perhaps even its inevitable limit. It is unclear why this should be. That NGOs make *claims* to represent provides an opening to discuss the legitimacy of those claims and a way to distinguish between NGOs accountable to the institutions of global governance and those accountable to those they claim to represent.

The internal structure of the NGO is, for Tully, essential to its capacity to engage in the types of extensive practices necessary to expand democratic freedom. For Tully, a non-democratic “internal organization tends to replicate the hegemonic subaltern structure and undemocratic decision-making of major networks”¹²⁷ Thus, in order to expand democratic freedom, NGOs ought to be democratically organized internally. The idea is intuitively appealing and fits with Tully’s invocation of *living democracy* as an end, in which all of one’s practices and relations are shot through democratic freedom, in which the means of exercising one’s agency enables the agency of others. Tully is right to draw a connection between internal constitution and practices, they cannot be treated in isolation. But in emphasizing the internal structure of the NGO, Tully treats the NGO as a space of democratization, not as an actor. Certainly an NGO can be such a space of democratization, but it is not clear that it need be so. That is, Tully does not connect why the democratic criteria necessary for political units in which a person is compelled to

¹²⁶ Tully (2009b), 192

¹²⁷ Tully (2009b), 192

belong, such as the state, ought to apply also to the internal administration of organizations in which a person may freely choose to participate.

If one considers NGOs as primarily political actors, then its internal organization is secondary to the consequences of its actions in the world. As an actor, the NGO's democratic character is determined by whether the relationships in which the NGO engages work to expand the agency of those with whom they are in relationship. To focus on the relations between an NGO and those whom they claim to represent fits within Tully's project. It prioritizes relational practices as the means of enacting and enabling democratic freedom in the form of agency. In this sense, an NGO, regardless of its internal constitution, is capable of engaging in the extensive practices of democracy. And as such, NGOs are capable of being part of the restoration of the multiplicity of "governances" – in their broad sense – which Tully understands as integral to global politics.¹²⁸ Tully's critique of NGOs is a reminder of the potential risks of simply identifying NGOs with democracy in global politics, but in his critique, Tully risks underplaying the democratic capacities of NGOs.

Tully's approach to global justice captures its practice-based grounding. From this experiential perspective, Tully is able to give substance to the claim that global justice is meant to affect agency in a way that Held is not. For Tully, *agency* fits within a conception of living democracy and thus finds justice claims to be embodied in the practices that constitute relationships. In the context of political relationships, the discourse of justice opens to the claims and counterclaims of those in relationship. As

¹²⁸ Tully (2009b), 56. He links this expanded sense of governance to both Foucault and Locke.

such, it is democratic – acknowledging a basic equality in standing, a right to make claims, and a political measure in the actual capability to make use of one’s agency. Even in the points, where my analysis differs from that of Tully, the spirit remains the same. Most importantly, I agree with his critique of representation as it is typically treated in political theory. Tully ends up rejecting the language for these reasons, and I seek the resources within it to provide an expanded sense of what it can mean to represent. Tully’s account of global justice serves as one of the conceptual foundations of such a rethinking of representation.

6

CONCLUSION

The development of the discourse of global justice depends on the place given to nongovernmental actors within global politics at large. Many of the values of global justice are relatively consistent across global justice theories. The goal is to actualize democracy globally. What that means and how to bring it about differ considerably. For Benhabib, democracy signifies a set of values and norms that are best actualized through the practices of self-determination expressed in laws. As such, democracy is both a practice of participating in the laws of the communities to which one belongs and a substantive set of norms that are recognized as just. Held identifies democracy with just structures. As such, he seeks to incorporate participation in the structures of global governance on two levels: first, in opening current international institutions to democratic practices such as elections; and second, by incorporating nongovernmental actors as experts into the decision-making processes of global governance. Unlike Benhabib and

Held, Tully adopts a “from below” perspective of democracy, articulating ways to increase democratic practices of persons outside institutional structures. Here, the measure of effecting justice is the enabling of agency. It is democratic in that it is the enactment of agency on the part of the actors, but it should also be measured based on its product. That is, a truly democratic practice is the act of a political agent that aims to increase the agency of those affected by one’s practices.

Ultimately, I argue that Tully’s account of global justice provides one of the important contexts for understanding what it means to think of nongovernmental actors as representatives. The practice-based model of global justice gives nongovernmental actors a means through which to make claims as legitimate political actors in particular situations. In the next two chapters, I consider a particular conceptual limitation in our understanding of political representation – the idea that representation is a form of mediation. This understanding of representation, found in Hobbes, limits its use to the sovereign representative – in other words, to the government (Chapter 3). As long as representation is seen as mediation, it conflicts with the ends of democracy, as noted by Rousseau (Chapter 4). In exposing the series of political choices that led Hobbes and Rousseau to their particular conceptions of representation as mediation, I hope to open a rethinking of representation grounded in the practices that constitute the representative relationship as an intersubjective interaction (Chapter 5). It is at that point that Tully’s insights about global justice can be integrated with the language of representation and used to make sense of the political work of nongovernmental actors in global politics (Chapter 6)

PART II:
MEDIATING REPRESENTATION

CHAPTER 3

THE SOVEREIGN-REPRESENTATIVE: REPRESENTING THE COMMONWEALTH IN HOBBS

1

INTRODUCTION: THE THEATRICAL ANALOGY AND MEDIATING REPRESENTATION

In the last chapter, we considered three theories of global politics that all understood political representation as occurring within the institutions of government. This basic assumption about the space of representation determined how each theorist suggests incorporating nongovernmental actors into global politics. David Held argues that nongovernmental actors ought to be included in an expanded set of the institutions of global governance, essentially becoming governmental themselves. Seyla Benhabib argues for expanding the means of selecting representatives, such as extending voting rights to noncitizen residents, but also reinforcing the government as the space in which representation occurs, relegating nongovernmental actors to civil society and lobbying activity. James Tully argues that nongovernmental actors engage in non-representational activity because he wants to avoid their cooption into the representative institutions of governance – domestic or global.

Each of these conclusions about political representation is based on thinking about the concept of representation as a form of mediation. As Pitkin states, representation “means the making present *in some sense* of something which is

nevertheless *not* present literally or in fact.”¹ To identify representation as a form of mediation is to recognize that while the parties of the representation are related, there remains a concrete, existential difference between the representation – that which is present – and who or what is being represented – that which is not present. Such understandings of representation can be traced to the conception of representation in the thought of Thomas Hobbes. Hobbes conceives of political representation as a form of mediation because he connects it to theatrical representation.

The analogy between theatre and politics suggests a specific series of mediating relationships. In the theatre, there is the stage, the play-actors, the performance, and the audience. The stage is the space set for the representation. The performance is the representation. The play-actors are the representatives, whose actions create the representation. And then there is the audience, the spectators to the representation. Thus, in the theatre – at least traditionally – there exists a sharp distinction between the active elements, those producing the representation, and the passive ones, those merely observing the representation. The actor-audience relationship is entirely mediated – it is, as Rousseau argues, the absence of a direct relationship.²

When the theatrical analogy is applied to politics, there is a significant complication because the audience is represented to itself. In theatre, the representation is the performance of a particular play – *The Tempest*, for example. In a sense, presenting a play is always a representation of the play. One can say *The Tempest* is represented to the spectators in the audience, none of whom are part of the representation. As Hobbes

¹ Pitkin (1967), 7-8

² For Rousseau’s critique of mediation in theatrical and political representation, see Chapter 4.

follows this logic in politics, the representation is the performance of the commonwealth. To represent the state or the people to the audience is to represent the audience to itself. But this representation is totally mediated. To the extent that individuals are in the audience, they are passive spectators, who are presented with the representation of themselves *through* the mediating action of the representative – the play-actor in theatre, the sovereign in Hobbesian politics. Thus, the theatrical analogy elides the importance of a logic that leads to a mediation in which the citizens are represented to themselves.

This mediating capacity has remained central to the articulations of representation within the theory of representative democracy.³ The space established by the rules and conventions of parliament serve as the stage. The legislators are the play-actors, serving as representatives of a particular constituency. Together through the process of debating and legislating, the representatives enact the state. It is then represented to the citizens – spectators since the last election – as themselves collectively. This general pattern repeats throughout Anglo-American thought. It is evident in Madison's defense of the US Constitution. For Madison, elections would allow something like a 'natural aristocracy' to become the representatives, who would then govern in the name of the American people, allowing for the best representation of the 'American people' possible.⁴ It is

³ Manin (1997) recognizes the fundamental debate about representation in democracy centers on what form of democracy one wants – 'direct' or 'representative'. The suggestion, of course, is that representation is an *indirect* way of governing. In other words, it is a mediated experience.

⁴ Manin (1997), 108-131. Manin's account of the ratification debate presents it as centering not on a question on direct or indirect, exactly, but rather on a principle of social distinction. The Anti-Federalist position is one of 'mirroring' or having representatives that resemble or have a likeness to the constituents. It is not a claim for direct democracy. The Federalist position hopes that representation will encourage social distinction, 'filtering' the 'most wise' out to serve as representatives. For other accounts of the meaning and uses of representation in the revolutionary period, see Wood (2008) and Reid (1989). For an account of representation in the early American republic that focuses on the constitutive and performative aspects of representing a people, see Frank (2010).

evident in JS Mill's theory of representative democracy in which the government serves as the appropriate space for representation. For Mill, the representatives in parliament represent the diversity of public opinions in debate and then pass legislation.⁵ Thus, the parliamentary representatives serve as a permanent mediation between the people and their democratic will and expression. For Mill, then, the only democratic *actors* are in parliament.⁶

As it has developed through the institutions of representative democracy, political representation is accepted or rejected not because it has mediating quality but because it is inherently a form of mediation that renders constituents the spectators to their own representation. Thus, in stark terms, representation has been set against participation, calling into question the possibility of a *representative* democracy.⁷ My argument in this dissertation is that another conception of representation is possible. I do not deny the mediating quality of representation, only that mediation is its definitional form. Instead, I argue that there are strategies to create a relational model of representation that mitigates the tendencies for representation to become a form of total mediation.

In this chapter, I turn to the classic account of representation as total mediation in the thought of Thomas Hobbes. Hobbes employs a theatrical analogy to explain political representation. The analogy serves Hobbes's political purpose, it establishes a totally

⁵ Mill (1993). For an excellent account of Mill's theory of representation, see Urbinati (2002 and 2006).

⁶ This account of Mill fits with Rousseau's quip in the *Social Contract* about the English using their moments of liberty to elect their new slave masters (Bk III, Ch XV).

⁷ This long debate within political theory has many nuanced sides but the identification of democracy with direct participation of persons tends to be the starting point. Strong advocates for 'participatory democracy' include Pateman (1970) and Barber (2004). See also, Wolin's reflections on the American Revolution (1989 and 1994) and his later development of the notion of *fugitive democracy* (1996 and 2004).

mediated form of representation in which the representative acts and the polity's subjects witness it like audience members at the theatre. The chapter is divided into two parts. In §2, I examine Hobbes's use of theatrical language in his general theory of representation and how it determines the structure of the representative situation. Then in §3, I consider Hobbes's application of his general theory of representation to politics in the generation of the commonwealth, which combines the democratic elements of consent with the constitution of a politics of total mediation in which only the sovereign representative can act politically.

2

HOBBS'S THEORY OF REPRESENTATION

Thomas Hobbes serves as a focal point in thinking about political representation. For Hobbes, representation is the means by which human beings leave the state of nature and form society, or as he states in *Leviathan*, “that great artificial person” – the commonwealth.⁸ His account of representation attempts to bring together several strains of thinking about representation in an attempt to stake out a political position for a strong English monarchy between the defenders of the divine right of kings and the Parliamentarians, pleasing neither party.⁹ Hobbes's theory of representation borrows the

⁸ The layout of *Leviathan* supports the claim about the centrality of representation. The concept of representation is introduced at the end of Book I “Of Man” (Chapter 16). Representation is then used to generate the commonwealth at the beginning of Book II “Of Commonwealth” (Chapter 17).

⁹ Dumouchel (2001), 53 & 56. Martinich (1992) and Schmitt (2008) interpret Hobbes to be writing against the defenders of the divine right of kings, while trying to preserve sovereignty. Skinner (2005) shows Hobbes is also writing against the Parliamentarians. Skinner gives two pieces of linguistic evidence to support his claim. Hobbes uses the term *representer*, which was frequently used in pro-Parliamentarian pamphlets, and avoids the language of *the people* – the Parliamentarians' foundational concept. The latter is

imagery of the representative functions of the body of the king, in which the king is both a particular person and the embodiment of the crown.¹⁰ This concept of embodiment is most clear in the famous frontispiece for *Leviathan* in which the sovereign appears over the land, with a body containing all the subjects. Hobbes grounds his theory of representation in the freedom of persons to covenant and act together to constitute a new body. In other words, the act of representation is the act of incorporating, establishing a corporation.¹¹ Hobbes's theory of representation also recognizes the original authority of the people, which was the foundational claim of the Parliamentarians. Hobbes pulls together these different conceptions of representation through the theatrical analogy and makes a political argument that the only representation that can provide enduring security, the prime motivating good for humans, is one in which the mediating representation is total, where the representative is sovereign.

Often Hobbes's general theory of representation is treated together with his political argument for the sovereign. This has prevented a proper understanding of both. One of the difficulties in understanding Hobbes's general theory of representation is that his theory does not account well for the specific examples of representation he uses.¹² Most commentators have given the general theory precedence over the examples; I argue

mostly true; Allen (2004) notes that Hobbes's does on occasion use the term *the people* several times in *Leviathan* and in both positive and negative senses in the earlier *Elements of the Law*.

¹⁰ On the two bodies of the king, see Maitland (2003) and Kantorowicz (1997).

¹¹ Several commentators note the connections between Hobbes's commonwealth and corporations. For the most specific and extended treatments of the subject, see Springborg (1976); Bobbio (1993); and Runciman (1997), who connects the tradition of thinking about associations from Hobbes to Gierke and Maitland.

¹² Pitkin (1964a, 1964b, 1967); Skinner (2002a, 2005); Runciman (2000)

the examples ought to reshape the theory.¹³ The tension between the examples and the theory reside in Hobbes's consideration of the 'persons' – a theatrical borrowing – in the representative situation (§2.1). Hobbes's theory is based on a two-person relationship in which the represented and the author of the representation are the same (§2.2), but several of his examples including cases of ownership and governorship require three 'persons' (§2.3).¹⁴

The second difficulty in understanding Hobbes's general theory of representation is that in the paramount political case of the commonwealth, Hobbes combines the generation of the commonwealth through representation with his political argument for a *particular* form of representation. Analytically, these can and ought to be separated. Hobbes theory of representation recognizes the human capacity to constitute representations to be without natural bounds (§2.4). Thus, a multiplicity of representations is possible. It is from this human capacity that the commonwealth is constituted.¹⁵ For Hobbes, there is only one particular form of representation appropriate for the commonwealth, if it is to achieve its end of providing enduring security – that

¹³ Pitkin (1967), Skinner (2005), and Runciman (2000) give the theoretical articulation precedence over the use of representation in the text. A notable exception to this pattern is Bobbio (1993).

¹⁴ It is rarely noted that Hobbes's theory of representation is built on threes, not twos. Two exceptions are Runciman (1997) and Allen (2004). Runciman argues that Hobbes has three types of representation depending on the number of persons involved and in the case of "representation by fiction" three persons are required (p9). Allen captures the tripartite relationship at work in the case of the commonwealth by referring to the three distinct wills in play in the relationship – that of individuals, the people as a collective unity, and the sovereign representative (p79).

¹⁵ While the concept of *representation* does not appear in Hobbes's thought prior to *Leviathan*, there is a strong continuity in his thought (Skinner 2005). Malcolm (2002) argues that representation is Hobbes's "central theoretical innovation" between *De Cive* and *Leviathan* (p201). For reflections on the evolution of Hobbes's thought concerning the representation and its use in generating the commonwealth, see also Pitkin (1964b, 1967); and especially, Tuck (1993), 327.

form invests the representative with absolute sovereignty (§3).¹⁶ The sovereign can then subordinate or delegitimize all rival forms of representation, thus providing peace from the threat of civil war.¹⁷

In employing the theatrical analogy, Hobbes establishes a politics of total mediation in which the sovereign representative represents the state to the subjects that compose it. They are rendered spectators to their own representation. In Hobbes's general theory of representation, representative situation are always mediations, but they need not be total mediations. The totality is an artifact of the particular form of representation for which Hobbes argues.

§2.1 Hobbes on the Theatre and Representation

Hobbes centers his theory of representation on the *person*, which he adapts from the theatrical concept of *persona*.¹⁸ Hobbes is also clearly influenced by the concept of the *corporation*.¹⁹ This direct borrowing from theatrical vocabulary allows Hobbes to

¹⁶ *Leviathan* 17.2. The focus on security and sovereignty as the central concept in Hobbes is the focus of works otherwise diverse in their intentions, including Skinner (2002a), Schmitt (2008), and Foucault (2003e).

NOTE: The format of citations from the works of Hobbes is as follows: *Work*, Chapter, and Paragraph. Passages from *Leviathan* are taken from the Hackett edition, edited by Edwin Curley (1994). It updates the spelling of the English version of the text and includes translations of the Latin variants where the versions differ. Passages from *De Cive* and *De Homine* are taken from the combined Hackett edition, edited by Bernard Gert (1991).

¹⁷ Hobbes does directly address the English civil wars in the dialogue *Behemoth: The History of the Causes of the Civil Wars of England*, written around 1670, published in 1679. For the recent edition, see Hobbes (1990).

¹⁸ *Leviathan* 16.1. The discussion of *personating* and *persona* in Hobbes is wide-ranging. A few particularly helpful texts are Pitkin (1967), 24; and Tricaud (1982), 93-95.

¹⁹ Runciman (1997) aims to understand *personality* in Hobbes in two iterations – the concept of *person* and *corporations* (p14, 18, 29). Runciman draws extensively on the work of Maitland (2003). For another take

incorporate a generally theatrical understanding of the performance of representation.²⁰ To some commentators, the theatrical analogy is total and political representation ought to be thought of as a form of theatre.²¹ The two primary theatrical elements of Hobbes's theory of representation are that politics, like theatre, is a visual medium and the cases of representation in which Hobbes is interested can be described in terms similar to the play-actor bearing a role – that is, performing as someone else. Yet, the theatrical analogy is limited to the extent that Hobbes is not interested in the performance of the representation per se, but in the issues of authorization and the attribution of action. For Hobbes, the concept of the *person* allows him to disaggregate the natural unity in the performance and attribution of an action to a single actor.

The *person* in Hobbes, then, appears to have two distinct meanings. One relies on the visual aspect of theatre, treating *persons* as being complete beings, though sometimes only metaphorically.²² Such an understanding of persons, leads away from the theatrical analogy and considers questions about *what kind* of persons are involved in representation. Are they natural or artificial? To what extent might that change the capacity of such persons? The second meaning relates Hobbes's use of *person* with the

on Hobbes's use of the term, see Martinich (1992), who argues that the language of person actually arises from Scottish covenanting theology, rather than theatre (p165-166). This is an interesting, but ultimately unconvincing claim.

²⁰ On Hobbes and theatre, see Pitkin (1964a, 1964b, 1967); Dumouchel (2001); Runciman (1997); Martinich (1992); Strong (2006); and Pye (1984).

²¹ Dumouchel (2001).

²² This is the case for many commentators; see Pitkin (1967) and Skinner (2002a, 2005).

original meaning of *persona* as a mask.²³ If that is the case, then the concept of *person* signifies something more akin to roles than to actual embodied persons. If persons function as roles rather than as complete beings, then it is possible for representation to divide between *persons* the separate elements of the natural unity of action. One person can assume the role of performing an action, and another person can accept the attribution of that action.²⁴

For Hobbes, representation – be it in theatre or politics – is a visual medium. Representation is sight-based and thus occurs in physical space. This spatiality emphasizes the idea of representation as *mediating*. For Hobbes, representation makes something *physically* present which is not.²⁵ This visual mediation is a determinant of power and presence, but more importantly for Hobbes, it is a determinant of *existence*.²⁶ The centrality of vision is most evident in the famous frontispiece to the 1651 edition of *Leviathan*.²⁷ The frontispiece not only provides the reader with a visualization of the politics Hobbes intends, but it also emphasizes the total visibility of the *leviathan* – that is, the commonwealth – through its embodiment in the sovereign-representative.

²³ On the use of *persona* as mask, see Runciman (1997), Bobbio (1993), Dumouchel (2001), and Tricaud (1982).

²⁴ Copp (1980) uses Hobbes to construct a “theory of attributed action” which Skinner (2002a) borrows and connects to representation.

²⁵ Specification of Pitkin’s basic definition of representation cited above, Pitkin (1967), 8-9.

²⁶ Strong (2006)

²⁷ On the history frontispieces in 17th century England, see Corbett & Lightbrown (1979), 218-230. For more on the particular history of the title-page to *Leviathan*, including the differences between the drawing on the copy given to Charles II and the engraving for the published edition, see also Brown (1978); Malcolm (2002); Goldsmith (1990); Vaughn (2001), 464-469; Pye (1984); and with a description centered on showing the proper role of religion in the *Leviathan*, Martinich (1992), 362-367. Also notable, Allen (2004) connects the frontispiece to Hobbes’s use of rhetoric (p80-83).

The limits of the theatrical analogy in Hobbes are evident when it is applied to the operation of the representative relationship because in theatre the notion of authority is absent, or at least secondary to the performance.²⁸ Thus, there are occasions in theatre in which an actor might bear – that is, represent – another person in performance by fiction without authority. For Hobbes, it is not appropriate to think of representation, outside the fiction of theatre, as occurring without authority. As is often the case with Hobbes, the example he gives of representation by fiction seems to suggest a more expansive use than strictly in theatre. Hobbes describes Cicero's preparation for trial in which he bears, in turn, the persons of himself, his opponent, and the judge as an example of representation by fiction.²⁹ Cicero is not authorized to personate either his opponent or the judge, and so it is only by fiction that he does. While this is not strictly speaking an instance of theatre, it is a theatrical performance. The only difference is that it is held in private, not public.³⁰ That is, there is no audience other than Cicero himself. Thus, Cicero's performance is private theatre – an act of *representative thinking* as Hannah Arendt describes the

²⁸ Even as a 'private' representation, the theatre is not without authorization, as Pitkin (1967) claims. Skinner (2002a) argues that during Hobbes's life, all theatrical performances were authorized in England by the Master of the Revels (p194). This historical argument is intriguing, but the relationship between the Master of Revels and the theatrical performances is different than what Hobbes intends in the representative-author relationship. For Hobbes, the author is not just allowing something to occur but takes responsibility for it. Hobbes intends something closer to the *author* of the play, as suggested by Runciman (1997), 237.

²⁹ *Leviathan* 16.3. Pitkin (1967) uses this example to make her case for fictive representation.

³⁰ *Leviathan* 22.33. For Hobbes there is one public person, the sovereign representative; all others are private. Thus *public* designates anything explicitly allowed by the sovereign, and *private* those things that fall under the liberty of the subjects (the silence of the laws). Both Cicero's performance and theatrical performances are private since they do not emanate from the sovereign power. On the sovereign as the only public person, see Skinner (2002a).

activity.³¹ For Hobbes, this private representation does not require authorization because there is no actual attribution of action that would require the assignment of authority – it is entirely *fictive*, demanding nothing of the represented persons. But a public representation – as all political representation is – requires authorization because one *appears* in public standing for another person. It is the significance of authority and authorization to political representation that makes evident the limits of the theatrical analogy for understanding both Hobbes’s general theory of representation and its political instantiations. For that, we must examine the relationship in Hobbes’s thought between *persons* and *action*.

§2.2 Persons and Dividing the Natural Unity of Action

To interpret Hobbes’s concept of *person* as either embodied persons or as masks, the performance of roles, is not mutually exclusive. In fact, they each capture an important dimension of what Hobbes uses representation to do. The emphasis on *persons* as actual, embodied persons emphasizes the spatial and mediating function of representation. A representative person is physically present because another is not, and the one whom is not present is not accessible to the audience except through the mediation of the representative. To follow this interpretation of persons to its logical end raises serious difficulties in making sense of how Hobbes is able to divide the natural unity of action between the ‘persons’ in the representative relationship. That is, for

³¹ Arendt (2006), in “Truth and Politics”, says, “Political thought is representative. I form an opinion by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are absent; that is, I represent them” (p237). For Arendt, the representation is not of the other’s *actual* opinions but in striving for an ‘enlarged mentality’ – a capacity for discerning judgment.

Hobbes, no person in the representative relationship acts as a natural person would since one is either the representative and acts *or* the represented and authorizes the action – that is, assumes responsibility for it. It is in this division of the natural unity of action that the idea of the *person* as mask is helpful. In this sense, the representative relationship is composed of several roles that together perform a representation. In other words, the product of the representative relationship is something that can be treated as a total person though alone none of its constituent parts can be.

The commentary on Hobbes's use of *persons* has centered on the idea that *person* is meant to designate actual persons. Therefore, representation is a means of artificially transferring the natural capacities of persons to another or granting personhood to things or human beings that do not possess all the requisite natural capacities. Thus, the debate focuses on what type of person is *natural* and which is *artificial*. In applying this distinction to the representative relationship, one of the persons – either the representative or the represented – is artificial and the other is natural.³² This does not illuminate the mechanics of the representative relationship; it serves as proxy argument for the power relations within it. The assumption being that a natural person maintains a source of power denied an artificial person and, thus, ultimately maintains control of the representative relationship.

Hanna Pitkin and Quentin Skinner take opposing sides in this debate.³³ Pitkin maintains that the represented person, as the author of the representation, is the natural

³² Several commentators on Hobbes have come to this conclusion: Pitkin (1964b), 906; Pitkin (1967), 15-16; Hood (1964), 147-148; Gauthier (1969), 121-123; Runciman (1997), 7-8 and 33; and Martinich (1992), 165-166.

³³ Pitkin (1967) and Skinner (2002a, 2002b, and 2005)

person, while the representative is artificial. Skinner reverses the distinction, claiming the representative remains a natural person and the represented in authoring another to act for him becomes an artificial person.³⁴ The value of the Pitkin-Skinner debate is that it focuses attention on the attributes of personhood that Hobbes is interested in. But both sides miss the fact that for Hobbes, representation is an act of human artifice. That is, representation is entirely artificial. In that sense, all the persons within a representative relationship are artificial in an important sense. This artificiality serves as the basis for the unique capacity of representation to *constitute* new persons.

The Pitkin-Skinner debate begins with Hobbes's broad, inclusive definition of *person*. According to Hobbes, "A person is he whose words or actions are considered either as his own, or as representing the words or actions of another man, or of any other thing to whom they are attributed, whether truly or by fiction."³⁵ For Hobbes, then, a *person* is anyone or thing to whom action can be attributed.³⁶ As such, for Hobbes, the category of *person* designates all who can be 'persons in law,' which includes inanimate objects.³⁷ This broad category does not mean that all 'persons' have the same capacities. Hobbes claims that while inanimate objects might be 'persons' in the inclusive, technical

³⁴ Pitkin (1967), 15-16; and Skinner (2002a), 188

³⁵ *Leviathan* 16.1. The "truly or by fiction" is dropped both in the Latin variants (see change to 16.9) and in *De Homine*. Some take this as a sign of Hobbes correcting his language and, thus, denying the possibility of 'representation by fiction', opting instead to focus on "artificiality." See Copp (1980) and Skinner (2002a). Runciman (2000), in reply to Skinner, rejects Skinner's *purely artificial person* of the state, in part, because such language does not appear in Hobbes and because a 'person by fiction' need not mean *false* or *imaginary* (p268).

³⁶ Copp (1980) considers Hobbes's theory of attributed action without explicitly tying it to representation. Skinner (2002a and 2005) then connects attributed action to representation.

³⁷ *De Homine* 15.4. Hobbes uses 'persons in law' in *Leviathan* 22.3. Runciman (1997) adopts the phrase to differentiate such 'persons' from *natural* persons.

sense because they can be represented, they cannot be authors. This limit means that such ‘persons in law’ are only persons where there is “some state of civil government” to provide the terms for authoring their representation.³⁸ The artificiality of such ‘persons in law’ is easily recognized, for they are persons only by convention. But Hobbes’s definition of *persons* suggests that at least some human beings also ought to be considered artificial persons because of their relationship to another person. On whom these persons are, Hobbes’s language is ambiguous and can be interpreted in two opposing ways. Pitkin chooses one interpretation, Skinner, the other.

Pitkin draws on Hobbes’s articulation of what makes a person artificial in the English version of *Leviathan*.³⁹ There Hobbes states, “When [actions] are considered as his own, then is he called a *natural person*; and when they are considered as representing the words and actions of another, then is he a *feigned or artificial person*.”⁴⁰ There is an ambiguous referent here: does the *he* in the final clause refer to the one who acts or to ‘another’?⁴¹ Pitkin claims that the *he* refers to the one who acts, meaning that the

³⁸ *Leviathan* 16.9. It is interesting to note the conceptual difficulty Hobbes has in explaining his theory of representation as a natural capacity of man. In several cases he refers to the necessity of civil government for the particular case of representation, which is, of course, not introduced until the following chapter on the generation of the commonwealth.

³⁹ Pitkin’s *Concept of Representation* has been the starting point for all discussions of representation since it was published. Her interpretation of Hobbes (Pitkin 1964a, 1964b, and 1967) in particular has drawn much discussion and critique. For example, see her exchange with Clifford Orwin in *Political Theory* (Orwin 1975a, 1975b, and Pitkin 1975); as well as Jaume (1986), 82-106; Gauthier (1969), 120-177; and Skinner (2002a and 2005).

⁴⁰ *Leviathan* 16.2

⁴¹ Skinner (2002a), 187. Pitkin treats it as unproblematic.

NOTE: Here it is appropriate to note the masculinity of Hobbes’s language. I follow Hobbes’s use of *he* as the generic pronoun when gender is not specified only for the sake of clarity. There is nothing necessarily gendered in Hobbes’s account, and in fact, his discussion of *persons* actually tends toward the neutral *it*.

representative is an artificial person. The consequence of this claim is that the political representative, the sovereign, is an artificial person.⁴² Pitkin supports this interpretation by drawing on the theatrical sources of Hobbes's theory. The representative plays the part of another person – bears the *person* of another in society.⁴³ Like the play-actor, the representative is *artificial* because he does not publicly present his own person. This is then contrasted with the naturalness of the one who authors the representation and to whom the action is attributed, the represented person. Pitkin argues that the represented person remains natural because he never presents himself as another person. This allows Pitkin to emphasize the tenuous *second* nature of the representative. His identity as representative depends upon the continuation of the relationship in a way that the identity of the represented person does not. Were the representative relationship to be severed, the representative would cease to exist *as* a representative.

While it is a plausible understanding of the artificiality of the representative person, Pitkin's argument rests on a problematic assumption that the represented person is natural by virtue of not acting for another. In that sense, indeed, the represented person's actions would still be considered his own – the qualification for being a natural person. But there are two difficulties with Pitkin's assumption. The first is there are represented persons who are clearly not natural persons, namely those that are only 'persons in law' – that is, persons only by virtue of being represented. Second, for

⁴² Pitkin (1967), 14-15. This claim is often supported by a misunderstanding of what Hobbes means by *leviathan*. The leviathan is clearly artificial (*Leviathan* Intro.1), and many think the sovereign representative is the leviathan ('the mortal god'), but this is incorrect. The leviathan, as noted above, is the commonwealth, not its representative.

⁴³ Pitkin (1967), 24

Hobbes, the point of being a represented person is that you do *not* act. In this sense, the represented person never has his own actions attributed to another, but he also does not act on his own as he accepts the actions of another as his own. Thus, the natural unity Pitkin wants to preserve in the represented person is theoretically the case, but practically, the represented person does not act as a natural person.

Whereas Pitkin interprets Hobbes's views from the perspective of the actor, Skinner does so from the perspective of the one to whom action is attributed. To make his case, Skinner interprets the ambiguous referent of *he* from the English *Leviathan* by referencing Hobbes's later attempt to make the same point in *De Homine*.⁴⁴ There Hobbes writes, "[A] person is he to whom the words and actions of men are attributed, either his own or another's: if his own, the person is *natural*; if another's, it is *artificial*."⁴⁵ The grammar is clearer here by first defining a *person* as one to whom actions are attributed. Thus, the distinction between natural and artificial persons does not center on the actor-representative, but on the represented to whom action is attributed. Expanding Hobbes's sentence, it reads: If the actions attributed to a person are his own, then he is a *natural* person; and if the actions attributed to a person are not his own, then he is an *artificial* person. Thus, for Skinner, the represented person is artificial because he has actions attributed to him that he did not perform. This interpretation captures the sense of artificiality missing from Pitkin's understanding of the represented person. It is not natural to have the actions of another attributed to oneself. It seems to require some

⁴⁴ Skinner (2002a), 198-199

⁴⁵ *De Homine* 15.1

convention, at least an understanding between the two persons in the representative situation.

Since, for Skinner, the represented is the artificial person, that means that the representative remains a natural person. This understanding matches Skinner's understanding of the sovereign-representative in Hobbes. He remains a natural person because he is not a party to the covenant establishing the commonwealth and, therefore, is bound only by the laws of nature, retaining the absolute right of each to all found in nature.⁴⁶ In these terms, Skinner is correct, but the claim mixes up two understandings of what it means to be *natural* in Hobbes. It shifts from the category of personhood to the existential level. These, for Hobbes, are distinct. As it relates to the category of personhood, it is not clear that the language of *De Homine* affirms the naturalness of the representative. The claim in *De Homine* is that a natural person is one whose actions are attributed to oneself. This is *not* the case for a representative. While the representative does act, his actions are attributed to another person – the represented. Thus, the representative cannot be considered a natural person.

For both Pitkin and Skinner, what is at stake in the distinction between natural and artificial persons is the normative claim that naturalness is a proxy for power and determines which person – the representative or the represented – are in the final instance in control of the relationship. But for Hobbes, the natural-artificial distinction is meant to be considered at a broader level than the representative relationship; it serves primarily as descriptive of the existential situation. Thus, for Hobbes, *natural* designates things

⁴⁶ *Leviathan* 14.4

existing in Nature and *artificial* things that are man-made – of human artifice. The issue, then, is not which persons are natural or artificial *within* the representative relationship, but whether the practice of representation is natural or artificial.

Hobbes opens *Leviathan* comparing Nature and the artificial construct of human society: the natural is “the art whereby God hath made and governs the world” that Hobbes juxtaposes to the “*art* of man” that, through the imitation of nature, allows humans to make “an artificial animal.”⁴⁷ Man as artificer comes to understand the world as mechanical – “For what is the *heart* but a *spring*?” Hobbes asks.⁴⁸ This artificial world of human fashioning is neither fake nor shallow to Hobbes. He continues, “For seeing life is but a motion of limbs, the beginning whereof is in some principal part within, why may we not say that all *automata* (engines that move themselves by springs and wheels as doth a watch) have an artificial life?”⁴⁹ Through artifice, human beings are engaged in the creation of life. This creative capacity to imitate Nature reaches its pinnacle in the constitution of “that great LEVIATHAN called a COMMONWEALTH or STATE.”⁵⁰ To Hobbes, *artificiality* in this sense designates all things that are an effect of human action.

⁴⁷ *Leviathan* Intro.1

⁴⁸ *Leviathan* Intro.1

⁴⁹ *Leviathan* Intro.1. Schmitt (2008) emphasizes the status of the state as an “animated machine” (p32). Strong (2008) argues that Schmitt locates this as Hobbes’s failure because the sovereign falls short of being a ‘total person’ and allows for the administrative machine – that is, the liberal state – to survive (xi). Runciman (1997), against Schmitt, emphasizes that what is created is not a machine but an artificial man, which is more than merely an automaton (p16-24). On the mechanistic elements in Hobbes in general, see Sarasohn (1985).

⁵⁰ *Leviathan* Intro.1. Since, for Hobbes, the terms *leviathan*, *commonwealth*, *state*, and *civitas* all designate the same thing, I use *commonwealth* unless the context requires one of the other synonyms. Also of note, for Hobbes the existence of the commonwealth is necessary for there to be society, culture, and civilization. As such, when he speaks of something as only possible ‘in society,’ he also means it is only possible within the commonwealth (see, famously, *Leviathan* 13.9).

On this existential level, a person is an artificial person to the extent that the practical conditions of his existence are the product of human action. As such, all persons involved in the representative relationship are, in important ways, artificial. The practical existence of each is possible only under the human artifice of the representative relationship.

For Hobbes, the artificial relationship of representation provides persons with two advantages that are not available in nature. The first advantage is that it allows for a broader conception of what counts as a *person*, including things that are not human beings.⁵¹ This attribution of personhood to non-human beings allows one to speak of the actions, interests, and responsibilities of a diverse set of non-human entities, such as objects of possession and corporations.⁵² The second advantage of the artificiality of representation is that it breaks apart the natural unity of action. In nature, the one who performs an action is necessarily the one to whom that action is attributed. Representation allows those two components of action to be divided between two persons – the representative and the represented. The representative performs the action, and the represented is the one to whom the action is attributed. Both persons in the representative relationship are artificial because they hold only one of the components of natural action.

Hobbes calls the one who performs the action an *actor*. In representation, the representative is the actor. Hobbes calls the one to whom the action is attributed an

⁵¹ Hobbes tends to use the language of *man* or *mankind* to designate the species as a whole. I use *human beings* or *humans* to emphasize the biological connotation of the word in contrast to *person*, which for Hobbes includes more than humans. Tricaud (1982) discusses Hobbes's early use of *person* to mean the 'individual human being' in *The Elements of Law* where it is contrasted with the civil person (p89-90). Runciman (1997) attempts to deal with this terminological difficulty by referring to *natural persons* to denote individual human beings (see preface) – but that solution has its limits, as there are human beings that are not automatically *persons* for Hobbes.

⁵² *Leviathan* 16.9

author. As such, the represented person is the author.⁵³ These associations require some explanation. For Hobbes, what is required for the performance of an action is the combination of *voluntary motion* and *will*.⁵⁴ Thus, action is both the physical performance of the act and the will to perform it. Importantly, as the representative is the actor, he reserves both a legislative and an executive capacity.⁵⁵ The actor can, through his will, determine what to do and then execute that action. If representation were simply a function of action, it would be possible for both animals and human beings to engage in it. But representation is a uniquely human capacity because it depends upon the human faculty of reason.⁵⁶ The reasoning element makes authorization necessary in a representative relationship.

In nature there is a unity in action because all actions that one performs necessarily belong to oneself. Representation introduces a gap between the performance of the action and its attribution. One understanding of representation is that it is the practice of assigning these naturally unified aspects to different persons. The gap opened by representation introduces the issue of *legitimacy*. What is a right and acceptable attribution of action to one who does not himself act? For Hobbes, the only way to bridge

⁵³ *Leviathan* 16.1 & 16.4. The 1688 Latin variant reads, “The words and deeds of those who represent are sometimes acknowledged as their own by whom they represent; and then the one who represents is called the actor, and the one who is represented is called the author, as the one by whose authority the actor acts.”

⁵⁴ *Voluntary motion* is opposed to *vital motion*, such as the heartbeat (*Leviathan* 6.1). *Will* is the last appetite in deliberating, and *deliberating* is the alternation of appetites (*Leviathan* 6.49-53). *Voluntary motion* is not necessarily rational; otherwise, as Hobbes notes, one could never act *against* reason. For discussion of Hobbes on motion and the role it plays in his thought, see Spragens (1973). For a different and more convincing perspective on this issue, see Sarasohn (1985).

⁵⁵ The possession of both the legislative and executive capacity by the actor is important for Hobbes in the case of the commonwealth. For Hobbes, the sovereign representative as the actor both makes and executes the laws of the commonwealth.

⁵⁶ *Leviathan* 5.2

this gap is through the human capacity to reason. Thus, reason serves as the foundation of legitimate representation. For Hobbes, the legitimation is prospective; this is why he refers to the represented person as the *author*. To serve as the author of a representative relationship is to *authorize* the attribution of another's actions to oneself.⁵⁷ In the connection of authorization and attribution, Hobbes links several ideas that are not necessarily related. The represented person as author initiates the representative relationship. He is an author in the sense of beginning something. He is also authorizing another to act for him by accepting the attribution of the action to himself. In this sense, the represented person accepts responsibility for actions not yet done in his name. Hobbes captures this aspect of authorization when he writes,

For he is called the author, that hath declared himself responsible for the action done by another according to his will: and he that is called the author with regards to actions is called the owner with regard to possessions. Hence they are said to have authority that act by right of another. For unless he that is the author hath the right of acting himself, the actor hath no authority to act.⁵⁸

Hobbes stresses that the author's own rights are the fundamental limit to authorization. In other words, one cannot claim responsibility for actions that are beyond one's own rights. If an author could not himself will and perform the action, then he cannot authorize another to do it for him.

⁵⁷ Dependent on reason, *authority* is an artificial act that is only possible in the move out of nature and into society. It appears in *Leviathan* in the last chapter (16) of Book I "Of Man" and in the last chapter of *De Homine*, "On Artificial Man" (15). For Hobbes, the concept of authority as something distinct is only necessary to introduce once the unity action and its attribution are broken.

⁵⁸ *De Homine* 15.2. This is a clearer articulation than the one in *Leviathan*, which reads, "Of persons artificial, some have their words and actions *owned* by those whom they represent. And then the person is the *actor*, and he that owneth his words and actions is the AUTHOR, in which case the actor acteth by authority" (16.4).

To make clear what is entailed in authoring, Hobbes relies on an analogy: the author is to an action as an owner is to his possessions. Hobbes does not mean this comparison to suggest that authoring *is* an instance of ownership because ownership, unlike authoring, depends on more than the human capacity to reason; ownership also requires an established society.⁵⁹ Rather, Hobbes emphasizes that, like ownership, authoring is a claiming of responsibility for something and the consequences related to it. In the case of authoring, accepting responsibility for an action and its consequences requires the use of reason, which for Hobbes, is “nothing but reckoning (that is, adding and subtracting) of the consequences of general names agreed upon for the marking and signifying of our thoughts.”⁶⁰ Therefore, in order to be an author, one must have the capacity to understand the consequences of the authorized actions. But, reason requires more than mere understanding because it is both a *marking* and *signifying*. Marking is “when we reckon by ourselves” and signifying “when we demonstrate...our reckoning to other men.”⁶¹ In other words, a proper use of reason requires that one understands the relationship between actions and their potential consequences and also have the ability to communicate that understanding to others.

⁵⁹ For Hobbes the commonwealth is necessary for all social conventions (*Leviathan* 13.9). Specifically, ownership is not possible in nature where all have equal right to all. Hobbes claims, “There are qualities that relate to men in society, not in solitude. It is consequent also to the same condition that there be no propriety, no dominion, no *mine* and *thine* distinct, but only that to be every man’s that he can get, and for so long as he can keep it” (*Leviathan* 13.13).

⁶⁰ *Leviathan* 5.2 & 5.5

⁶¹ *Leviathan* 5.2. Pettit (2008b) argues Hobbes is “the inventor of the idea that language is transformative technology that has shaped our species, accounting for our characteristic features on both the positive and negative side of the ledger” (p2). It is only by placing language at the center of human experience that Hobbes can develop his theory of personhood.

In tying authoring and representation to the human capacity to reason, Hobbes creates a difficulty for his general theory of representation. While he identifies the represented person as the author, Hobbes also wants to argue that certain things that lack the capacity to reason can be represented. This is the category of ‘persons in law’, which includes certain human beings, animals, and objects. Since they lack the capacity to reason, they cannot serve as authors of their representation. These cases should not be treated as exceptional but as centrally important to the advantage of the human artifice of representation. It is necessary to expand Hobbes’s general theory to recognize the possibility – though not the necessity – that the author and the represented person are two different persons.

Here, it is useful to recall the idea of *persons* as not necessarily actual persons, but as masks – roles taken up by various persons. As such, we can recast Hobbes’s general theory of representation as concerning three ‘roles’ – that of the representative, the author, and the represented.⁶² These three roles can be occupied by a varying number of ‘actual’ persons. Thus, in the general case of representation considered above, there are two actual persons who occupy the three roles. One person is the representative and the other is both author and represented. In the next section, I examine the cases of *ownership* and *governorship* in which three persons occupy each of the roles in the representative relationship. In these two cases, the represented person lacks the capacity

⁶² The case of self-representation appears to reunite the two parts action, and so it is *as if* the self-represented person is a *natural* person since the action is united in him, but that it remains an act of representation suggests that in such cases it will be possible to distinguish the person as actor from the person as the one to whom the action is attributed. The situation as far as it is representation remains artificial. Pitkin (1967) comes close to recognizing the representative character of all action when she says, “Hobbes is suggesting that every act is an act of representation – if not of someone else, then of oneself” (p24). Pye (1984) pushes it farther suggesting, “Each individual is already a self-impersonator in a sense – a masked and mediated representative of himself” (p91).

to reason – either because it is not human or because a human’s capacity to reason is compromised. These cases of representation involve three distinct persons and further break apart the natural unity of action. One person serves as the representative and performs the actions. A second person serves as the author, assuming responsibility for the representation as a whole. And the third person is the one who is represented and to whom the actions are attributed.

§2.3 Ownership & Governorship: Three Person Cases of Representation

The three person cases of representation, such as ownership and governorship, require the separation of the authoring person from that of the represented person. The person in the authoring role takes responsibility for the representation, meaning that he authorizes the representation to take place and is held accountable for the consequences of the representative action. The represented person remains passive within the representative relationship. Unable to author his or its own representation or take responsibility for it, the represented person merely has action attributed to him or it. This passivity places the represented person in a difficult situation since he or it is dependent on being represented for the status of personhood and yet has no grounds from which to reject any of the actions attributed to him or it. For Hobbes, it is important that the represented person remains passive when he considers the case of representing the commonwealth. In separating the author function from being represented, Hobbes simultaneously argues for a distinction between the two persons in the roles while also minimizing the *perception* of that distinction. As such, the cases of ownership and governorship are attempts to articulate the necessity of distinguishing between the author

and the represented person while arguing that the cases ought to be treated *as if* they were the regular general two-person case of representation.

Ownership presents a strong case for treating the author and the represented as one in practice despite technically being two different persons. In cases of ownership, it falls to the owner of the possession to authorize its representation because as an object or beast it lacks reason, and therefore, cannot authorize its own representation.⁶³ While this creates a situation in which there are three persons involved in the representative relationship, the unique relationship between an owner and his possessions allows Hobbes to treat it as if the author and represented are practically one because there is no distinction between the interests of an owner and the interests of his possession.⁶⁴ The perfect coincidence of the interests of the owner and the possession, by virtue of the lack of any inherent interests on the part of the possession, allows for the practical identity between the author and the represented ‘person.’ Thus, any theoretical difficulties arising from separating the attribution of an action from the responsibility for it are avoided.

The potential exception to Hobbes’s treatment of ownership is slavery. A slave is a possession that does not lack the capacity to reason. Hobbes avoids this case by arguing that *slavery*, understood as the ownership of another person, is not possible. One cannot

⁶³ *Leviathan* 16.9. Hobbes reminds the reader at this point that inanimate objects “cannot be personated before the there be some state of civil government.” In the 1688 Latin version, Hobbes drops the language of ‘fiction’ when discussing the representation of inanimate objects. In the English he writes, “There are few things that are incapable of being represented by fiction” which he amends in the Latin to “There are few things of which there cannot be a person. For although a person is by nature something which understands, still, that whose person is borne is not always necessarily so.” See Copp (1980), 583-584; and Runciman (1997 and 2000).

⁶⁴ On Hobbes and interests, see Wolin (2004), 248-252. The case of ownership treats property as a part of the owner. Thus, the owner authorizes the representation of a possession in the same way in which he would authorize the representation of some limited domain of his actions.

have absolute dominion over another human being.⁶⁵ One can have *servants*, which are cases in which one owns another person's labor but leaves to him his "life and the liberty of his body."⁶⁶ Servanthood is the limit of dominion over another human being because all situations involving the dominion of one person over another originate, for Hobbes, in the consent of the dominated, not the rights of conquest.⁶⁷ Since a person cannot consent to lay down his right to self-preservation – his right to life – absolute dominion between human beings can never occur. Hobbes's theory of limited dominion alters three primary social relations that were often conceived of in terms of *absolute* dominion: master-servant; parent-child; and sovereign-subject.⁶⁸

While the case of ownership allowed for rendering the gap distinguishing the author and the represented 'person' practically nonexistent, that gap remains relevant in the case of governorship. By *governorship*, Hobbes signals any relationship in which one person has authority over another 'person' – in the broad sense – in some capacity.⁶⁹

⁶⁵ Skinner (2002b) points out that Hobbes discusses slaves who are prisoners of war in *Leviathan* 45.13, suggesting Hobbes does believe that slavery is possible (p213). But the passage in question is not about Hobbes's own theory of slavery; rather, it focuses on the common usage of the language of slavery and servanthood.

⁶⁶ *Leviathan* 20.10. Hobbes's distinction is similar to the one that Locke makes in the *Second Treatise of Government* in distinguishing between slavery and 'drudgery.' For Locke, slavery is result of war when an individual's life is forfeited but the conquerer preserves the defeated's life at his pleasure. Drudgery is the selling of one's labor for a time, but it must stop short of granting an "absolute, arbitrary, and despotical power" over the one over the other (§24).

⁶⁷ See Skinner (2002b); Kronman (1980), 169-170; and Runciman (1997), 236.

⁶⁸ *Leviathan* 20.10. Hobbes is sometimes read as a proto-liberal because of claims such as this one that suggest limits to dominion (and thus government). Hobbes also emphasizes liberal ideas such as the individual, consent, and negative liberty. See for example, Flatham (1993); Macpherson (1965); and Kateb (1989). On what makes Hobbes a *proto* rather than an actual liberal, see Ryan (1988) and Bobbio (1993), who argues that despite using a liberal definition of liberty, it is always trumped by authority, which is decidedly un-liberal (p69-70).

⁶⁹ Foucault (2003d) draws attention to the broader understanding of *governing* common in Hobbes's time. He says, "*Government* did not refer only to political structures or to management of states; rather, it

Thus, the governor has the authority to make decisions for his charge, enabling and disabling his liberty. For Hobbes, in the same way that the owner authors the representation of his possession, so the governor authors the representation of his charge.⁷⁰ Ideally, the interests of a governor – in his capacity as governor – ought to be identical to those of his charge. If that were the case, then governorship would be analogous to ownership. This however is not the case in practice: it is impossible to *know* that the interests the governor projects onto his charge are the actual interests of the charge. This uncertainty affirms the necessary distinction between the authoring person and the represented person. The uncertainty opens the representation to questions concerning its legitimacy.

There are two types of governorship. One can be a governor of inanimate objects or of another human being. By inanimate objects, Hobbes has in mind buildings and corporations. The examples he gives of governorship over objects are serving as the superintendent of a hospital, the rector of a church, or the guardian of a bridge.⁷¹ A human being requires a governor when he either temporarily or permanently lacks the use of reason. Such is the case for madmen, children, and fools.⁷²

designated the way in which the conduct of individuals or of groups might be directed – the government of children, of souls, of communities, of families, of the sick....To govern, in this sense, is to structure the possible field of action of others” (p138). In part because of Foucault and in part because of the dispersion of governance practices beyond the government proper in global politics, this broader usage of *governing* has returned. See for example, Tully (2009b).

⁷⁰ And like ownership, it is only possible when there is civil government because outside it there is no dominion (*Leviathan* 16.10).

⁷¹ *Leviathan* 16.9

⁷² *Leviathan* 16.9-10. Hobbes relates *madness* to an excess of passion: “[A]nd to have stronger and more vehement passions for anything than is ordinarily seen in others is that which men call MADNESS” (*Leviathan* 8.16). He goes on to argue that there are two common views of madness – one, that it derives from the passions, and two, that it derives from spirits, good or bad. Hobbes rejects the argument of

For Hobbes the gap between the governor and his charge is bridgeable through the use of reason. By reasoning, the governor can determine the interests of another – in this case his charge – and, therefore, know the appropriate type of representation to authorize. For Hobbes, reason perfectly used prevents the governor from projecting any false interests on his charge. Indeed, reason provides limits in the governor’s construction of those interests. It must conform to natural law and, therefore, cannot deny the represented person’s right to his “life and the liberty of his body.”⁷³ But absent the perfect use of reason, the interests the governor constructs as those of his charge will fail to align completely with his charge’s actual interests.

The case is complicated because the represented person is not in a place to articulate his or its actual interests, hence the need for a governor, and the difficulty of specifically articulating any given gap between the governor’s construction of the charge’s interests and what might be the charge’s actual interests. But this uncertainty affirms that the governor and his charge cannot be treated as one, so it is necessary to recognize the distinction between the author and the represented person. To treat them as if they were one person obscures the conditions that necessitate the particular representative situation engendered by governorship. It hides the potential problems that can arise when the author constructs the represented person’s interests. And though the author maintains ‘responsibility’, it is a responsibility without any practical

madness from spirits, and for good measure, adds the *absurdity* (a nonsensical string of words) of “schoolmen” to the forms madness can take (8.23-27). See Runciman (2000); Malcolm (2002), 227; and Pye (1984), 92-93.

⁷³ On Hobbes and natural law, see Bobbio (1993) and Runciman (1997), 38-43. Also, see Strauss (1965) who argues that it is Hobbes’s connection to natural law that puts him within the liberal tradition.

accountability since the represented person lacks the means to call the representation to account.

The construction of the representative situation in cases of governorship renders the represented person passive and without voice because he or it only gains status as a *person* through the act of representation.⁷⁴ Putting aside the governorship of inanimate objects for the moment, I want to focus on cases of the governorship of human beings whose status as a ‘person’ depends on representation because they lack a full capacity to reason. It is in these cases that the peculiar silence of the represented appears as most clearly problematic. This peculiar silence is an artifact of the mechanics of the representative relationship. The governed human being is only treated as a *person* once he has been represented. If he – or even a person external to the representative relationship – were to question the legitimacy of his representation, it would have the consequence of taking his standing as a *person* and, therefore, his capacity to act and make claims in society. As it turns out, the *voice* of the represented person is constituted by the representation and does not exist outside of it.

§2.4 The Mediating Quality and Constitutive Capacity of Representation

The case of governorship reveals two important aspects of Hobbes’s theory of representation that are often overlooked because they are obscured in the standard two-person representative situation. For Hobbes, representation as the product of human artifice is always an act of *mediation* and inherently *constitutive*. I consider these two

⁷⁴ Manin (1997) notes this paradoxical position in which representation *replaces* the voice of the represented with that of the representative, in essence silencing the represented by giving them a (new) voice (p174).

aspects of representation in turn. The mediating quality of representation is evident in Hobbes's reliance on the theatrical analogy. That theatre is a form of media is a commonplace observation. The mediating character of theatre is not problematic to the extent that what is represented – that is, what is made present through the mediation – is a fiction.⁷⁵ In other words, what is performed does not have an existence independent of its performance. In important ways, Prospero, the 'person', exists only through his representation in theatrical performances of *The Tempest*.⁷⁶ There is no comparison between the *actual* Prospero and the representative performance of Prospero.

The situation is different for nontheatrical forms of representation. The represented person maintains an existence independent of the representation. In fact, the independent existence of the represented person creates the need for authorization because as noted, Hobbes holds that human relations require consent. As such, in most cases the represented person tends to be represented in some particular and limited capacity. For example, a person might hire a lawyer to represent him in only one particular legal matter. The result is that a represented person is typically only engaged in partial mediations. Therefore, while under certain conditions and instances the represented person appears only by virtue of his representative, many instances in that person's life remain unmediated. Such is the case because the represented person exists as a *person* independent of the representation. The point here is not about the quality of the representative mediations or their appropriate uses; it is only to recognize that in

⁷⁵ As will be discussed in the next chapter, Rousseau's critique of mediation in theatre is not about the performance itself but about its effect on the audience.

⁷⁶ In a certain way, the existence of the written play complicates this matter as it provides a consistent expression of Prospero to which every theatrical representation must refer.

connecting representation to theatre, it necessarily mediates, but unlike theatre, that mediation is not always total. In cases of two-person representation, there remains a check on the mediation produced by the representation because the represented person is able to act for himself free of mediation and, therefore, his mediated appearances through representation remain rooted in his consent, and presumably, in his capacity to dissolve the representative mediation and once again act for himself.⁷⁷

The situation is different still for representative situations that involve three persons, such as cases of governorship. When the represented person is only a *person* by virtue of being represented, then the mediation of the representation is *total*. While technically, the represented person does exist independent of the representation, that existence is not that of a ‘person.’ As mentioned above this renders the represented person with no voice from which to challenge the quality of his representation. But a more significant consequence is that the entirety of the represented person’s existence is mediated. He lacks the capacity to make claims outside of the mediation and finds himself in the peculiar position of being a spectator to the actions attributed to him – he is the passive audience to his own representation. From one perspective, cases of total mediation are exceptional within Hobbes’s theory of representation. But importantly, one of these exceptional cases is *political representation*. Thus, Hobbes’s account of the commonwealth is a variation on the three-person representative situation that results in the total mediation of the subjects. I take up this exceptional case below (§3.1).

⁷⁷ Although, as discussed below, in the case of the commonwealth, the authors must lay down their right to dissolve the representation, except in cases where the representation threatens the one right an individual cannot lay down – the right to self-preservation.

Before that, I turn to the second aspect of Hobbesian representation – it is *constitutive*. Following Hobbes's use of the theatrical analogy, it makes sense to think of representation as constitutive. In theatre, the performance produces the representation; it creates something where there was nothing. For Hobbes, all cases of representation have a similar constitutive capacity. In the standard two-person representative situation, the constitutive element is obscured because the constitutive product – the representation – is practically integrated with an actual person, who is both the represented and the author of the representation. I focus here on two clearer examples of the constitutive capacity of representation. First, in three-person representative situations there is a marked difference between the constitutive product of the representation and the human beings or things that are represented. And second, the constitutive capacity of representation is even more evident in Hobbes's consideration of corporations or, as Hobbes refers to them, *regular systems*. In these cases, the collective authoring constitutes a new entity that represents the many authors as a single 'person.'

When considering cases of three-person representation above, the emphasis was on the paradoxical position of the represented person whose existence *as a person* was totally dependent and mediated through the representation. To recognize the constitutive element of the representation, we have to shift focus from the human being or thing that is represented to the representational 'person' that is generated. To Hobbes, the need for representation in a case of governorship is that the human being or thing lacks the capacity to reason and, therefore, cannot be counted as a 'person.' Thus, the purpose of representation is to present a non-person as a 'person.' The act of representation, then, is necessarily creative. Through its re-presentation it constructs a 'person' where there was

not one before. Of course, the construction in a case like the governorship of a single human being seems minor in the sense that the act of representation is hardly generating a 'person' *ex nihilo*. Rather, the act of representation serves to fill in a natural human quality – reason – that is, for one reason or another, absent from where it is expected to be present.

There are cases in Hobbes in which the representation constitutes a *new* 'person' where there was not one before. Two examples of this are the governorship of objects and corporations. The situation of representing objects exists between the case of the governorship of human beings and the case of corporations. Like a human being lacking reason, an object lacks the necessary qualities to be considered a 'person', and the act of representation provides those qualities so that the object can be counted as a 'person in law.' Using representation to extend the status of *person* to a human being that lacks reason seems to be an exception to correct a naturally occurring discrepancy between social and biological understandings of human beings as persons. In the case of extending the status of *person* to objects, the logic seems to expand the purposes of representation. It emphasizes the human capacity to constitute *persons* out of anything. But in the case of objects, the thing represented does have an existence independent of the representation. That existence is certainly not rational and it may or may not be sentient, but it is concrete. The situation is different for a corporation.

A corporation has no existence outside of its representation. The corporation is constituted through the act of representation. For Hobbes, the constitution of corporate *persons* is the political form of representation. The constitution of the commonwealth, which will be discussed in greater detail in the next section, is one such political

representation. Here it is necessary to separate Hobbes's theoretical from his political arguments. For Hobbes, the consequence of his theory of representation is that any group of persons who together author a representation can constitute a corporate person.⁷⁸ That in nature, men are free to author a multiplicity of representations inevitably leads to the problem of *factions*. Hobbes provides a political solution for this theoretical and practical problem – the constitution of the commonwealth through an absolutely sovereign representative, thereby subordinating or delegitimizing all rival corporate representations. I first explore the mechanics of constituting corporations through representation and, second, consider the political stakes for Hobbes in dealing with the constitutive capacity of representation.

The representation of a corporation operates similarly to other cases of three-person representative situations in Hobbes except that there are multiple authors and the product of the representation – the represented person – is not the authors taken individually, but all of them united into one *person*. This represented person is distinguishable from each of the authors because it has distinct interests from any individual author.⁷⁹ As mentioned, Hobbes tends to refer to corporations as *regular*

⁷⁸ This is the aspect of Hobbes that Schmitt (2008) finds troubling. It is Hobbes's failure to secure the total state. This connects Hobbes to the tradition of theories of association, such as those of Gierke and Maitland; see Runciman (1997). For Schmitt (1996), liberal theory's foundation on the concept of plural associations explains its incapacity to engage 'the political' (that is, make the friend-enemy distinction).

⁷⁹ Hobbes essentially distinguishes between a person's private interests and the 'public' interest. For Hobbes, one's private interest is not (usually) opposed to the public interest – otherwise one would not consent to join the commonwealth. Yet, the public interest cannot be simply derived from private interests – it is different than any one of them or their aggregation. Rousseau makes a similar point in the *Social Contract* when he explicitly distinguishes the publicly-minded *general will* from the aggregation of private wills in the *will of all*.

systems.⁸⁰ For Hobbes, a *system* is when “any numbers of men joined in one interest, or one business.”⁸¹ Central to the system, then, is that it is a collective endeavor between a number of men linked by a common interest. There are *regular* and *irregular systems*. Regular systems “are those where one man or assembly of men is constituted representative of the whole number.”⁸² In other words, regular systems are representative situations in which the authoring persons are united through the act of representation.

Irregular systems are gatherings of persons that lack a common representative, as in the case of crowds. An irregular system for Hobbes, then, is not political and fails to unite the persons into a single collective or corporate person. As such, in an irregular system, each is to be judged according to his individual intentions for gathering.⁸³ The burden of proof rests on the individual to demonstrate *good* intention. Persons present for no reason are judged to be there out “of unlawful and tumultuous design.”⁸⁴ For Hobbes, many irregular systems are unlawful because the crowd amounts to no more than a mob,

⁸⁰ *Leviathan* 22. Those who have considered the issues of *systems* in Hobbes have tended to use different language: Springborg (1976) and Runciman (1997) use *corporations*; and Bobbio (1993) prefers *partial societies*. Hobbes’s category of *system* is larger than implied by both *corporations* and *partial societies* because crowds count as ‘irregular systems.’ I use Hobbes’s ‘systems’ in general and when speaking of ‘regular systems’ I use *representations* to emphasize the distinguishing feature between types of system and to highlight the extent to which Hobbes sees representation occurring in human activity.

⁸¹ *Leviathan* 22.1

⁸² *Leviathan* 22.1

⁸³ *Leviathan* 22.4 & 29

⁸⁴ *Leviathan* 22.34. Hobbes concludes his discussion of irregular systems with an illustration from the life of St. Paul. When in Ephesus, a crowd gathers to accuse Paul of hurting the silversmith’s trade by preaching that hand-made idols are false gods. The magistrate rebukes the crowd for unlawfully gathering rather than convening a lawful assembly and dismisses the charges against Paul.

or a potential mob. Hobbes gives two examples of good irregular systems – church meetings and ‘public shows’, that is, theatre.⁸⁵

For Hobbes, the distinction between a regular and irregular system is the unity achieved through representation. Hobbes’s definition emphasizes the single representative as the source of this unity, as he does in the case of constituting the commonwealth.⁸⁶ The unity of the representative is essential. In regular systems, the representative mediates between the multiple authors and represented corporate person. That mediation is total because the corporate person exists as a single person because of the unity of the representative. The representative of a regular system then serves two functions. As with all representations, the representative is the acting person in the relationship. But in the case of regular systems, the representative’s unity serves in providing the corporate person with its unity.

Though the representative plays an important role in the character of the constituted corporate person, the constitutive capacity, for Hobbes, rests with the authoring persons. Under circumstances in which the author is an individual person, he both initiates the representation and takes responsibility for it because the action of the representative is attributed to the author. As we saw above, the situation is slightly different in the three-person case where the author initiates the representation and takes responsibility for it, but the action is attributed to a third person – the represented person. This is the situation with a regular system. The one difference is that the authoring persons are actually contained within the constituted represented person. The authors act

⁸⁵ *Leviathan* 22.33

⁸⁶ *Leviathan* 22.1 and, concerning the commonwealth’s unity, 16.13 (see below §3.1)

together selecting a common representative to unite themselves into a single corporate person. The effect is that the individual person is transformed through the representation. To the extent that the individual is an author, he authorizes the representation and takes responsibility for it *as an individual*. But to the extent that he is incorporated into the represented person, the action is attributed to him though not directly.

The constitutive capacity of representation in Hobbes's theory is both the source and the solution to what he sees as a primary political problem – insecurity because of the conflict of factions. For Hobbes, a regular system occurs any time several persons get together with a common interest and unite through a representative. Thus, there are no natural limits to the human capacity to constitute corporate persons through representation. These representations can take any form, “for they are not only distinguished by the several affairs for which they are constituted, wherein there is an unspeakable diversity, but also by the times, place, and numbers, subject to many limitations.”⁸⁷ This ‘unspeakable diversity’ suggests Hobbes's primary problem with these representations – there are no authority structures *between* them. Thus, each representation is a constituted power of its own. The terms of its authoring resolve the conditions of its internal authority structures and limits, but their external relations are matters of powers and counterpowers. In other words, it produces a political world of *factions*.⁸⁸ For Hobbes, the presence of factions without an over-arching power assures insecurity, conflict, and civil war. The purpose of society is to prevent these ends.

⁸⁷ *Leviathan* 22.16

⁸⁸ Locke's account of the use of the right to resist in the *Second Treatise of Government* amounts to a contest between factions for the government. Each faction – the king and the resisters – claims to represent the people. It is a contest between rival representations. In *Federalist* No. 10, Madison reflects on the

Recognizing the ‘unspeakable diversity’ and multiple constituted powers enabled by his theory of representation, Hobbes provides a political solution to the problem by making the constitution of the commonwealth a singular act of representation. In this singular act of representation the common representative selected is given absolute sovereignty, thereby making all rival representations as either subordinate (existing at the liberty of the sovereign representative) or rendering them illegitimate. In the next section, I turn to the central and singular political act of constituting the commonwealth in Hobbes’s political theory.

3

CONSTITUTING AND GOVERNING THE COMMONWEALTH

The generation of the commonwealth stands as the central event in *Leviathan*. It makes it possible for individuals to move from the conditions of the state of nature into society with one another. This movement is tied to the awesome power of the sovereign. The sovereign’s power is bound with the mythical dimensions of the leviathan – the monstrous image of the commonwealth.⁸⁹ Many readers, probably by Hobbes’s own design, fail to make a distinction between the sovereign and the commonwealth and too readily identify the one with the other. In this section, I separate the two threads of logic that come together in founding moment of Hobbes’s account. For Hobbes, there is an issue of representation that leads to the *constitution* of the commonwealth and also

problem of factions, famously determining that they are unpreventable and, therefore, a government ought to attempt to control them by including space within the governance structures for factional contestation.

⁸⁹ Schmitt (2008) treats the mythical and mystical aspects associated with the history and imagery of the *leviathan* in great detail. For a good explanation of Schmitt on Hobbes and myth, see Strong (2008).

requires a representative to mediate that constitution. The nature and power of the representative is a separate consideration for Hobbes. It relates to the governability of the newly constituted commonwealth. Thus, he makes an institutional decision, granting the representative the absolute sovereignty Hobbes feels is required for maintaining peace and security. In other words, representation and sovereignty operate independently of one another in Hobbes. Representation enables the constitution of the commonwealth, and sovereignty relates to the efficacy and duration of governing.

§3.1 Constituting the Commonwealth Through Representation

Hobbes gives an account of the generation of the commonwealth in several different places, each with slightly different language, but each relates the same elements of the event.⁹⁰ In order to constitute the commonwealth, each person in a state of nature covenants with *each and every* other person intent on joining the society in order to give one “man or assembly of men...the *right to present* the person of them all (that is to say, to be their *representative*).”⁹¹ For Hobbes, the mutual covenanting alone is not sufficient to generate the commonwealth because the authors are a multitude, a multiplicity of wills, and the commonwealth is more than the sum of the consent of each authoring

⁹⁰ *Leviathan* 16.13-14, 17.13, and 18.1. Compare to the similar account of the establishment of the commonwealth in *De Cive* (5.7), which lacks the language of representation. Importantly, for Hobbes, a commonwealth can exist either by *institution* or by *acquisition*. The latter is the result of conquest; the former is constituted by consent (*Leviathan* 17.15).

⁹¹ *Leviathan* 17.13. Hobbes does not use the word *person* but refers to “one man, or one assembly of men” and the purpose is to have a united will, which is to say the representative ought to be *one person*. Again, compare to *De Cive* (5.7): Each contracts “to every one of the rest, not to resist the will of that one man or council...that is, that he refuse him not the use of his wealth and strength against any others whatsoever.”

person; the commonwealth is “a real unity of them all.”⁹² The authors’ conferral of power upon the ‘one man or assembly of men’ achieves the ‘real unity’. For Hobbes, this conferral grants the representative person the absolute right to govern, as the authors lay down their right to self-government.⁹³ Thus, the unity of the commonwealth derives from the unity of the representative, whom the covenanting people authorize to represent them as a new *common person*.⁹⁴ Hobbes continues, “This done, the multitude so united in one person is called a COMMONWEALTH, in Latin CIVITAS. This is the generation of that great LEVIATHAN, or rather (to speak more reverently) of that *Mortal God* to which we owe, under the *Immortal God*, our peace and defence.”⁹⁵

Restating the above in terms of *persons* in the representative situation, the constitution of the commonwealth can be understood in the following way. It is a three-person representative relationship. The covenanting individuals serve as the authoring persons. Their covenant is to each commission the same representative. This common representative is the one who acts in the name of a third person. This third person being represented is the new common person – the multitude of authoring persons united – and

⁹² *Leviathan* 17.13, see also 16.13

⁹³ *Leviathan* 17.13. For Hobbes, one does not renounce rights, but simply lays them down – that is, one chooses not to hinder another from exercising that right. “To *lay down* a man’s *right* to anything is to *divest* himself of the *liberty* of hindering another of the benefit of his own right to the same. For he that renounceth or passeth away his right giveth not to any other man a right which he had not before. . . , but only standeth out of his way, that he may enjoy his own original right without hindrance from him, not without hindrance from another” (*Leviathan* 14.6). For Hobbes, since right signifies a liberty to act, one cannot transfer them.

⁹⁴ *Leviathan* 16.13

⁹⁵ *Leviathan* 17.13

it is called the *commonwealth*, *civitas*, and *leviathan*. Thus, the representative person is the government and the new common person is the commonwealth.

There are two separate agreements that occur within the constitution of the commonwealth. Here, we will refer to them as the constitutive agreement and the institutional agreement. The constitutive agreement is grounded in the covenanting between the authoring persons to act together and enable a common representative so that they can be incorporated.⁹⁶ The institutional agreement gives the commonwealth its particular political form, which is the product of the particular nature of the commission between each author and the representative.⁹⁷ It is from this commission that the representative receives his absolute sovereignty, the capacity to act nearly without limits.

While these two agreements occur simultaneously, they are distinct and serve two different purposes. The covenanting in the constitutive agreement is to *create* the commonwealth, and the commission in the institutional agreement establishes the character of the governing relationship. They are often considered together because, as Hobbes claims, “covenants without the sword are but words, and of no strength to secure a man at all.”⁹⁸ In other words, the covenant between the authoring persons would never go into effect if the commission that granted governing force to the representative did not accompany it. Yet, to treat them together is to conflate creation with duration. The creative aspect of this is found in the ‘words’ of the covenanting. The sovereign power,

⁹⁶ That Hobbes speaks here of *covenants* and not *contracts* is important. A covenant is a contract with a time component. It is not immediate and requires a form of trust. See Allen (2004), 64; Runciman (1997), 12; and Hood (1964), 97-98.

⁹⁷ *Leviathan* 18.2. Hobbes characterizes this second agreement as “a commission to act” that sets up the limits of the representative’s liberty to act (*Leviathan* 16.14).

⁹⁸ *Leviathan* 17.2

the ‘sword’, may be necessary for the duration of the commonwealth – that is, it sustains its existence – but it does not create it.

The constitution of the commonwealth is grounded in the covenant between the authoring persons and enacted through representation. The three ‘persons’ involved in representing the commonwealth have been discussed above in general terms; I elaborate on the mechanics of this representative situation here. The constitutive element in representing the commonwealth involves the transformation of the separate individuals who author the representation into the members of the constituted common ‘person’ – the commonwealth. For Hobbes, the transformation that occurs is that a *multitude* becomes a single entity – we would tend to say, they become a *people*, but Hobbes rarely uses that term, and favors the *commonwealth* to describe the unity.⁹⁹ The authoring persons begin as a multitude of individuals, meaning that they have a plurality of wills.¹⁰⁰ This plurality of wills, centered in the desires of the particular individuals, prevents them from acting as one. For Hobbes, they can only achieve a ‘real unity’ by passing through an existent, concrete unity, reducing their plural wills into one. This is achieved by establishing a single representative to act for all of them. But because of their starting condition as multitude, the authoring individuals do not directly appoint a representative to represent them collectively since, for Hobbes, the point is that the multitude is incapable of acting together as a unity. Instead, the representative is established as the collective

⁹⁹ As noted above, Skinner (2005) attributes Hobbes’s avoidance of the term ‘the people’ to his opposition to the Parliamentarians. Hobbes explicitly rejects the use of ‘the people’ in *The Elements of Law* (II.II.2) because it suggests a unity among the subjects that does not exist.

¹⁰⁰ *Leviathan* 16.13: “A multitude is naturally not *one*, but *many*.”

representative indirectly. It is more like an emergent act.¹⁰¹ The product – a collective representative – is a qualitatively different effect than the many independent and smaller acts that produce it. The selection of the collective representative is not a purely emergent act because there is intentionality – the smaller acts are meant to produce the greater effect. For Hobbes, the intentionality is evident in the *covenant* between the authoring persons. In the covenant, each author covenants with each and every person to authorize personally the same representative, on the condition that every other authoring person does the same.¹⁰² Notably, the covenanting occurs between individuals as does the authorizing of the representative. The covenant must be between *each and every* and not *each to all* since it occurs under the conditions of a multitude and its aim is to bring into existence the ‘all.’ Again, as in the state of nature, an individual can only act for himself, he can only authorize another to act for himself. For Hobbes, if each author authorizes the same representative, that representative becomes more than the aggregate representative of the sum of the particular authors; he represents them collectively. For Hobbes, the result is that as far as the individuals are authors of the representation, they bear individual responsibility for the actions of the representative, but the representative acts as their collective representative, charged with representing “their peace and common defense.”¹⁰³

¹⁰¹ *Emergence* is the phenomenon when more complex behavior or structures develop spontaneously out of the independent forces of smaller units; see Ball (2004). Indeed, the scientific aspect of Hobbes’s thought is oft-noted, particularly Hobbes’s attempt at a ‘physics of society,’ describing society as a sum of forces. For a recent treatment of Hobbes and science, see Shapin & Schaffer (1985). On the relation between Hobbes’s conceptions of science, truth, and politics, see T. Miller (1999).

¹⁰² *Leviathan* 17.13

¹⁰³ *Leviathan* 17.13

Through the covenant, Hobbes maintains both the individuality of the authors and the collective character of the constituted represented person – the commonwealth. This allows Hobbes to place responsibility for the actions attributed to the commonwealth on the authors *as individuals*, while rendering them spectators to their collective representation. To this extent, the representation of the commonwealth resembles the case of governorship. The authoring persons cannot be considered the same as the represented person, despite the fact that in the case of the commonwealth, they are also members of the represented person.

It is necessary to recognize the dual existence of the authors as individuals and as incorporated members of the commonwealth because Hobbes invokes the contrast between the individual responsibility and the common representation to resolve one of the more vexing issues for a political theory based in the consent of individuals – the issue of resistance. Hobbes seems to take a paradoxical position. Hobbes claims one cannot resist the representative because one is the author of all his actions, and so opposition to the representative would be opposition to one's own will, which is nonsensical for Hobbes.¹⁰⁴ And yet, at the same time, if the representative threatens one's life, then one has a right to resist, since no person can part from his right to self-preservation.¹⁰⁵ Thus, one cannot resist, and yet, at times, one must resist. This paradox dissolves when taking into account the difference between the individual as a human being capable of authorizing a representative and as, by virtue of being an author, maintaining responsibility for the representative's actions in the name of the

¹⁰⁴ *Leviathan* 18.3

¹⁰⁵ See for example, *Leviathan* 21.11-17

commonwealth of which the author is also a member. If the representative were simply the representative of the individual person, then he could not order that person's death because the individual could not have authorized a representation that is tantamount to absolute dominion. Thus, a representative can never will against the represented person's self-preservation.¹⁰⁶ The reason that this conflict can arise is that the representative does not represent the individuals but the common person, and thus, he is charged with acting for the self-preservation of the commonwealth. As such, there are moments in which a particular authoring individual is determined to be a threat to the commonwealth. In that instance, the representative must act for the self-preservation of his charge, the commonwealth, and eliminate the threat. This leaves the individual who is both author and threat in a curious position. To the extent that he is a human being, he is obligated to resist in order to preserve his own life. This is the reason that for Hobbes resistance is always individual and never legitimately collective.¹⁰⁷ But as the author of the representation, he assumes responsibility for the actions that result in his outlaw status. For Hobbes, such conflicts of interest are rare. But when they do occur, Hobbes allows for the individual's right to self-preservation to take priority to his responsibility as author of the commonwealth. Hobbes further suggests that rooted in the individual act of authorizing the representative, at the moment, the representative comes for one's life, he is no longer one's representative. The bond is dissolved.¹⁰⁸

¹⁰⁶ *Leviathan* 20.10

¹⁰⁷ *Leviathan* 21.17: "To resist the sword of the commonwealth in defence of another man, guilty or innocent, no man hath liberty, because such liberty takes away from the sovereign the means of protecting us, and is therefore destructive of the very essence of government."

¹⁰⁸ *Leviathan* 23.14. Hobbes refers to the right to self-preservation as 'natural liberty' in this passage.

The difference between the individual person as author and as member of commonwealth emphasizes that a transformation occurs, beginning in the covenant between the authoring persons. The commonwealth, as with all regular systems, is constituted through the act of representation. The specific aspect of representation that enables the constitution of a new represented person is the reduction of the multitude of wills among the authors into the one will of the representative.¹⁰⁹ This does not mean that the representative needs to be literally one person; it only needs to act as one person, such as in the case of assemblies.¹¹⁰ Thus, in collecting the multitude of wills in a single representative, it becomes possible to consider the multitude as a common person. This is a constitutive act held together by the unity of the representative.¹¹¹

Thus, unlike in the case of governorship in which the represented person has a concrete existence that is supplemented and constructed through representation, the commonwealth lacks a concrete existence. Its constitution is an emergent act dependent upon the unity embodied in its representation, since it has no natural qualities of its own. As with governorship, the constitutive aspect of the representative situation requires the representation to be a total mediation. In other words, the authoring persons are the

¹⁰⁹ *Leviathan* 16.13, “it is the *unity* of the representer, not the *unity* of the represented that maketh the person *one*.” Interestingly, the other instance in which Hobbes uses representation to solve a vexing problem concerns the Trinity. In that case, representation allows Hobbes to explain why God, who is one substance, could have multiple ‘persons.’ Hobbes argues that it is because God has had three representations through Moses (The Father), Jesus (The Son), and the apostolic church (The Holy Spirit). See *Leviathan* 16.2, 41.9, 42.3, and for Hobbes’s retraction prompted by accusations of heresy see the Appendix that appeared in the 1688 Latin edition. For more on the Trinity in Hobbes, see Martinich (1992); Springborg (1976); and Strong (1993). On Hobbes and the accusation of heresy against him, see Springborg (1996).

¹¹⁰ *Leviathan* 17.13

¹¹¹ *Leviathan* 17.13

passive spectators to the representation once initiating it, maintaining only responsibility for the representative's actions. Adding to that, as members of the commonwealth, those persons are spectators to their common representation. Thus, the individual in Hobbes finds himself in the peculiar position of being a double spectator, who assumes responsibility for actions he does not take in the name of a represented person that he both is and is not. Hobbes assures the total passivity of the members of the commonwealth by making the commission to the representative (nearly) absolute. It is from the particular form the representation takes that sovereignty derives. Sovereignty concerns not the constitution of the commonwealth but its duration and the method of its governance. This raises questions of both institutional form and legitimacy.

§3.2 The Government of the Sovereign: Constraining Representation

Hobbes contrasts the societies of social animals, such as bees, with the society of humans. He argues that while “the agreement of these creatures is natural; that of men is by covenant only, which is artificial; and therefore, it is no wonder if there be somewhat else required (besides covenant) to make their agreement constant and lasting, which is a common power to keep them in awe, and to direct their actions to the common benefit.”¹¹² In this reflection, Hobbes touches on many of the themes already discussed. Agreement between human beings is artificial and not natural. It takes the form of a covenant and is at risk of lacking permanence alone. As such, it requires a ‘common power to keep them in awe’ in order to ensure that the agreement is ‘constant and

¹¹² *Leviathan* 17.12

lasting.’ This general principle holds to some extent for all human agreements, but its most important application is to the commonwealth. For Hobbes the *duration* of the commonwealth depends on the empowering of an actor to enforce the terms of the covenant. He locates the source of the empowerment in the *commission* of the representative given by each author. The commissions grant the representative sovereign power, giving the commonwealth’s governance its form and enabling the representative to provide for its common peace and defense.

The commission that grants sovereignty to the representative serves to resolve three issues left unresolved by the constitutive act of representation. First, it gives the governance of the commonwealth an institutional form. Second, it explains the internal legitimacy of the sovereign representative and the impossibility of resistance *as a subject*, and its limited expression *as an individual*. And third, the commission resolves the question of external legitimacy, providing a rationale for the illegitimacy or subordination of rival representations, or regular systems. I take each in order.

First, the institutional form of the commonwealth’s governance. In discussing the constitution of the commonwealth through the act of representation in the previous sections, I noted that, like cases of governorship, the representation is a total mediation in the sense that those who are being represented serve as mere spectators to their representation, lacking any channels to voice affirmation or dissent to the actions being attributed to them as the represented. The peculiarity in the case of the commonwealth is that those who are represented are the same actual persons who author the representation, yet they lack any capacity to control or choose to exit the representation done in their collective name and for which they each are responsible. This occurs because of the

transformation they undergo through representation. They go from being a multitude of individuals (their condition as authors) to being subjects, members of the commonwealth (their condition as part of the represented person). This transformation is enabled by the unity of the representative. His mediation produces a total separation between the two roles of the individuals who are both authors and subjects.

This makes the representative central to the constitution of the commonwealth, but it does not require anything of the representative other than its unity of will. Hobbes's argument is that the duration of the commonwealth requires the representative have absolute sovereignty, total liberty to act. Thus, for Hobbes, the commission between the authoring individuals and the representative determines the scope and character of the representative's powers. The covenant that leads to the constitution of any regular system including the commonwealth is an agreement between each and every individual to commission the same representative in order to be united into a new common person. The commission required for a successful commonwealth must be absolute because the commonwealth, and thus the one acting in its name, must be the dominant representation.

Hobbes collapses into one absolute moment, the constitution of the commonwealth and its form of governance.¹¹³ Hobbes words the covenant between the authors to include the terms of the commission of the representative as follows: it is "as if every man should say to every man, *I authorize and give up my right of governing myself to this man, or to this assembly of men, on this condition, that thou give up thy right to*

¹¹³ For Locke, there is a clear temporal distinction: the society is convened by covenant and *then* the government – that is, the representative – is instituted (*Second Treatise* §211).

him, and authorize all his actions in like manner.”¹¹⁴ The result, conditional on the individuals keeping their covenant amongst each other, is that the representative exercises sovereign power. Hobbes defines the *sovereign* as the person in whom “consisteth the essence of the commonwealth, which (to define it) is *one person, of whose acts a great multitude, by mutual covenants with one another, have made themselves every one the author, to the end he may use the strength and means of them all, as he shall think expedient, for their peace and common defence.*”¹¹⁵ In other words, the sovereign has the absolute liberty to act for the continuing peace and security of the commonwealth. Thus, for Hobbes, sovereignty is absolute both spatially and temporally. For Hobbes, the absolute liberty to act is conceived in spatial terms. Liberty is the absence of obstacles to one’s actions.¹¹⁶ The sovereign has absolute liberty because there are no constraints on his right to act. Sovereignty is also temporally absolute because it is irrevocable and concerns the duration of the commonwealth.¹¹⁷ Thus, for Hobbes, what makes the commonwealth different from other regular systems is that the commission granted to the representative takes the institutional form of absolute sovereignty.

The conditions of sovereignty raise the second issue with the governance of the commonwealth – the right to resist. The stakes of resistance differ depending on how one conceives of the relationship between the commonwealth and its governance. For Locke,

¹¹⁴ *Leviathan* 17.13

¹¹⁵ *Leviathan* 17.13

¹¹⁶ *Leviathan* 21.1: “LIBERTY or FREEDOM, signifieth (properly) the absence of opposition (by opposition, I mean external impediments of motion)”. On the evolution of Hobbes’s concept of liberty, see Skinner (2008).

¹¹⁷ See Skinner (2002a) and Bobbio (1993).

a right to resist is necessary because the ‘society’ (or commonwealth) exists prior to the government that represents it. Thus, the commonwealth has an existence independent of its government and can act to dissolve that relationship when trust is broken.¹¹⁸ For Hobbes, the separation between the commonwealth and the government is impossible. The existence of the commonwealth depends upon the unity of the representative and its duration on its sovereign power. To Hobbes, then, resistance against the sovereign representative necessarily aims to dissolve not just the institutions of governance but the commonwealth itself.¹¹⁹ The absolute liberty to act – that is, to govern – granted to the sovereign representative by virtue of the commission leaves each person both as an authoring person and as a subject of the commonwealth with no liberty to act except for that granted by the liberty of the sovereign. For Hobbes, the subject of the commonwealth has commissioned away his natural right to liberty, and so all of his liberty comes from either the explicit allowance of the sovereign or the assumed allowance based upon the ‘silence of the law.’¹²⁰ This leaves the individual only minimal space for individual resistance when the sovereign threatens his life and no place for collective resistance. As noted above, the sovereign has the right to take the individual’s life to the extent that he is a subject of the commonwealth, or to the extent that any threat to the commonwealth is no longer a member of it. And likewise, the individual’s resistance is based on the fact that humans are unable to will their *absolute* domination and must maintain their right to self-preservation. Collective resistance is impossible to Hobbes for two related reasons.

¹¹⁸ Locke, *Second Treatise of Government* §221. On Locke and trust, see Dunn (1984 and 1990).

¹¹⁹ *Leviathan* 21.11-17

¹²⁰ *Leviathan* 21.18

First, each person is the author of the actions of the sovereign representative and one cannot reasonably oppose one's own will.¹²¹ Second, collective resistance takes the form of a rival representation that is set against the sovereign and, therefore, necessarily against the commonwealth. Thus, it is not resistance *within* a commonwealth, but *between* rival representations.

For Hobbes, then, there is technically no issue of internal legitimacy, but the constant 'external' challenges to legitimacy remain. The presence of rival representation is unavoidable for Hobbes since whenever persons get together and seek through representation to act as one, a new 'common person' is constituted. Thus, the capacity that allows for the constitution of the commonwealth also threatens it with the instability of competition.¹²² Hobbes attempts to resolve this problem by making the commission of the representative of the commonwealth absolutely sovereign. The sovereign representative is both in principle and practice equipped to either delegitimize or subordinate rival representations. In principle, the authoring persons lay down all of their rights to self-governance in order not to hinder the sovereign representative's absolute liberty to act. Then, once incorporated as subjects into the commonwealth, those individuals are bound by their commitment and, more importantly, practically enforced by the awesome power of the sovereign not to exercise their rights to self-governance. Thus, rival representations are illegitimate in that they violate the covenant and commission that constitutes the commonwealth and gives it form. To the extent that

¹²¹ *Leviathan* 18.3

¹²² See Runciman (1997).

subjects have the liberty to incorporate and form new representations, they are granted at the liberty of the sovereign and are, therefore, subordinate.

It is essential for Hobbes to render all other representations as either illegitimate or subordinate to the commonwealth because their mere existence threatens the conditions of sovereignty he holds necessary to the peace and common defense of the commonwealth. In practice, each representation is a constituted power and, thus, a rival to the power of the sovereign representative.¹²³ But the challenge is also existential in the sense that by virtue of existing, the rival representation presents an *alternative* to the claimed absolute of the sovereign representative and the commonwealth. The existence of alternative representations questions the legitimacy of the commonwealth and the sacrifice that Hobbes claims is necessary to its survival – the institution of sovereignty.

As discussed above (§2.4), Hobbes recognizes the commonwealth as part of a general classification of *systems*. These systems occur when “any numbers of men joined in one interest, or one business.”¹²⁴ The primary distinction is between those that are *regular* and *irregular*. Regular systems are representations since they are united through representation – such as in the cases of corporations and the commonwealth.¹²⁵ Irregular systems remain composed of a multitude of individuals – such as in the case of crowds and mobs.¹²⁶ Hobbes further classifies systems based on their relationship to the

¹²³ *Leviathan* Chapter 29 considers the many ‘imperfect institutions’ that tend to the dissolution of the commonwealth. As per this discussion, the most relevant threat to the commonwealth is a “great number of corporations, which are as it were many lesser commonwealths in the bowels of a greater, like worms in the entrails of a natural man” (29.21).

¹²⁴ *Leviathan* 22.1

¹²⁵ *Leviathan* 22.1

¹²⁶ *Leviathan* 22.4 & 22.29

sovereign power. Thus, a system can also be *independent* or *subject*, *public* or *private*, and *lawful* or *unlawful*. From these distinctions, which apply primarily to regular systems since irregular systems only appear to by systematic, Hobbes argues by means of classification that all potentially rival systems to the commonwealth are either illegitimate or subordinate.

The most general division, then, is whether or not the representation is *independent* or *subject* to another power. As Hobbes puts it, there are regular systems that are “*absolute and independent*, subject to none but their own representative” and those that are “dependent, that is to say, subordinate to some sovereign power to which every one, as also their representative, is *subject*.”¹²⁷ For Hobbes, the only instance of an independent regular system is the commonwealth; all other representations are subject to the sovereign. The other distinctions relate to the relationship between the particular system and the sovereign, independent system.

Public regular systems, which Hobbes calls ‘bodies politic,’ are explicitly allowed by the sovereign. *Private* ones originate in the liberty of the subjects, which the sovereign leaves to them through his silence.¹²⁸ The primary example of private regular systems is the family, which is made one through the representation of the father or master.¹²⁹ Though families are typically lawful, they are not necessarily so. The distinction between *lawful* and *unlawful* regular systems relates to whether or not the representation is in

¹²⁷ *Leviathan* 22.2

¹²⁸ *Leviathan* 22.3. As related to individual subjects, see 21.18.

¹²⁹ *Leviathan* 22.26

accordance with the sovereign's will, as determined by the laws and writs.¹³⁰ Thus, a family might become an unlawful system when it maintains a household larger than necessary and begins to furnish itself with a private force. At which point, it becomes a faction and, by definition, a threat to the ends of the commonwealth and, therefore, unlawful.¹³¹

The variety of public regular systems – public representations, or bodies politic – according to Hobbes, “is almost infinite, for they are not only distinguished by the several affairs for which they are constituted, wherein there is an unspeakable diversity, but also by the times, place, and numbers, subject to many limitations.”¹³² Public representations require the explicit allowance of the sovereign because they concern the governance of the commonwealth's affairs, which belongs solely to the sovereign. The sovereign may grant certain public representations the right to exist, as in the cases of subordinate levels of government, such as that of provinces or towns that may pass laws within the boundaries set by the sovereign, and bodies designed to organize trade.¹³³ Public representations become unlawful when they rival the sovereign representative. The sovereignty of the representative is the essence of the commonwealth, and so if the sovereignty is challenged, the commonwealth is endangered because it takes “the sword out of the hand of the sovereign.”¹³⁴ Given this understanding of unlawful public

¹³⁰ *Leviathan* 22.4-5

¹³¹ *Leviathan* 22.27. Other private, unlawful systems include corporations of beggars and thieves.

¹³² *Leviathan* 22.16

¹³³ *Leviathan* 22.16-19

¹³⁴ *Leviathan* 22.32. This paragraph does not appear in the 1688 Latin version.

representations, Hobbes includes the following examples: “factions for government of religion (as for Papists, Protestants, &c.) or of state (as patricians and plebeians of old time in *Rome*, and of aristocratics and democratics of old time in *Greece*).”¹³⁵ These rival public representations are unlawful because practically they form counterpowers to the sovereign. But more importantly, their existence denies the absolute character of both the sovereign representative and the commonwealth. That is, they present alternative public concentrations of power with which people might identify *before* or *against* the commonwealth. Thus, if recognized, a faction threatens sovereignty and, if successful, it leads to the dissolution of the current commonwealth, constituting a new ‘common person’ in its place.¹³⁶

The tension in Hobbes’s political philosophy is that he combines a democratic popular foundation for the commonwealth with the political institutions of absolute sovereignty.¹³⁷ Representation allows Hobbes to combine these two seemingly conflicting commitments. To Hobbes, representation’s mediating character allows the founding moment of covenanting individuals to constitute their collective representation and then render them spectators to their own representation. The particular form Hobbes

¹³⁵ *Leviathan* 22.32

¹³⁶ While the variation between the different versions of the frontispiece to the 1651 edition of *Leviathan* have been noted before, it does not seem to have been explained why the image changes the faces from staring outwards in the body of the sovereign representative to many bodies with their backs turned to the reader. One possibility (to my knowledge not yet suggested) is that the backs of the subjects are turned to echo Hobbes’s conclusion: “And though in the revolution of states there can be no very good constellation for truths of this nature to be born under (as having an angry aspect from the dissolvers of an old government, and seeing but the backs of them that erect a new).” (Review and Conclusion, ¶17).

¹³⁷ For a recent reflection on this apparent paradox, see Baumgold (2008 and 2009). For a critical response, see Springborg (2008). On the question of Hobbes’s democratic character, see the exchange between Tuck (2006) and Hoekstra (2006).

has the commonwealth take through the commission reinforces the passivity of the authoring persons. The commission is a total laying down of one's right to self-governance, leaving the representative sovereign. The result is that the commonwealth depends totally on the representative. The commonwealth's existence as something more than a crowd or multitude of persons depends on the representative's unity of will. As sovereign, the representative's liberty to act is absolute. The sovereign representative then, as a representative is the only one who can act for the constituted person of the commonwealth, and as sovereign, he or it has the capacity to act as is necessary that the commonwealth endures.

4

CONCLUSION

Hobbes's political philosophy depends on a theatrical analogy that argues that political representation is essentially the same as theatrical representation. As such, all forms of representation are mediations that aim to re-present something that is not actually present. In theatre, the result is that the audience passively witnesses the presentation of a performance. What is re-presented to the audience is a play, a story, a fictional reality. Hobbes is silent on the fact that the stakes are higher in the case of political representation. The subjects of the commonwealth find themselves to be the audience to their own representation. The authoring persons are re-presented to themselves as a 'common person' – a commonwealth. This experience is totally mediated through the person of the representative, leaving the subjects spectators to the actions

attributed to them and for which they, as the authors of the representation, are also responsible.

For Hobbes, the generation of the commonwealth through representation is a reminder of the instability of human association. The artificiality of human creation signals both its fragility and its uncertain place in a world in which creation (and destruction) are ongoing. As such, Hobbes believes that the only viable form of political institution is that based on absolute sovereignty. It is the best chance, though from being certain, to control the flux of the world, natural and artificial. Hobbes's legacy as a political thinker is bound up with the image of the absolute sovereign, himself the embodiment of the commonwealth. As such, many explicitly reject several of Hobbes's assumptions and conclusions. Indeed, Locke replaces Hobbes's state of nature with one of general peace and justice. As a result, Locke's persons leave the state of nature because of 'inconveniences', not the radical threat to life and well being one faces in Hobbes's state of nature. Thus, Locke's political institutions are in one sense less absolute. He maintains the subjects' right to resist *within* the commonwealth. What Locke and the tradition of representative democracy that follows him do not change is the basic theatrical structure of Hobbes's representative situation. The government considered as a unit remains the singular representative of the commonwealth, the mediation between the people and their expression as a collective entity.

Hobbes's theory of representation establishes the government as the total mediation between the subjects of the commonwealth and their expression as a 'real unity', as the commonwealth. The institutional structures of representative democracy incorporated this aspect of Hobbes's political representation, often without remark. The

result is that in representative democracies, one can speak of being represented on two distinct levels. One elects a representative to the legislature. Thus, one is represented in the legislative debate and decision-making. This sense of representation is nested within a larger field of representation. One might call this larger field the existential field. It concerns the actions attributed to the state or the people as a single entity. It is in this existential field that the Hobbesian assertion has been incorporated into representative democracy. The government considered as a single actor – acting upon the decisions emerging from the debate within the legislature – is treated as the only legitimate representative of the state.¹³⁸

There are two major consequences accepting this Hobbes's existential claim. The first is that it readily lends itself to the 'Westphalian' paradigm of international relations structured around the interactions of sovereign nation-states. It is this existential assumption that the discourses of post-sovereignty are attempting to deconstruct by conceptually disentangling the *necessary* identification of a government with the state or the people. The second consequence of accepting the government as the sole collective representative is that discussions about the practices of representation tend to speak of representation as only expressed *through* and contained *within* the institutional structures of government. As such, politics occurs domestically within the government and externally politics is only enacted by the government. The government serves to totally mediate the subjects' political experience and ends up leaving them spectators to their own representation.

¹³⁸ This claim is commonplace in the sphere of international relations, which is often structured around the interactions of sovereign nation-states.

In order to rethink representation to fit the situation of global politics, we must recast representation as independent of sovereignty and disentangle it from the mediating aspects of the theatrical analogy. It is evident within Hobbes's thought that sovereignty is not a necessary component of representation; it is a political choice Hobbes makes contingent to the particular political situation in which he lived. There are, however, no resources within Hobbes's thought to challenge the mediating character of representation. In the next chapter, I take up the challenge of disentangling political representation from the mediating aspects of theatrical representation. I begin with Rousseau's attempt to make the spectator active in both theatre and politics. Following on Rousseau's insights, I develop a relational theory of representation that aims to mitigate the passivity engendered by the mediating elements of representation.

CHAPTER 4

THE ACTIVE SPECTATOR: SPECTACLES AND SELF-REPRESENTATION IN ROUSSEAU

The more [the spectator] contemplates, the less he lives;
the more readily he recognizes his own needs in the images
of needs proposed by the dominant system, the less he
understands his own existence and his own desires.

-Guy Debord¹

For to miss the joy is to miss all. In the joy of the actors lies
the sense of any action.

-Robert Louis Stevenson²

1

INTRODUCTION: THE PROBLEM OF THE PURE SPECTATOR

For Hobbes, the theatrical analogy allowed him to consider through the figure of the *actor* how the political representative comes to be sovereign and the sole legitimate political actor. The result in the case of the commonwealth is that the individual persons who authorize the sovereign representative find that they, now as members of a single collective subject (the commonwealth), are represented back to themselves and they lack

¹ Debord (1995), 23

² Stevenson (1988), "The Lantern-Bearers," 234

the liberty to respond or hold the sovereign representative to account. They become *pure spectators* to their own representation. A pure spectator, according to Boltanski, is she who “is completely independent of the scene [she] views.”³ The independence of the spectator is the source of both her perceived virtues and vices. For Adam Smith, the independence from what she sees is the source of the spectator’s *impartiality* that grants her judgment a sense of objectivity, or at least, a social understanding expanded beyond her own private interests.⁴ Yet the spectator’s independence, and even the resulting impartiality, can also be understood as a source of vice. The experience of the spectator is to see without being involved. It claims a distinction between perceiving and acting in which one who merely *sees* bears no responsibility for what occurs. This claim makes sense in the theatrical context of the actors performing and the spectators of the audience. In most ways, the spectator is not responsible for what appears on the stage.⁵ But in the context of politics and society, the claim to bear no responsibility for what happens in the world when one merely sees it is less tenable. Indeed, in certain circumstances, the act of merely seeing is understood as a *failure* to act. It is not the absence of responsibility but an active *irresponsibility*. This paradoxical condition of the spectator remains relevant

³ Boltanski (1999), 27. In other words, the spectator “see[s] without being seen.” Yet, the independence, for Boltanski extends beyond the visual field.

⁴ Boltanski (1999), 29. It is important not to confuse ‘impartiality’ with ‘objectivity’ (Nussbaum 2001). In the recent reconsideration of Smith’s thinking, the impartial spectator is brought together with Smith’s extensive thinking on the moral sentiments, particularly *sympathy* as a basis of connection, see Forman-Barzilai (2010).

⁵ This is not strictly the case as one’s patronage establishes incentives for companies to put on similar performances. Rousseau is sensitive to the connection between the theatre and the economics of it as a social event.

today in considering the ethics of humanitarian action.⁶ Can one provide emergency relief services, see the suffering and not bear witness to it? Can one bear witness without taking sides? Ought one? Or, in other words, for what is the spectator to suffering responsible?

At the heart of the concerns with the spectator and responsibility is the question of the spectator's relationship to action. For Hobbes, the distinction was absolute – the representative acts, and the represented are passive, pure spectators to the actions of the representative. In this sense that Hobbes's theory of representation tends toward total mediation. While accepting the basic mechanics of Hobbesian representation, Rousseau rejects Hobbes's political conclusions. By adopting the theatrical analogy and taking seriously the lived experience of the theatre, Rousseau argues against what can be called *pure spectacles* in both theatre and politics. A pure spectacle, following on the understanding of the 'pure spectator,' is an event of total mediation, presented as a complete thing upon its appearance. A pure spectacle is a scene that occurs independent of those who see it. For Hobbes, the sovereign representative – visualized on the famous frontispiece of *Leviathan* – is meant to be such a pure spectacle. For both Hobbes and Rousseau, representation is a type of spectacle in the sense that it is a mediation in which one makes something present which is literally not.⁷ In other words, both concepts rely on making something *appear* through performance.

To Rousseau, the problem with pure spectacles is that it creates a distance between those enacting the spectacle and the spectators. The experience of being a pure spectator is an experience of alienation. In the next section (§2), I make explicit the sense

⁶ Boltanski (1999) takes this as his central question.

⁷ Pitkin (1967), 8

in which Rousseau tends to use the term. Here it suffices to connect alienation to a loss of liberty, the capacity for one's will to have effect in the world. In other words, alienation deprives one of agency.⁸ The problem of the spectator, then, is not simply the fact of her passivity or her perceiving, but her inability to act – to intervene in the appearance of the spectacle. For Rousseau, the alienation of the spectator, her loss of agency, engenders two negative conditions – domination and irresponsibility. Domination occurs when the pure spectacle mediates between persons, rendering one active and the other wholly passive. Rousseau sees this to some extent in the theatre but is much more concerned with its political manifestations. Irresponsibility is the condition of a corrupt internal relationship. It occurs when a person denies the relationship between her agency and the consequences of her actions. As noted, this misunderstanding of one's responsibility is built into the experience of the spectator as “one who sees without being seen.”⁹

In approaching the problem of pure spectacles, Rousseau cannot reject mediation – spectacles and representations – altogether because it structures, as it does for Hobbes, all of human society. Therefore, Rousseau attempts to replace forms of pure spectacle with forms that require the participation of the spectators in order to be complete. In favoring such participatory forms of mediation, Rousseau advances an understanding of the *active spectator* as the model for the human being in society – that is, for the citizen. For Rousseau, to be an active spectator, one must participate in the creation of the

⁸ Sen (1999) defines *agency* as “someone who acts and brings about change, and whose achievements can be judged in terms of her own values and objectives, whether or not we assess them in terms of some external criteria as well” (p19). On the importance of agency in this project, see Chapter 2, §5 on Tully and Chapter 5 on relational representation.

⁹ Boltanski (1999), 26

spectacle that one is witnessing. As related to visual spectacles, Rousseau does not consider the possibility of an engaged audience such as Boltanski's spectators engaged through pity or Rancière's 'emancipated spectators.'¹⁰

The participatory forms of mediation do not alter the basic mechanics of representation, but there are three important differences that the active spectator allows. The first is that it shifts the mediating point from the representative, as it is in Hobbes, to the spectacle as the product of representation. This shift does not change the conditions of mediation but it does prevent the domination of a singular representative. The second difference is that by drawing attention to the distances created by mediation, Rousseau prioritizes *immediacy*. This challenge is a difficulty for any form of representation, as it requires facing the demands of presence. Rousseau works through this issue by incorporating *temporality* into politics. And third, with the other two differences, Rousseau is able to articulate exceptional instances of representation. These are instances of self-representation. For Rousseau, self-representation is the only way to mitigate the alienating effects of mediation since, in the situation of self-representation, one does alienate her liberty as a spectator, but reclaims it as an actor. Thus, from Rousseau we gain a thorough critique of mediating representation. Yet, Rousseau does not propose an alternative understanding of representation; instead, his solution relies on the exceptional nature of self-representation. Therefore, while he clarifies the problem with

¹⁰ Boltanski (1999) attempts to theorize how globalization leaves us spectators of 'distant suffering' and how to have that experiences be one of engagement, rather than indifference or entertainment. Rancière (2009) reflects on the ways in which being a spectator opens avenues of freedom and demands one's use of judgment. The closest Rousseau comes to endorsing an active spectator along these lines would be his understanding of the experience of music. Yet, even there the active work of the spectator is not to engage judgment but to keep oneself open to the experience. On Rousseau and music along these lines, see Strong (2010).

representation, he does not provide a clear answer to the basic question of political representation – Under what circumstances can you legitimately claim to represent another who is not the same as you?

The chapter is broken into four main sections. In §2, I develop Rousseau's concern with alienating liberty and its consequent domination and irresponsibility. I then connect that concern to Rousseau's understanding of spectacles and representation. In §3, I use Rousseau's critique of spectacles in theatre to show the ways in which spectators become alienated. It is in critiquing the theatre that Rousseau's concern with alienation intersects with his interests in what Charles Taylor calls *authenticity*. It is the need for authenticity that creates the limits of representation. In §4, I look at two moments of representation in Rousseau's political thought. In §4.1, I consider Rousseau's claim that sovereignty is inalienable, but government is representative. Then, in §4.2, I consider the role of temporality in the strange figure of the Legislator as a representative who does not represent. Finally, in §5, I take up Rousseau's preferred form of participatory spectacle – the public festival. For Rousseau, the virtue of public festivals is that they require active spectators. Those who enact the spectacle are the same as those who watch it. I conclude the chapter with a summary of the limits of Rousseau's critique of mediating representation as tending toward alienation and away from authentic expression and how these limits might be used to rethink representation as a relational activity rather than as a mediating point.

2

ALIENATION: ROUSSEAU'S CRITIQUE OF MEDIATING REPRESENTATION

Rousseau tends to defy categorization as a thinker. To pull together the many threads of Rousseau's thought is a project attempted over and over again, often accomplished compellingly but never with complete success.¹¹ Here I take up a narrow aspect of Rousseau's thought – his critique of activities that mediate human relationships to one another and to themselves. I pursue this critique through his discussion of two types of mediation, theatrical spectacles and political representation. The critiques parallel each other because they depend on the same logic of mediation, and, therefore, the problems with and ill effects of experiencing theatre as a spectator are the same as becoming a mere subject through political representation. In both cases, the mediation renders the person a passive member of the audience, only able to *see* the action and performance without the capacity to affect it. The silence of the spectators in the audience of the theatre is the same as the silence of the subjects before their government. Rousseau's solution to both is to engage the audience, to encourage their participation in the production of the spectacle and the politics. As such, the Rousseau here is the thinker who, in the words of Jean-Luc Nancy, experienced the loss of a "communitarian (and communicative) intimacy."¹² This loss arises from Rousseau's identity as a "Citizen of Geneva" – a thinker with republican concerns over the use of liberty, the virtues of citizens, and the state of the *res publica*.¹³ For Rousseau, the most persistent threat to a

¹¹ Among the accounts of Rousseau that I have found the most compelling, even in points where I disagree, are Shklar (1969), who began the rehabilitation of Rousseau in American political theory; Barber (2003); Starobinski (1988 and 1993); Strong (1994); and more recently, Friedlander (2004) and Urbinati (2006).

¹² Nancy (1991), 9. Nancy continues: "Rousseau...was perhaps the first thinker of community, or more exactly, the first to experience the question of society as an uneasiness directed toward the community, and the consciousness of a (perhaps irreparable) rupture in this community."

¹³ Barber (2003) gives a strong reading of Rousseau as a radicalized republican. I take up Rousseau's relationship to contemporary participatory democrats, such as Barber, in §4.1.

community is the loss of liberty on both the individual and the collective level. Rousseau articulates this loss as *alienation*, meaning the separation between a person and her liberty. In this section, I elaborate Rousseau's critique of mediation as necessary and as tending to encourage alienation. Though Rousseau does not use it as such, this critique is the point from which a rethinking of representation must begin.

Rousseau, like Hobbes, understands human society to be *artificial* – that is, the work of human activity. Both recognize the transition into society to be closely linked to the human capacity to engage in mediating activities. Yet, the two come to different judgments about the consequences of the artificiality of society. For Hobbes, society is a good, an artificial nature without the extreme dangers and uncertainty found therein. For Rousseau, the emergence of society is a process of gains and losses.¹⁴ We readily recognize the gains of civilization. Rousseau calls our attention to the losses that we as a civilization readily forget when we replace our natural relationships for artificial ones.

For Hobbes, the capacity to represent, mediating activities, allows human beings to escape the limits of nature.¹⁵ In the artificial construct of society, humanity is able to pursue the practical and fine arts, constructing a mechanical world that mirrors nature

¹⁴ Rousseau writes, “[O]ne is strongly inclined to believe that someone could easily write the history of human maladies by following the history of civil societies.” *Discourse on the Origins of Inequality*, 42. Hereafter, cited as DOI. The page numbers for DOI as well as the *Social Contract* (SC) refers to *The Basic Political Writings*, translated by Cress. Indianapolis: Hackett Publishing, 1987.

¹⁵ For more, see Chapter 3. This use of representation is evident in the structure of Hobbes's texts. Representation ends his study on natural man, *Of Man* (1991). It also ends Book I (Of Man) and is used at the beginning of Book II (Of the Commonwealth) in *Leviathan* (1994).

without its uncertainties.¹⁶ Thus, for Hobbes, mediating activities, particularly representation, are indeed ‘artificial’ and good in an essentially unproblematic way.

Rousseau maintains a more ambivalent position toward the artificiality of society. Rousseau tends to let the advances of civilization speak for themselves and focuses on that which is lost in the ‘progress’ of civilization.¹⁷ Since society emerges slowly over time, Rousseau does not single out mediating activities as the enablers of society; rather, they appear with the other human activities in the course of society’s evolution.¹⁸ Traces of mediation are evident as persons adopt a type of ‘reflection’ or ‘mechanical prudence’ in the constant comparison of oneself to others.¹⁹ Here, persons come to understand themselves by adopting the gaze of another. This mediated form of *seeing* oneself is at the foundation of society and, thus, for Rousseau, *inequality*.²⁰

But Rousseau’s central problem with the artificiality of society is that it is *mimetic* of nature – a reproduction and a corrupt one at that.²¹ The problem with society and all that human beings create within it is not that they are artificial per se; it is that as

¹⁶ Hobbes (1994), 13.9. On the mechanical in Hobbes, see Schmitt (2008) and the commentary by Strong (2008).

¹⁷ On Rousseau’s determination to reveal what progress makes us forget, see Simon-Ingram (1991). For a consideration on Rousseau and the city as the locus of the civilizing forces that lead us to devour one another, see Hénaff (1992).

¹⁸ This is evident particularly in DOI at the beginning of Part II. This presents one of the big differences between Hobbes and Rousseau. For Hobbes, the contract is an intentional move to establish society and a political community from out of nature. For Rousseau, society has already evolved and so the compact establishes a community not out of nature but out of an existing society.

¹⁹ DOI, 61

²⁰ See Friedlander (2004) on the ‘gaze of others’ in Rousseau.

²¹ For a good discussion of the significance of the mimetic understanding of art and of theatre in particular, see Rancière (2009), 2-4.

reproductions they necessarily lose something that had been naturally human. Worse yet, these losses tend to be forgotten as society structures a type of *second nature* in us, thereby severing and obscuring our relationships to that which is *of nature*.²² The mimetic qualities of human activity establish new relationships between persons and things, replacing the natural ones. Rousseau calls us to recognize these forgotten losses, the marginalized remainder of the forces and relations that had naturally constituted the lived experience of human beings.

For Rousseau, the lived experience of being human holds together the possibility of community.²³ Our humanity is what human beings have in common. To Rousseau, to share something in common allows for the apparent paradox of being bound and yet at liberty. This is how Rousseau explains the workings of the social compact. The common possession of each member's "person" and "power" results in a situation in which having given "himself to all, each person gives himself to no one."²⁴ The commonality occurs on two levels. First, it is a common experience in the sense that it is *ordinary* – each member of the compact shares the same experience.²⁵ Second, it is common in the sense of 'the commons.' That is, it is something in which everyone has the right to partake and can say she has a stake in it, and yet, none can claim personal proprietary rights over it. Thus, for Rousseau, truly giving oneself to all is giving oneself to no *one* in particular.

²² SC, 163. Rousseau claims the Legislator is "in a position to change human nature."

²³ See Strong (1994), Chapter 3, on the use of being human as constituting the *common*, which serves as the grounding for the communities we inhabit.

²⁴ SC, 148

²⁵ Strong (1994), 75

For Rousseau, the common experience of being human has moral and political consequences as well. First, it is the foundation of a fundamental human equality. This sense of equality is lost in society as we give meaning to natural inequalities with artificial categories such as *beauty* and *merit*.²⁶ It is further lost in political systems that introduce domination into human relationships, something that was absent in nature.²⁷ For Rousseau, the most important aspect of the common experience of being human is that a person's *dignity* is connected to his humanity and the rights and duties entailed in that.²⁸

The expression of this dignity comes through the use of one's liberty. Throughout *The Social Contract*, Rousseau is at pains to preserve a person's liberty. Like Locke, Rousseau distinguishes liberty from license, so liberty is not simply having the capacity to act on any desires one might have, it is the "obedience to the law one has prescribed for oneself."²⁹ Thus, for Rousseau, the use of liberty is not the description of all action but of action that one wills for oneself. Since liberty is connected to the will, one either uses it or one does not have it. For Rousseau, as human beings, we lose our dignity, our very humanity, when we lose our liberty. The condition of lost liberty is a matter of alienation.

²⁶ DOI, 63

²⁷ On natural equality, see DOI, 59. For its restoration as a moral equality in political society, see SC, 153.

²⁸ SC, 144

²⁹ SC, 151. Like Locke, Rousseau distinguishes *liberty* and *license* as opposites (DOI, 27). Note the similarity of Rousseau's formulation of freedom to that of Kant. Cassirer (1954) argues for the emphasis of the Kantian inheritance of Rousseau over the historically more recognized Romantic one.

§2.1 Alienation in Rousseau

Alienation is, for Rousseau, the ethical problem of society in general and, specifically, of mediating activities, such as representation. The meaning of *alienation* for Rousseau and its popularized Marxist meaning are rather closely related, but there are important differences. Both attempt to articulate a distance or, more properly, a separation between a person and something that ought to belong to her.³⁰ The primary difference is one of emphasis. For Marx, the initial alienation occurs between a person and that which she makes; she is alienated from the product of her labor.³¹ From this fundamental alienation, the laborer comes to recognize a generalized alienation within society, which is composed of structures that do not affirm her as a person, as a fabricator of things. Instead, the structure of society testifies to the dominant class.³² In this sense, alienation for Marx tends to be something that happens to one. It is always a mode of involuntary oppression. For Rousseau, *alienation* simply means “to give or to sell.”³³ In this sense, it is something that one does to oneself – you alienate something that is your own. For Rousseau, what a person alienates is her liberty.

Rousseau uses the term *alienate* in *The Social Contract* on three occasions. One relates to slavery; another to the transfer of liberties as one enters the social compact; and third, the idea that the *general will* is inalienable. Before taking each occasion in turn, an

³⁰ Geuss (2008b), in response to Honneth’s lecture on reification (2008), traces a brief history of attempts to articulate dissatisfaction with the Enlightenment project and European life. He begins with Schiller’s fragmented world, linking it to Marx’s alienation, Durkheim’s anomie, and Nietzsche’s escape from nihilism (p122). I would situate Rousseau at the beginning of this ‘history.’

³¹ On estranged labor, see Marx (1978), 71-74.

³² For a good articulation of this point in terms of alienation, see Marx (1978), 133-135.

³³ SC, 144

apparent terminological discrepancy must be explained. In the case of slavery and the general will, Rousseau suggests that *alienation* is impossible or, at the very least, an act of madness. These two instances should be understood as exceptional moments – the limits at which alienation as a person using her liberty to give away her liberty ceases to make sense. These two circumstances serve as limiting cases because the alienation discussed is *total*; therefore, the existence of the subject itself is at stake. Important to the argument of this paper, Rousseau recognizes the presence of alienation throughout human social experiences. It manifests itself as the difference between a human being and how one appears in public, or, in his famous distinction, between *amour de soi* and *amour propre* – that is, between a genuine, passionate love of one’s existence and the self-love of society articulated as vanity or interests set against the interests of others.³⁴ In this sense, Rousseau recognizes something similar to Marxian *alienation*, the separation between and within persons.³⁵

In *The Social Contract*, Rousseau first uses *alienation* in relation to slavery. He argues that, contra Grotius, a human being cannot totally alienate her liberty and become a slave.³⁶ He likens such an act to madness, denying the compatibility of slavery with right – they are, in his words, contradictory.³⁷ If a person could totally alienate her liberty – that is, give it to another – she would altogether cease being a *willing* being, thus

³⁴ For a good description on the significance of this distinction, see Shklar (1969).

³⁵ For a parallel, see Markell (2003) for a discussion of *recognition* as occurring both between and within persons. One can speak of re-cognition when it is internal to a person and recognition as acknowledgment of equality between persons. I return to this parallel in Chapter 5.

³⁶ SC, 144

³⁷ SC, 146

forfeiting what makes human beings distinct from other animals – the liberty to act on reason. Thus, it is nonsensical because one cannot alienate oneself into slavery and negate the fact that one is a human being. While an individual who alienates her liberty and ends up in slavery ceases to be a *human being* in a meaningful sense, her physical existence continues under the conditions of slavery. Thus, in important ways one cannot say an individual under conditions of slavery ceases to exist. In fact, for Rousseau, the practice of slavery always bears the marks of illegitimacy since it cannot be entered into willingly. The practice of slavery stands as a constant reminder of the impossibility of absolute domination.³⁸ As such, the actual practices of slavery do not *negate* the actual existence of the human being as a willing subject. Yet, the lived experience of being a slave is a condition in which a person's liberty is *alienated* – in the sense of separated – from her. Thus, for Rousseau, the idea of *legitimate* slavery – a person totally alienating her liberty to another – is an impossibility, and the actual practices of slavery serve to emphasize its inherent illegitimacy.

The second use of *alienation* relates to what happens when one enters the social compact. Rousseau describes entering the compact as the alienation of her person and power to all, so that it is alienated to no one.³⁹ Here Rousseau's paradoxical formulation and his invocation of the common keeps him consistent with his position on slavery. Here one alienates their natural liberty and receives in return civic liberty.⁴⁰ The 'alienation'

³⁸ See Markell (2008) on domination. For its connection in the forms of mastery, control, and sovereignty to questions of recognition, see Markell (2003), especially Chapter 5.

³⁹ SC, 148

⁴⁰ SC, 148.

does not leave a human being without the liberty to act; it changes the nature of the liberty that a person exercises from the liberty of a *man* to that of a *citizen*.⁴¹

Rousseau's third use of *alienation* concerns the inalienability of sovereignty. For Rousseau, the sovereign is composed of the people gathered making legislative decisions. These decisions are the expressions of the *general will*. I return to this issue in more detail in §4.1 when I discuss Rousseau's explanation of why sovereignty cannot be represented while government can be. Here, what is important is *why* Rousseau holds that sovereignty is inalienable.⁴² Rousseau's reasoning parallels his thinking on individuals and slavery. Sovereignty is the condition of enacting the general will. To alienate sovereignty is to will away the capacity to will. It is a nonsensical position. Sovereignty is inalienable because it is a matter of enacting the general will. The general will expresses that which the community holds in common. As with an individual, the many gathered as one either have the liberty to enact the general will or they do not. They are sovereign or they are not. The sovereign, as a *willing* subject exists only under the conditions of its willing through law formation. To speak of "alienated sovereignty" is equivalent of negating its existence altogether – the sovereign only exists to the extent that it wills.

⁴¹ Shklar (1969), 5. Shklar sees in Rousseau a choice between being a man or a citizen. Yet, nature is no longer an option, making being a man difficult within society. Strong (1994) reads Rousseau's later writings as having made a choice to attempt to be a man. Rousseau begins *The Confessions*, "My purpose is to display to my kind a portrait in every way true to nature, and the man I shall portray will be myself" (1953, 17).

⁴² SC, 153

This leads to Rousseau's claim that the sovereign cannot be represented by anything but itself because though power can be transmitted, the will cannot.⁴³ Here the parallel with slavery is evident. For Rousseau, the *idea* of the sovereign is contradicted by its alienation. But as in the case of slavery, there is a distinction between its idea and practice. Thus, Rousseau can speak of a sovereign people enslaving itself. In his famous assessment of the English political system, Rousseau claims,

The English people believes itself to be free. It is greatly mistaken; it is free only during the election of the members of Parliament. Once they are elected, the populace is enslaved; it is nothing. The use the English people makes of that freedom in the brief moments of its liberty certainly warrants them losing it.⁴⁴

The image Rousseau presents to the reader is of a people acting as the sovereign using their liberty to enslave themselves through the election of representatives until the next election in which they momentarily regain their liberty only to use it to re-enslave themselves. Based on Rousseau's claims about both the sovereign and slavery, this pattern of action is ideally nonsensical. Indeed, there is a hint of the ideal claim. He claims the people in their slavery are *nothing*. This 'nothing' is in one sense a claim of nonexistence – the English people cease to act as the sovereign between elections. But the lived experience of the English people is under the conditions of slavery. While the English people cease to exist as an acting, willing subject between elections, they do not entirely cease to exist; they live as slaves. As with chattel slavery, the actual practices of

⁴³ SC, 153. Urbinati (2006) recasts this claim by Rousseau as making a distinction between will and *judgment*. Judgment can be delegated; the will cannot. This fits with Rousseau's mistrust of *reflection* in its wide array of uses, see Simon-Ingram (1991). As such, judgment is itself a reflection and, thus, not changed in character by being reflected through representation. The will on the other hand is immediate or it is not one's own.

⁴⁴ SC, 198

this political slavery emphasize its illegitimacy. For Rousseau, the illegitimacy consists of a political community alienated – that is, separated – from its liberty to enact its general will.

Thus, in Rousseau's use of the term *alienation*, we see two related but distinct meanings. First, there is the ideal sense in which *to alienate* is “to give or to sell.” In this sense, it is an act of will on the part of an actor. In principle, one can alienate anything that is one's own. Rousseau finds the alienation of liberty to be an important exception. To alienate one's liberty is to use one's liberty to will away one's liberty. It is nonsensical in all cases where one does not retain the liberty to continue willing for oneself. To alienate all of one's liberty is a condition of slavery, as an individual or collectively as the sovereign. The idea of willingly entering into slavery is beyond the bounds of reason.

The second meaning of *alienation* evident in Rousseau conforms to the Marxian sense of *alienation* as separation. This understanding of alienation is evident when Rousseau switches from the ideal discourse in which he explicitly uses the term *alienation* to discussions concerning the actual social relations created by the practices we recognize as instances of those ideals. Thus, in the ideal register slavery is nonsensical, but it is the real lived experience of many human beings in history to the present. In discussing the practice of slavery as a concrete reality, the question of one's capacity to will the situation is replaced with a consideration of the consequences of being in a relationship of or akin to slavery. Here, it is evident that Rousseau considers the situation to be a matter of alienation in which one is separated from her liberty. Thus, alienation manifests as the lack of opportunity to use one's liberty. One's technical alienation aside, what matters is when one is alienated *in practice*.

§2.2 Domination and Irresponsibility: Alienation in Social Relations

For Rousseau, alienation occurs when a person is separated from her liberty by a constituted set of social relations and practices. The risk of alienation is present in all social relations because society as artificial is distinct from nature. As two different lived experiences, the demands of the one – society – tend to separate a person from their natural liberty. In *The Social Contract*, Rousseau suggests it is possible to trade one liberty for the other without the loss of the qualities of human liberty. In many of his other texts, the sense that we as social beings are alienated from the liberty natural to humanity is a recurrent theme. As already seen above in the discussion of sovereignty, Rousseau singles out practices of representation – broadly understood as mediating activities – as the clearest cases of social practices that result in alienation.

The alienation resulting from representation is expressed in two forms. When representation mediates relations *between* persons, the alienation manifests as *domination*. For Rousseau, domination occurs when one refuses to recognize another human being as having independent agency – that is, in having a free existence outside of one’s relationship to him or her. It is a denial of the basic equality Rousseau places at the center of the common experience of being *human*. Given the natural conditions of equality, domination is impossible in nature and only becomes a problem within the artificial relations of society.⁴⁵ The social practices of slavery and political tyranny are examples of relations of domination. The former alienates an individual from their

⁴⁵ DOI, 68

liberty. The latter alienates a people's liberty, transforming citizens into mere subjects.⁴⁶ The second form of alienation occurs when representation mediates relations *within* a person. The alienation of aspects of a person's liberty from her own self manifests as *irresponsibility*. Irresponsibility here should be understood as the corruption of a person's own agency that separates her actions from their consequences, leaving her only to claim the actions as her own but not the consequences.⁴⁷ For Rousseau, irresponsibility includes both instances in which one actively denies the consequences of one's actions as well as taking actions that are inconsequential.

Rousseau links alienation and its manifestations as domination and irresponsibility to representation by taking Hobbes's theatrical analogy seriously. Rousseau takes the theatre to be typical of all practices of representation, including representative politics. For Rousseau, the alienating aspect of representation is the way that it mediates relations through the *spectacle*. As with representation generally, Rousseau is not against *spectacles* categorically. Rather, he recognizes that spectacles as practiced in theatre structure social relations that encourage alienation. The spectacle, like all representations, makes something present that is literally not.⁴⁸ As such, spectacles are *appearances* that give priority to the sense of vision. The reliance on the language of vision emphasizes the spatial presence of the spectacle. That is, the spectacle is

⁴⁶ SC, 149. Rousseau distinguishes political terms on the basis of whether they are passive or active. Thus, the citizen is active in "the sovereign authority" and that same person is a subject to the extent that she is "subjected to the laws of the state." For Rousseau, the problem is not being a subject *per se*, but in being dominated one is only ever a subject and never acts as a citizen.

⁴⁷ Strong (2010) recognizes the relationship between the theatrical spectacle and irresponsibility, but for him the problem is less about consequences and more to do with the resulting irrelevance of the spectator's use of judgment.

⁴⁸ Pitkin (1967), 8

experienced as a *product* – an object of the eyes – rather than as a constitutive set of practices producing the representation. As such, the spectacle tends to present itself as a *total* and *complete* product. In being presented as complete, the spectacle demands to be recognized *as it is* by an audience.⁴⁹ The appearance of the spectacle determines the character of the relations to it. It denies a space or time for meaningful interaction. It demands a response from the audience of acceptance or rejection; both must acknowledge the spectacle as it is presented. The general character of the spectacular relation is between the complete appearance of the spectacle and the demand placed upon the *spectators*. The spectators are rendered entirely *passive* – to see the spectacle is to acknowledge it. The spectator is placed in a condition of total mediation as the spectators are absolutely separated from the *production* of the spectacle. This follows Hobbes's account of mediation in representation, although for Hobbes the product of the representation – that is, the spectacle itself – is not the source of mediation that separates the persons from their agency. Instead, for Hobbes the mediating point is the representative person, who then as the only authorized actor produces the representation. Thus, experientially, the spectators in Hobbes and Rousseau are the same, yet, the shift from the representative in Hobbes to the representation in Rousseau is important in understanding why Rousseau can suggest participation in creating the representation as a solution to the passivity of the spectator. The participation makes the spectator necessary to the production of the representation or spectacle, thereby working against the tendency toward alienation.

⁴⁹ Rancière (2009), following Debord, writes, “The spectacle is the reign of vision, and vision is exteriority – that is, self-dispossession” (p6).

For Rousseau, it is the passivity of the spectators that leads to the experience of alienation. This alienation as domination or irresponsibility is evident in the spectator's response to the spectacle as something *other* than her own self. Thus, both domination and irresponsibility are rooted in the spectator's failure to identify herself with the spectacle.⁵⁰ If the spectator submits to the spectacle, she grants it *authority* over their relationship. The spectacle is then dominant and its representation is taken to be a necessary reality.⁵¹ This is the situation of political representation in Hobbes. The sovereign representative's actions produce a representation or a spectacle to which the subjects entirely submit. They accept that they have no liberty but that which the sovereign allows, and they accept the sovereign's pronouncements of right and wrong and just and unjust as the actual meanings of right and justice. Rousseau rejects this acceptance of a spectacle as reality, or even the experience of it *as if* it were reality. For Rousseau, domination is the mark of inequality. It is the alienation of persons from their dignity as human beings with an agency of their own.

The experience of irresponsibility occurs when the spectator can dissociate herself from the spectacle. That is, the spectacle as *other* has no consequences for the spectator. This irresponsibility can be experienced as a relief. For Rousseau, the spectator's outpouring of emotion in viewing a theatrical spectacle is an instance in which the spectator can emote without consequence. It is passion without action. For Rousseau,

⁵⁰ The third option is the Bartleby strategy of refusal – neither giving an affirmation nor a negation – “I would prefer not to” (Melville 2004).

⁵¹ This relates to the discussion of the third face of power in Lukes (2005). Lukes argues that one cannot, when considering power, make the leap from the observation of non-resistance to the positive claim of consent. That is, one cannot rule out domination. Gaventa (1980) takes *quiescence* (the observation of non-resistance) as a starting point for his study of a mining community in the Appalachians.

there is no true identification with the spectacle on the part of the spectator. Thus, the relation to the spectacle encourages persons to seek opportunities for passionate expression without taking responsibility. For Rousseau, the problem with this irresponsibility is that it lacks *authenticity*.⁵² The spectator, in accepting the spectacle as something other than her own self, her own world, treats it as a space free of consequence. There the spectator is inauthentic, experiencing emotions that are not her own *because* it is inconsequential. The spectator accepts the spectacle in its entirety because it provides a false liberation from social relations, but it also produces an artificial experience of humanity. The weeping spectator's displays of pity for the tragic character of the theatrical spectacle are inauthentic because the claim to identify has no meaning outside the space of the spectacle.

To Rousseau, neither domination nor irresponsibility is natural to human beings. Yet, for Rousseau there is no returning to nature and society is structured around mediating relations.⁵³ Thus, Rousseau does not call for eliminating spectacles and representation but for selecting their appropriate instantiations. While the spectacles of theatre and representative politics tend toward domination and irresponsibility, toward the ceding of authority and inauthentic experiences, it is possible to have representations that mitigate the ill effects of mediation and re-establish equality, commonality, and responsibility. Such forms of representation require the active participation of the

⁵² See Taylor (1989) on Rousseau's role in putting a value on authenticity. And see Taylor (1994) for an account of the relationship between authenticity, recognition, and equality in Rousseau. Markell (2003) argues against Taylor, suggesting a less substantive political demand of recognizing authentic expression, which Markell calls *acknowledgement*. See also, Melzer (1996) on the related virtue of sincerity in Rousseau.

⁵³ DOI, 68

spectator in producing the spectacle itself. It accepts the spectacle as the mediating point, but in calling for the participation of the spectators in the production, they become active before the representation appears as complete. By being involved in its production, the spectator readily identifies with the spectacle as something of her own. As such, it does not dominate her; she retains authority and cannot avoid responsibility for it.

In essence, Rousseau resolves the problem of alienation by focusing on forms of self-representation. The participatory forms of representation mitigate the alienating tendency of representation by having the spectator assume the role of an actor in producing a representation of herself – either as an individual or part of a community – for which she is also the audience. Rousseau’s solution to the problem of representation is not to change what it means to represent but, rather, to prefer the exceptional instances of representation when it becomes self-representation.

3

THEATRE AND THE PASSIVE SPECTATOR

Rousseau critiques the passivity of spectators in the arts and politics. Nowhere is the passive spectator more obvious than in the audience of theatrical spectacles.

Rousseau’s extended critique of *spectacles* comes in his letter responding to D’Alembert’s encyclopedia article on Geneva.⁵⁴ Rousseau’s critique of theatrical spectacles focuses on two aspects of the irresponsibility related to the passive condition of spectators in the theatre. For Rousseau, the two manifestations of irresponsibility are

⁵⁴ D’Alembert’s article is included in Bloom’s *Politics and the Arts* (1960) along with Rousseau’s *Letter to D’Alembert* (hereafter, LDA). On the history of this discussion, see Marshall (1986). On the development of Rousseau’s thinking leading up to LDA, see Forman-Barzilai (2003).

witnessed in its incapacity to educate, mirrored with its encouragement of inauthentic feelings, and the illusory appearance of community between members of the audience.

D'Alembert, in his article on Geneva, claims that Geneva ought to develop a theatre because a Genevan theatre would become the model in both craft and virtue for the rest of Europe. It would, as D'Alembert suggests, “join the prudence of Lacedaemon [to] the urbanity of Athens.”⁵⁵ Responding as a “Citizen of Geneva,” Rousseau gives a thorough account of why a theatre should not be established in Geneva. He considers the theatre as art, as cultural event, as economic source, and as it impacts the Genevan citizenry – that is, as active political persons. Rousseau concludes that in practice a theatre in Geneva would fail because of the city’s modest size, but more importantly, the presence of the theatre would corrupt the habits of the citizens as the Genevans became accustomed to the theatrical spectacle as a primary source of entertainment.⁵⁶ As discussed above, the spectacle appears as a complete production creating a necessary division between the activity of the actors producing the spectacle and the passivity of the audience of spectators. For Rousseau, the passive spectator is without responsibility. She experiences the spectacle in isolation. This artificial situation allows the spectator to shed the responsibilities of her actual social relations and to replace them with inauthentic relations to the characters of the spectacle. The spectator’s isolation is masked by the illusion of community in the gathered audience. For Rousseau, proximity to another or

⁵⁵ LDA, 4. Rousseau seizes on this sentence as the impetus for his response.

⁵⁶ Indeed, the title of the letter in French is *La Lettre à D'Alembert sur les spectacles*, not as it has been translated by Bloom as “on the Theatre.” It is important to emphasize *spectacles* over theatre because while much of the letter concentrates on theatre, it is only one form of spectacle, and Rousseau considers others toward the end, which are translated as ‘entertainments.’ This obscures the commonality between theatre and festivals as spectacles. On this point, see Marshall (1986) and Strong (2010).

simultaneous witnessing of the spectacle does not entail genuine community. It remains a crowd of isolated persons, bearing no responsibility for their own selves or one another.

The theatrical spectacle necessarily fails to improve persons because it is, as all representations are to Rousseau, *mimetic*. It reproduces reality, which creates its two limits. It cannot generate anything new and, as a reproduction, it separates individuals from their actual, concrete lived experience – it opens a space of escape. The spectacle’s mimetic qualities mean that, as Rousseau claims, “The stage is, in general, a painting of the human passions, the original of which is in every heart.”⁵⁷ The theatre fails to teach morality because it is only a (corrupt) copy of what is already in the ‘heart’ of every human being.⁵⁸ It has nothing new to impart. Rousseau recognizes that most people do not have a clear understanding of what is their heart, and so it is possible that a form of art, a form of representation, might call us to the better part of ourselves. In several places, Rousseau suggests music can serve such a function.⁵⁹ But it is impossible for theatre to do so because of its social purposes – amusement and applause.⁶⁰ As such, theatre can merely imitate, it cannot educate.

⁵⁷ LDA, 17-18

⁵⁸ On Pascal and Rousseau, see Hulliung (1996). The *heart* plays a prominent role in Pascal. He writes in *Pensées*, “The heart has its reasons which reason itself does not know...I say that the heart loves the universal being naturally, and itself naturally” (Pascal 2008, 158). While less religious in Rousseau, he pursues the same dichotomy between that which is universal and common resting in the heart and the self-love learned in civilization.

⁵⁹ There is a growing literature on Rousseau and music, see Kelly (1987), Scott (1997), Abizadeh (2001), Dugan & Strong (2001), Strong (2010). Music has potential that theatre lacks because it is not linguistic or visual in the way that theatre is. It creates a different relationship between the audience member and the performance. Music requires a type of activity – one that turns one toward one’s heart. Thus, it will not teach new morals, but it can allow persons to connect to themselves as human beings, see Strong (2010).

⁶⁰ LDA, 27. Theatre is meant to amuse and entertain; thus it aims to please corrupt minds as well as virtuous ones (p45). Rousseau suggests in this way that theatre has a virtue in a corrupt city like Paris: it serves to distract the vicious so that there is a time in which they are not being actively vicious.

Not only do theatrical spectacles fail to educate, they also open spaces of escape, encouraging spectators to be irresponsible. As a source of amusement, theatre is a distraction and escape from the relationships, rights and duties of one's real life.⁶¹ This allows the spectator to be irresponsible in two ways. First, the spectator experiences a false liberation in being able to *relate* to the spectacle in ways that have no consequences. When the spectator weeps in pity or applauds in joy, these displays of passion are, to Rousseau, meaningless. They are the affects of a false relationship between an individual and a fiction. These passions lack authenticity because the spectator never faces consequences for the movement of her heart. It affects nothing in the world.

Connected to the expression of passions without responsibility is the general experience of escape created in experiencing a theatrical spectacle. The escape is created through the separation between one's everyday experiences and what happens in the spectacle. Rousseau recognizes this condition with a critical remark, "The more I think about it, the more I find that everything that is played in the theatre is not brought nearer to us but made more distant."⁶² Many theatre-goers would echo Rousseau's remark without the critical tone. The distance of the spectacle comforts. The alienation, the absolute separation between the spectator and the spectacle is experienced as a relief. The isolation of the spectator during the performance of the spectacle shields her from the demands of one's social relations. For Rousseau, the spectator's suspension of her responsibilities is a false feeling of liberty because by separating herself from her social relations and her commitments, she is alienated from her own self.

⁶¹ LDA, 16-17

⁶² LDA, 25-26

For Rousseau, the theatrical spectacle not only produces a false sense of liberation from social responsibilities, it also produces a false sense of community. While a crowd gathers in the audience, it is never more than a *multitude*, a collection of distinct individuals with no commonality other than location. Rousseau observes, “They think that they come together in the theatre, and it is there that they are isolated.”⁶³ The isolation of the theatre occurs because the spectacle is presented to each person individually. It is an experience of sight for the spectator. The relation is between the viewing spectator and the complete spectacle. The presence or absence of the person in the seat next to the spectator does not affect the relationship at all. For Rousseau, then, it is improper to speak of the *shared* experience of a theatrical spectacle. Instead, each spectator has an individual experience that may have similar characteristics to the experiences of other spectators, but it is never shared because the experiences occur for the spectator as an individual. Thus, forms of representation that are to overcome the conditions of the theatrical spectacle must create shared experiences in which the spectators experience the spectacle together in a meaningful way, not just at the same time.

Rousseau’s critique of the spectacle of the theatre is a republican defense of an active, communally situated self and a rejection of the isolation and passivity of the spectator rendered “fearful and immobile in silence and inaction.”⁶⁴ Rousseau seeks forms of representation that move beyond the passivity of the spectators, engaging them

⁶³ LDA, 16-17

⁶⁴ LDA, 125

as actors so that they may “become a spectacle to themselves.”⁶⁵ For Rousseau, it is through participation in the representation that the alienation inherent in the separation and isolation of the theatrical spectacle is mitigated. While the spectacle remains the mediating point, it is a mediation in which the active spectator appears on either side of the representation – as the actors producing it and the spectators viewing it. Thus, the representation has the active spectator alienating her liberty back to her own self in an act of self-representation.

4

POLITICAL REPRESENTATION: ENABLING AND ENACTING THE PEOPLE’S WILL

As with the theatre, Rousseau is concerned with political forms that are pure spectacles. In discussing the proper use of political vocabulary, Rousseau distinguishes between the passive and the active designations of the members of the collective political community – the *people*. A member of the community is a *subject* when passive and a *citizen* when active.⁶⁶ The subject-citizen distinction mirrors the spectator-actor distinction in the theatre.⁶⁷ The pure subject, like the pure spectator, is alienated from her liberty because she does not use it. Her political experience is one of irresponsibility and domination. A pure subject has no stake in forming the laws that define the community and, thus, accepts laws grounded in an authority other than her own. Rousseau’s political

⁶⁵ LDA, 126 (Altered Bloom’s translation from ‘entertainment’ to ‘spectacle’).

⁶⁶ SC, 148-149

⁶⁷ Marshall (1986) makes the case that Rousseau is concerned with *theatricality* broadly speaking, not just the theatre.

project is to establish the conditions that enable a subject-citizen in much the same way that in the theatrical, he attempts to construct a spectator-actor.

Acknowledging the doubleness of the member of the political community, Rousseau divides politics into two components – sovereignty and government or administration.⁶⁸ This division allows Rousseau to develop a complex position on political representation. Contemporary participatory democrats heavily emphasize Rousseau's apparent hostility toward political representation in *The Social Contract*.⁶⁹ This hostility is taken as part of an old opposition between participation and representation.⁷⁰ Under this narrative, representation is always alienating, creating separation and distance through its mediation. It is, at best, a least bad alternative where popular, face-to-face democracy is not practical.⁷¹ The narrative pitting participation *against* representation does not fit Rousseau well. Since Rousseau accepts mediation and representation as a fundamental part of social relations, it must be used *well* and not wished away. In the next two sections, I take up the two points at which political representation matters for Rousseau. In §4.1, I consider Rousseau's understanding of the division between sovereignty and government as a division between will and power that

⁶⁸ SC, 174. Rousseau distinguishes the legislative capacity belonging to the sovereign people from the 'supreme administration' of the government or executive. Rousseau repeats this division in discussing Poland when he distinguishes between the senate and the constituent orders; see Rousseau (1985).

⁶⁹ Barber (2003) and Pateman (1970)

⁷⁰ Manin (1997) dismantles the assumed opposition between democracy and representation both historically and theoretically.

⁷¹ Urbinati & Warren (2008) credit Rousseau with this line of argument. They note that the second argument against representative democracy "is indigenous to democratic theory, which has tended to follow Jean-Jacques Rousseau in assuming that representative democracy is, at best, an instrumental substitute for stronger forms of democracy" (p388).

explains why Rousseau tends to defend the idea of *representative government* while being critical of existing representative democracies, such as in England. Then in §4.2, focusing on the strange figure of the Legislator, I look at the difficulty of enacting sovereignty. The paradoxical problem of founding a political community requires a representation in order to give the laws form while in that moment also requiring the type of immediacy that representation denies.

§4.1 Representative Government: Representing Constituted Powers

Rousseau's position on political representation depends on his distinction between the sovereign and the government. Rousseau understands the sovereign to be the active element of the political community, aligned with the legislative function and expressing the general will.⁷² The government is the supreme administration, aligned with the executive capacity to enforce – that is, with the exercise of power. Government handles the political community's administration allowing the other members of the community the liberty to engage in other work. Thus, each member of the community is a subject to the government. So for Rousseau, in a good republic, the members of the community will be citizens and subjects, both present and representing themselves.⁷³

The interpretation of Rousseau forwarded by participatory democrats views representation as one of the central political ills. Under this interpretation, representation is always the delegation of political will and, thus, always alienating and producing the

⁷² This makes the legislative power more like constitution-making, fitting with the concerns of radical democrats such as Wolin (1989) and Derrida (1986).

⁷³ Urbinati (2006) sees the appropriate distinction between sovereignty and governing to actually be about immediate will in sovereignty and delegation (not representation) in government.

conditions of political domination.⁷⁴ This reading of Rousseau is rooted in Rousseau's description of the gathered people as the location of sovereignty. Focusing on the initial moment of the social compact, Rousseau seems to advocate an understanding of legitimate political action as the decision-making of the people. In that moment, there is no mediation – the people, fully physically present, decide *who* they are and *what* they shall do together. This picture of active popular participation is, then, linked to Rousseau's assertions that sovereignty is inalienable, suggesting it cannot be represented. This is supported by Rousseau's negative criticism of the English system – a representative democracy – as really nothing more than slavery punctuated by periodic elections, moments in which the English people use their liberty to select their next slave masters.⁷⁵ Given all this, Rousseau appears as a participatory democrat who is categorically against representation. Representation is opposed to participation and anathema to liberty. The threat of representation to liberty is total. Representation certainly closes out the opportunities for engaging in the republican liberty of community governance, but it also potentially threatens negative liberty, the liberty of individual self-governance.

The participatory democratic interpretation of Rousseau recovered the essential republican element of his thought, which had historically been lost to interpretations of Rousseau as an authoritarian allowing the excesses of the French Revolution and later

⁷⁴ Barber (2003), drawing on his reading of Rousseau, considers representation to be one of the two problems of liberal democracy (the other is thinking of politics as autonomous, not founded in the community). According to Barber, the reason representation fails is that it is delegation of political will, and one cannot alienate their will (p145).

⁷⁵ SC, 198

developments of the total state.⁷⁶ But the limit of understanding Rousseau as a participatory democrat comes in the basic opposition between *participation* and *representation*. The relationship between the two activities is not directly oppositional. In recovering Rousseau's arguments about the proper place of representation in politics, we find Rousseau's political thought to parallel his thoughts on social relations in general and the theatre specifically. Representation, as a form of mediation, is a necessity of social existence, and so the question is not how to avoid representation but how to determine where representation does not greatly cost citizens their liberty and, where it is at risk of doing so, to figure out what forms of representation mitigate the alienation and enable participation.

To rehabilitate Rousseau's view of representation, it should be noted that outside *The Social Contract*, when Rousseau considers the appropriate governments for Poland and Corsica, he advocates for representative institutions.⁷⁷ These recommendations could be explained away as part of the narrative in which representative democracy is not ideal, but it is, practically speaking, the best institutional arrangement one can hope for. Representation is an imperfect politics for a fallen world. But this view begs the question: Given the world as it is, what is the proper place for representation in politics for Rousseau?

The answer to the question lies in Rousseau's division between sovereignty and government. Rousseau claims that representation is acceptable in the affairs of

⁷⁶ Shklar (1969) began the rehabilitation of Rousseau from these charges. For a recent, interesting reflection on the translation of Rousseau's ideas into the French Revolution, see Urbinati (2006).

⁷⁷ On Poland's diet, see Rousseau (1985), particularly Ch VII. On Corsica's mixed government, see Rousseau (2005), 128.

governance – in administration – but inappropriate to matters of sovereignty.⁷⁸ For Rousseau, then, one can have a legitimate *representative government* as long as there is a clear division between the executive functions properly belonging to the government (the supreme administration) and the legislative functions, which belong to the sovereign – the gathered people. In other words, Rousseau accepts representative government when it administers the laws and coordinates general governance. In such matters, the government is a *constituted power*, authorized to act in a limited way.⁷⁹ The government may adjudicate, reconcile the laws to the circumstances, but it is not engaged in law-making. For Rousseau, it is important to distinguish between *power* and *will*. The government is a power and can, therefore, be ‘transmitted’ – that is, represented.⁸⁰ It is bounded by its delegation; it does not act on its own authority but in the name of the republic’s authority. Thus, the government should not threaten the liberty of the members of the community because its function is the execution of the laws formed by the sovereign people. Thus, the government should not place any burdens on the people that are not in accordance with the expression of their general will. And thus, a right-acting government is not in a place to enact *domination*; it facilitates the enacting of the laws that the people have given themselves.

While the constituted power of government can be represented, Rousseau is clear that political representation – in the form of electoral parliaments – is impossible in matters concerning sovereignty. Thus, the *constitutive act* of legislating cannot be

⁷⁸ Strong (1994) gives a strong account of this division in Rousseau’s thought, see especially Chapter 3.

⁷⁹ Rousseau (1985), 41-43 and SC, 172.

⁸⁰ SC, 153

handled by representatives. For Rousseau, law is distinct from regulations. A *law* is a relationship between the entire populace and itself. When the people *enact* a statute that concerns the entire populace, then it forms the relationship of law. The people thinking in the perspective of the general will enact a statute whose object is also general in that it applies to each, every and all equally.⁸¹ This means, that law is a matter of *will*, not power. It is the expression of the general will. And as a function of will, it is impossible to represent another's capacity to legislate. Acts that entail the will are performative – either one wills it or another does. Thus, law-making requires one to be actually *present*. This is the reason that, for Rousseau, the English people were using their freedom to *enslave* themselves. Their parliament was more than administrative; it was the law-making body of the community too. Thus, the English people – and all of those in the modern representative democracies that the participatory democrats push back against – live alienated from their liberty as citizens, from their capacity to will the laws that apply to them as individuals and members of the community.

In considering the problem of political representation from the perspective of the representatives in the legislature, one can conclude that Rousseau accepts representation in matters of administration and rejects it in matters of legislating. This conclusion captures the spirit of Rousseau's political division, but it cannot account for the necessity of representation in founding the political community. This conclusion relies on a narrow understanding of representation as meaning the electoral institutions of contemporary representative democracies. As seen in his analysis of the theatre, Rousseau understands

⁸¹ SC, 161

representation in a more expansive sense. In one way, what is required in the expanded sense of representation is straightforward. The step from the pure spectator to the active spectator requires that the people become “a spectacle to themselves” – theatrically performing their own selves through popular festivals (see §5). Rousseau turns to the same solution for political representation, but there is an intervening condition that it the transition to an active spectator more difficult. The initiating political act in which a people constitutes itself through law is paradoxical. As Rousseau says, “The social spirit that ought to be the work of that institution [the law] would have to preside over the institution itself. And men would be, prior to the advent of laws, what they ought to become by means of laws.”⁸² To overcome this temporal difficulty, Rousseau introduces the Legislator. The essential task of the Legislator, as paradoxical as the situation he is needed to remedy, is to be a representative who does not represent. In order to do this, Rousseau relies on the temporality of representation to divide a time *before* from the time *after* with the Legislator’s presentation of the law serving as the transition point.

§4.2 The Legislator: A Representative Who Does Not Represent

Rousseau acknowledges a paradoxical turn in his political thought as he moves from the general discussion of sovereignty, the general will, and law into what it means to become a people. For Rousseau, effecting a lasting transition from being individuals in society to becoming *a people* – a unified political community – is difficult and nearly impossible. The problem is the fallen state of humankind that he traces in *The Discourse*

⁸² SC, 164.

on the Origins of Inequality. Thus, individuals confuse their private interests with virtue and public good. The purpose of law is to reshape the fallen individual's understanding of virtue and interest to correct for the corruption of vanity (*amour-propre*). The paradox is that Rousseau's theory of sovereignty requires the very individuals corrupted with vanity to see beyond their private interests, to interpret the general will with foresight, and to pass the laws that are supposed to transform them into the type of person who would will that as if it were natural. Rousseau engages and resolves this temporal paradox by introducing the Legislator and relying on his timeliness to lift the responsibility of formulating the laws that found a people from the gathered persons themselves.⁸³ The Legislator is in a position to *present* the laws to the people, requiring them only to see clearly enough to affirm the virtue of the laws and to incorporate those laws in the constitutive act that founds a people.

The Legislator as the lawgiver is in the peculiar position of being the founder of the people and, yet, because of the demands of sovereignty, nobody establishes a people except for the people themselves. As such, the Legislator acts *before* the people exist and only receives recognition long *after* they have come into existence. The Legislator is understood only in a re-cognition of what had occurred. This timeliness allows the Legislator to function as a representative who does not represent. Bound by Rousseau's apparent paradoxical charge to "compel without violence and persuade without convincing," the Legislator acts as if he were a representative.⁸⁴ Through the laws, he

⁸³ There are a number of recent thoughtful reflections on the paradoxical situation of Rousseau's Legislator, see Urbinati (2006), Honig (2009), and A. Keenan (2003).

⁸⁴ SC, 164

represents the people to themselves as *a people*. In the position of founding the people, the Legislator *presents* the laws that the people will accept, thereby making them the political community they were not at the moment of the Legislator's presentation. Importantly, this *presentation* is also a *re-presentation* in two senses. First, as it appeals to the gathered persons' hearts, it is a re-presentation of what is already common to them all, though they can neither recognize nor articulate it without the Legislator's presentation. Second, it is a re-presentation in way that the Legislator is later re-cognized as such. At the point that the people understand the presentation of the law, it will already have been the case and thus, remembered as a re-presentation. In presenting the law, the Legislator assumes a *responsibility* both for articulating this understanding and for enabling the enacting of the people to occur. And yet, the Legislator remains a representative *who does not represent*. If the Legislator were a representative, then he and not the people would be sovereign. Thus, the representative act of presenting the laws must be done without the Legislator or his actions assuming the will of the people. In other words, the Legislator can neither *speak for* nor *stand for* the people.⁸⁵ For Rousseau, the Legislator escapes the role of representative through a temporal shift. He does not represent because he acts *before* political time begins. Were he to act in the same capacity *after* political time began, he would be usurping the sovereignty of the people. Rousseau emphasizes, though his examples do not exactly bear out the point, that

⁸⁵ Pitkin (1967) considers these the two primary categories of representation.

power and rule are distinct from the task of lawgiving.⁸⁶ Thus, the purpose of the Legislator is to enable the conditions in which a people will represent itself.

In accomplishing his task, the Legislator establishes the representative field of politics in such a way that neither he nor his office serves as a mediation between the people and the enacting of the general will. In other words, the representative field the Legislator establishes is one of self-representation in which the people serve as their own mediation – moving from being a number of gathered individuals to re-presenting themselves as a unified “established people.”⁸⁷ To the extent the Legislator is representative, he is an empty signifier – a non-substantive medium of transformation.⁸⁸ In certain ways this makes Rousseau’s Legislator the opposite of the sovereign representative in Hobbes’s *Leviathan*. For Hobbes, the sovereign representative is the source of the unity of the commonwealth. The representative serves as the spectacle, as the form of mediation that transforms the multitude into a unified commonwealth. For Rousseau, the Legislator’s person and will are *not* the source of the people’s unity. Instead, in presenting the laws, the Legislator sets the ground upon which the people

⁸⁶ On the difference between the command of men and command of laws, see SC, 163. Rousseau is not consistent in his examples, as some of his Legislators do both. His examples that fit are Lycurgus who steps down in order to hand down the law, Calvin in Geneva, and the foreigners that came to establish laws in the Italian city-states. On foreigners as founders in Rousseau, see Honig (2001). But Moses both handed down the law and commanded men. On Moses, see also Rousseau (1985), 5-7.

⁸⁷ SC, 164. In this sense, *founding* a people for Rousseau is not an act of creation, but an act of enabling. As with the Roman decimvirs, Rousseau writes: “Nothing we propose...can become law without your consent. Romans, be yourselves the authors of the laws that should bring about your happiness” (SC, 164).

⁸⁸ Laclau (1996) defines an *empty signifier* as “a signifier without a signified” (p36). Laclau, unlike Rousseau, sees all representation as an empty signifier. He writes, “Representation is the name of an undecidable game that organizes a variety of social relations but whose operations cannot be fixed in a rationally graspable and ultimately univocal mechanism” (p99).

become a spectacle to themselves. Thus, the mediating point in Rousseau is not the representative but the product of the representation itself.

The Legislator's part in the representation is only to present the laws. If the Legislator were to assume an active role in the founding, then he would mirror Hobbes's sovereign representative; the foundation would come *through* the Legislator as an *actor*, serving to alienate the liberty of the people. Thus, the Legislator initiates but does not rule. His task is not to convince the people that the laws presented are virtuous and just; it is to present a set of laws that will be self-evidently virtuous and just to the people. Rousseau claims it is "an undertaking that transcends human force, and, to execute it, an authority that is nil."⁸⁹ The Legislator cannot exercise authority – it must be 'nil' – because the people must *authorize* the laws themselves; otherwise, the Legislator's presentation of the law becomes an act of domination, not an opportunity for liberty. Following the transcendental aspect of the Legislator's task, Rousseau notes that Legislators always appeal to another source of authority – the divine. For Rousseau this is not simply an act of mystification – an act of domination masked in the sacred. Rather, citing Machiavelli, Rousseau links the divine invocation to that which the prudent can see and yet lack reasons with which to persuade.⁹⁰ In other words, the divine appeal is not about the authority of a particular deity but the wisdom with which one speaks. It also points again to the paradox of the people's self-founding. The prudent can *see* but cannot provide *reasons* for the virtue of the Legislator's laws.

⁸⁹ SC, 164

⁹⁰ SC, 165

For Rousseau, the Legislator's appeal to the divine is, then, not a call upon the disciplinary authority of God or the gods but an appeal to what is immediately evident to the human being.⁹¹ Thus, the Legislator is to present laws that are taken up by the people because the laws affirm what is already true of them. Rousseau invokes the *heart* to communicate his point. He notes that while the apparent focus of the Legislator is on "particular regulations that are the arching of the vault" – that is, basic structuring laws of the republic – his real intent is to present transcendent laws, "not engraved on marble or bronze, but in the hearts of citizens."⁹² In *The Government of Poland*, Rousseau claims that the only lasting foundation is "to establish the republic in the Poles' own hearts, so that it will live on in them despite anything your oppressors may do."⁹³ In other words, the laws and thus the republic itself endure when located in the heart of who the people are. The Legislator is to know the hearts of the people for whom he presents the laws so that the laws will be met with an immediate affirmation from the people as human beings, not as a matter of reflection, persuasion, or coercion.

In giving laws that the people take up with the immediacy of their hearts, the Legislator successfully acts as a representative who does not represent. Everything about the Legislator's actions is meant to mitigate the Legislator as an *actor*. He has an authority that is nil. His presentation of the law avoids being a mediating act of

⁹¹ On immediacy in Rousseau, see Simon-Ingram (1991), Taylor (1989), and Friedlander (2004). One of the consequences of the immediate is *transparency* and *availability*. That is, when one is immediately present, it is in a way a full presence and so without masks or closures of civilization. See Strong (1994) and Starobinski (1988). For the connection of these to a democratic sense of openness, see A. Keenan (2003).

⁹² SC, 172

⁹³ Rousseau (1985), 10

domination that would otherwise alienate the people from their sovereignty because of its timeliness. It re-presents the people *before* they are a people. This presentation of the law is an initiation; political time – if you will – begins *after* that act. And from that point forward, the Legislator remains silent in order for the people to engage in self-representation by affirming the laws they are prudent enough to see though they lack the reasons to have articulated them.

If the Legislator serves as a representative who does not represent by forgoing the opportunity to enact his own will in the name of the constituting people, the question of how the people enact their unity through self-representation remains. For Rousseau, political representation, like theatrical representation, requires the spectators to become actors *in addition* to being spectators. As such, Rousseau recognizes the necessarily spectacular aspects of action in society and seeks types of spectacles, forms of representation that are participatory so that an individual can occupy both the role of the spectator and the actor. In the next section (§5), I examine Rousseau's endorsement of popular festivals as a participatory form of representation that corrects the problems of the pure spectacles of theatre and politics.

5

THE ACTING SPECTATOR: POPULAR FESTIVALS AS PARTICIPATORY REPRESENTATION

The pure spectacle creates two relationships to the spectacle – or the representation – itself, that of the pure spectator and of the actor. While this extreme situation is avoided in many forms of representation, the basic division between spectators and actors remains a risk. Rousseau, recognizing the necessity of

representations, does not make a categorical critique of representation. Rather, he focuses his critique on forms of representation and situations in which representation accentuates the spectator-actor divide. The consequence of that divide is the passivity of the spectator and her alienation from liberty, leaving her in a relationship of domination and irresponsibility. As seen in the last section, Rousseau endorses the idea of the Legislator as a representative who does not represent. Thus, while structuring a representative situation, the Legislator avoids becoming a mediating point between the people gathered and their sovereign enactment of themselves as a unified political community. In this sense, Rousseau supports representative situations that operate as empty signifiers, essentially laying the ground for moments of self-representation. The popular festival is another empty signifier, like the Legislator's presentation, in the sense that it opens a space for the people to act. Yet, unlike the Legislator's presentation, the festival is also the series of practices that enact the self-representation.

The popular festival mitigates the risks of alienation by making the spectator into one of the actors that creates the spectacle, the product of representation, as well as being one of its spectators. In creating a situation in which the spectator is also an actor, the festival is an act of self-representation. Importantly, the festival is immediate in experience but it is still a form of mediation. As such, it does not avoid alienation per se; it allows for the spectator-actors to alienate their liberty to their own selves. This prevents ill effects of alienation – domination and irresponsibility – because the individual's liberty alienated as a spectator is received as an actor producing the representation. The advantage, for Rousseau, in a representative act that returns one's alienated liberty back to oneself is that one's liberty or understanding of that liberty can change. Thus, in the

self-representative act of the social compact that the Legislator sets up, the natural liberty each individual alienates returns as the public liberty of citizens – a transformed liberty. Similarly, in the popular festival, the participant alienates her private liberty, her sense of being a singular individual, and receives in return an understanding of her liberty as an individual embedded in a community of persons.

Rousseau invokes the popular festival as a model for activity within a virtuous republic throughout his writings.⁹⁴ As an event, the popular festival links several major concerns of Rousseau: the true experience of joy, correctives to social inequality, and alienation in spectacles.⁹⁵ *La Lettre à D'Alembert sur les spectacles* stands as Rousseau's longest consideration of the popular festival. In that letter, Rousseau sets the popular festival up as an alternative spectacle to that of the theatre – superior because it incorporates the spectators as actors, overcoming the passivity of the audience in theatre. The popular festival is one of the ways in which “spectators become a spectator to themselves.”⁹⁶ In putting forward the example of the popular festival as a good spectacle, Rousseau notes that its structure and dependence on the spectator-actor corrects each of the social, moral, and political ills that instituting a theatre, especially in Geneva, would bring.⁹⁷ The games of the festival encourage equality without dampening a healthy

⁹⁴ Marshall (1986) challenges this reading of Rousseau as concerned with *festivals*. He emphasizes the structure of the competitions evident throughout Rousseau, including in the ‘spectacles’ appropriate to the republic at the end of *The Letter to D'Alembert*.

⁹⁵ See Friedlander (2004) on Rousseau and joy.

⁹⁶ LDA, 126

⁹⁷ For Rousseau, the festival is not the anomic festival described in Agamben (2005). Instead, the festival is a structured (even if spontaneous) space. In this sense it mirrors what the Legislator does when he presents the laws to the people who are *not yet*.

competitiveness in the participants.⁹⁸ The festival serves, if not as a founding moment, as a reminder of one's belonging in the community because in participating "each sees and loves himself in the others so that all will be better united."⁹⁹ For Rousseau, the popular festival as a spectacle, as a representation, connects the individual to the community. As a spectacle, it surpasses theatre because it is a form of entertainment that links the community together. It does not produce the false unity of the theatrical audience or the inequality and division of seeing and being seen by others where the theatre is seen as a social event.

Rousseau's most evocative account of a popular festival occurs in an extended footnote near the end of *The Letter to D'Alembert*.¹⁰⁰ He recounts a scene from his childhood in Geneva when he and his father witnessed a spontaneous popular festival. This scene that moved Rousseau both as a child and an adult merits a brief description. One evening, after completing their exercises and dinner, the members of the St. Gervais regiment – officers and soldiers both – began dancing. Rousseau recalls the 'harmony' of the dancers and the 'lively sensation' of the music, which he holds was so moving that it 'could not be experienced coldly.' The scene outside awakens the women and children, who at first appear in the windows but who quickly come down to join their husbands and fathers in the dance. The dance's harmony eventually devolves into laughter and

⁹⁸ LDA, 126. Interesting here is that physical comparisons in DOI were the beginning of society and seeing ourselves through the gaze of others. Here, it bonds people to and within the community without losing individual distinction.

⁹⁹ LDA, 126. Again paradoxical, the context of these games allows the same practices of seeing oneself through others to lead to love and unity rather than vanity and division as it does in DOI.

¹⁰⁰ LDA, 135-136. My reading of this event is particularly indebted to Strong (1994), 62-64.

embraces. Rousseau's father, trembling with emotion, embraces the young Jean-Jacques, telling him, "Love your country. Do you see these good Genevans? They are all friends, they are all brothers, joy and concord reign in their midst. You are a Genevan." The people fail to restart the dance and eventually all return home. Rousseau concludes this reverie with the thought that perhaps others – his readers – would not be so moved by the scene because "one must have eyes made for seeing it and a heart made for feeling it." The *it* to which Rousseau refers is the pure joy of public joy. To Rousseau, the spontaneous evening dance in the town square was an expression of public joy. It was a popular festival celebrating the sense of belonging within the Genevan community.

In Rousseau's remembering of this spontaneous festival from his childhood, it is evident how the festival works as a good form of representation. It is participatory, encouraging the spectators to become active participants in producing the spectacle. And, since they are also the object of the spectacle and its audience, it is an act of self-representation. The people of Geneva re-present themselves as the unified community of Geneva to themselves. Through this act of self-representation, all the potential ill effects of alienation are overcome in each and all.

The spontaneous festival is grounded in the military exercises of Geneva, a local tradition with local musical accompaniment. For Rousseau, it is important that popular festivals be rooted in local customs. It is the anchor for the self-representation of a community. To attempt the same type of unity using novel or foreign customs introduces an unnecessary distance between the participants and the end – to affirm their being a community. Thus, he advises Poland and Corsica against changing customs unless

absolutely necessary.¹⁰¹ He favors local and modern games in festivals over those of the Greeks because to adopt those games is nostalgia for a past to which we do not belong.¹⁰² The dance is rooted in Genevan customs and so its materials are appropriate to representing Geneva.

As the dance progresses, there is a movement in which the spectators become actors. The women and children in the windows at first only observe the dancing men. Yet, they quickly join in the dance themselves, shifting from being passive spectators to being among the actors producing the spectacle. In this participatory revelry, distinctions disappear and equality emerges. The officers and soldiers dance together regardless of rank. The women become equal participants in the dance. In fact, the inclusion of the women in the ‘public joy’ changes the spectacle from being a military, masculine expression of unity to one that encompasses a fuller representation of the community as a whole. The soldiers cease being only soldiers; they dance as soldiers, as husbands, sons, and fathers as well. All of these relationships bound together into this single expressive scene capture what it means to be Genevan.

The young Rousseau might have failed to articulate the meaning of this experience – the ‘sweet drunkenness’ of that evening – if not for his father’s articulation of the feeling common to them. The feeling here is not the love for country; that is what Rousseau’s father tells the young Rousseau *to do*. It is the feeling of *being* Genevan. For

¹⁰¹ Rousseau (2005), 123-124, and Rousseau (1985), 3. This is the problem that Peter the Great met in Russia; he attempted to legislate based on an ideal, not on whom the Russian people were (SC, 166).

¹⁰² LDA, 126. Ozouf (1988) gives a historical account that supports Rousseau’s point. In the French Revolution, the revolutionary government attempted to replace the old religious-based festivals with new ones reflecting the new foundation in Enlightenment values, such as reason. These festivals were failures with the people in part because their newness exposed their artificiality and lack of connection to the history of the French people.

Rousseau, the capacity of the popular festival to enable that feeling of belonging is rooted in its capacity to move the *heart*. In other words, as the Legislator does concerning the laws, so too the dance “compels without violence and persuades without convincing.”¹⁰³ For Rousseau, the spectacle requires ‘eyes to see’ *and* the ‘heart to feel.’ Every spectacle is an object of vision, but in the spectacle produced by spectator-actors – in a self-representation – the heart must also be involved. The production of the representation requires the participants to act *authentically*. Without heart, the dance would have been a hollow event, an affirmation of alienation, rather than the authentic expression of public joy found in belonging in a community. In this joy, an individual loses herself in order to gain or to be reminded of her public self. In the festival, the risks of alienation disappear. The participant is not in a relation of domination because each freely participates in the spectacle of themselves as a community, and in participating they affirm their place within the community. That is, they accept the responsibility of the citizen.

For Rousseau, the popular festival is a positive form of representation because it is participatory. In requiring the participation of the spectators, the popular festival makes each spectator also assume the role of actor. As an active spectator, the relationship between the spectators and the spectacle changes. Instead of having the spectacle presented to them as a complete representation, the spectators actively participate in the spectacle’s production. For Rousseau, the activity of the spectators *in the production* of the spectacle is essential because the spectacle – or the representation – is the point of the mediation in representative situations. If the spectators participate in its production, then

¹⁰³ SC, 174

the spectacle is an act of self-representation. This does not alter the mechanics of representation for Rousseau; all representation remains a form of mediation and, thus, risks the negative consequences of alienation. What it does alter is the practical relationships in the particular instance of representation. In acts of self-representation, the same persons act as the audience, the representatives, and the represented. In closing the representative circle in this fashion, Rousseau maintains that self-representation operates like an exception to the representative situation. Its unique circumstances do not prevent the alienation; they only allow for one to receive the liberty they alienate in an act of mediation.

6

CONCLUSION

The exceptional circumstance of self-representation points to the limits of Rousseau's understanding of representation. Rousseau does not substantively rethink Hobbes's theory of representation. Both maintain that representation is a total mediation – that is, the alienation of liberty. For Hobbes, this alienation is beneficial, allowing the sovereign representative to be the only person with the liberty to act politically. Rousseau does shift the mediating point away from the representative by focusing on the representation – the spectacle – as distinct from the representatives that produce it. For Hobbes, the two things are collapsed. The sovereign representative is also the spectacle, as evidenced in the famous frontispiece to *Leviathan*. Rousseau's shift does not alter the mechanics or consequences of representation. Conceptually, for Rousseau, alienation is an unavoidable problem of representation. In self-representation, the conceptual problem

becomes a practical non-problem since in such cases one ends up alienating one's liberty back to oneself. This is a limited solution to the problem of alienation inherent in the mediating activity of representation. Rousseau's approach to the problem of representation does not enable one to conceive of forms of representation in which one claims to represent *others* without resulting in the total alienation of those who are represented. For Rousseau, then, all representation is technically alienating, and only in self-representation are there instances in which the alienation is effectively nil. Linked to the preference for self-representation is the value of authenticity in representation. The suggestion is that the only representation that is authentic occurs when one represents oneself. This significantly constrains the number of legitimate representations.

Recognizing these limits to Rousseau's understanding of representation, we should still take several important insights. First, Rousseau makes clear what is at stake in representation. It is a form of mediation and, therefore, always has an element of alienation. But as his cases of self-representation show, it is not the alienation per se but its manifestations as experiences of domination and irresponsibility that are the problem.

Second, Rousseau emphasizes the importance of time to representation. The Legislator remains a representative who does not represent because he acts outside of time. To act 'in time' is to participate in the activity of representation. A rethinking of representation must acknowledge and incorporate the passage of time as an essential element of what it means to represent. The existence through time reminds one that representation is a concrete activity that maintains a sense of worldliness.¹⁰⁴ For

¹⁰⁴ That representation is a type of activity and not merely descriptive is the starting point for the reconsideration of representation that begins in Pitkin (1967). On worldliness, see Balibar (2007) for an

Rousseau, since sovereignty is immediate – always in the present – the only way to conceptualize the time necessary for representation is to locate it *before* or *after* the present. Thus, the Legislator acts as a representative by re-presenting the people to themselves through the law before they exist as a people and comes to be re-cognized long after his ‘representative’ act. Therefore, in the present, he does not represent in that he does not mediate between the people and the sovereign will. While Rousseau raises the issue of temporality, his before/after solution still leaves representation without legitimacy in time. In the next chapter, I consider representation as occurring in the time that elapses in an intersubjective relationship. This allows representation to be thought of in a way that is impossible for Rousseau – *as a response to another*.

And third, in his attempts to make the spectators both actors and spectators, Rousseau emphasizes the possibility to participate in representation. This is Rousseau’s challenge to Hobbesian politics. Rousseau attempts to reactivate the people who are represented in order restore their agency in the process of representation. Here, Rousseau opens the possibility of thinking about representation as an active relationship in which the represented becomes an active spectator, rather than the passive one of the theatre and Hobbes. In the next chapter, I build on this relational insight in Rousseau and rethink representation in a way that gives priority to the *relational* aspects of representation and their capacity not to avoid mediation but to mitigate the negative consequences of alienation – domination and irresponsibility.

explanation of its significance in Arendt’s thought and for political theory in general. On the difference between Rousseau’s alienation of the will and Arendt’s alienation from the world, see Honneth (2007a), 31.

PART III:
RELATIONAL REPRESENTATION

CHAPTER 5

RELATIONAL REPRESENTATION: ACKNOWLEDGING AND ENGAGING AGENCY

Now the blindness in human beings...is the blindness
with which we all are afflicted in regard to the feelings
of creatures and people different from ourselves.

-William James¹

1

INTRODUCTION: TOWARD RELATIONAL REPRESENTATION

One of the starting points for contemporary considerations of political representation is the longstanding tension between representation and democracy. This project began as an attempt make that tension productive, rather than resolving it.² There is reason to be skeptical of attempts at resolution. Among other things, democracy is a participatory principle open to the *demos*. It is direct and immediate – a politics of presence.³ As Pitkin summarizes the uses of *representation*, it is the making present of

¹ James (2000), 267.

² On this turn towards the productive tension, see for example Honig (1993), Laclau (1996), and Markell (2003). This entire thread of democratic thought, including myself, is deeply indebted to the thought of Hannah Arendt.

³ Philips (1995) attempts to reconcile liberal democratic politics with this demand. For an account of the power and limits of democratic presence, see Wolin (1994, 1996, and 2004) and recently, Urbinati (2007).

something that is absent.⁴ In this sense, representation is antithetical to democracy. It is indirect – mediated through others – and deferred. It is a re-presentation.

The necessary tension between democracy and representation causes some to reject one concept or the other, thereby dissolving the tension by choosing sides. Democracy is dismissed as hopelessly utopian – a face-to-face principle for lives increasingly marked by distances and social relations lived out through a variety of mediating forms. Or one rejects representation as another form of rule – tyranny and domination in another form. Indeed, these approaches dissolve the tension by denying a value to the tension itself. Representation is a basic condition of our political experience; we are not always physically present to act or to speak for ourselves. Given this basic condition, the important question is how to make the tension productive, how to bring the practices of representation closer to the participatory values of democracy, particularly the capability to act or agency. Building on the previous two parts, I propose in this section a rethinking of representation, which I call *relational representation*, as an intersubjective relationship that aims toward enabling the agency of the participants in the relationship.

Part One of this dissertation considered the contemporary political contexts that demand a rethinking of representation. I took global politics to be post-sovereign, a field of activity with a plurality of political actors – new among them, a growing number of nongovernmental actors. I considered these emergent nongovernmental actors both in one of their phenomenal appearances, The Battle in Seattle, and in their place in the theories

⁴ Pitkin (1967), 8-9.

of global justice. I concluded that in both instances, the place of nongovernmental actors in global politics raises the question of what it means to represent. In raising the question of representation through a participatory activism, there lies a potential to bring the claims to represent into a productive tension with democratic participation. Yet, an institutional conception of representation prevents any of the theories of global justice I considered from articulating such a productive tension.

The first theory of global justice considered was Benhabib's *cosmopolitan-federalism*. She recognizes nongovernmental actors as part of a global civil society that destabilizes the Westphalian frame of state sovereignty, therefore, serving to open questions of representation and to create the possibility that the democratic iterations of legal norms produce a global justice regime. For Benhabib, the nongovernmental actors do not make claims to represent as much as their presence makes apparent the gaps in the existing structures of representation and justice.

The second theory of global justice was Held's *cosmopolitan democracy*. Held incorporates nongovernmental actors into the structures of global governance in order to capture the representative quality of their activity. Since Held adopts a formal understanding of representation as belonging within the institutions of governance, he includes nongovernmental actors within the institutions in order to legitimate their claims to represent. This solution democratizes the structures of global governance in the sense that it incorporates more than just governmental voices, but it does not reckon with representation as an activity. It remains a descriptive quality, meaning something like "having been incorporated into the structures of global governance," which just begs the question of post-sovereign representation.

The third theory of global justice examined was Tully's democratic global politics. Tully recognizes the democratic – that is, participatory – aspect of nongovernmental activism as their primary contribution to conceptions of global politics and justice. In emphasizing the *expansive practices of governance*, Tully rejects the incorporation into the formal institutional structures on which Held focuses. Tully instead develops a theory of global politics 'from below' in which the connections between persons, organizations, and communities are enacted *through* intersubjective practices, centered on the promotion of agency. This position leads Tully to reject the language of representation that he identifies with the institutions of representative democracy. As argued in Chapter 2, I hold the rejection to be unfortunate as the language of representation provides rich resources for making sense of Tully's insights about a practice-based, interconnected, post-sovereign global politics. As such, one way to think about this chapter is as an attempt to show why Tully still needs representation, and what that model of representation might look like.

Part Two considered the mediating aspect of representation, which is the central difficulty for rethinking representation as a participatory activity. In looking at influential treatments of representation by Hobbes and Rousseau, several things are evident. First and foremost, all representative situations contain a mediating point; it is inescapable. As such, a rethinking of representation cannot eliminate mediation. It can, however, attempt to mitigate its ill effects by confronting the tendency of mediation to create distances. Despite affirming this one limitation, the juxtaposition of Hobbes and Rousseau opened several threads for rethinking representation.

The mediating point within a representative situation is not fixed. For Hobbes, the representative person serves as the mediating point whereas for Rousseau, the *spectacle*, the product of representation, serves as mediating point. In shifting the mediating point, each theorist opens and closes political possibilities. Hobbes uses the centrality of the representative to justify his preferred political arrangement – the location of sovereign power in one person, rendering the members of the community apolitical spectators to their own collective representation. In Hobbes, it is evident that there is a democratic potential in the openness of the constitutive capacity of representation. The need for a sovereign-representative is only a political decision, not a theoretical necessity. Thus, claims to represent are plural.

Focusing on the product of representation, Rousseau opens a participatory politics that spares the citizens from their fate in Hobbes's theory. For Rousseau, the citizens serve as both the actors that produce the spectacle and the spectators that witness it. In making this move, Rousseau does not so much resolve the tension between democratic participation and representation caused by mediation as much as he discovers the exceptional cases in which the tension is not *experienced* as a tension. That is, when participating in self-representation, persons mediate their own selves, thus paradoxically alienating their liberty back to themselves. Here the limit of Rousseau's application to the situation of global politics becomes apparent. Rousseau promotes the exceptional instances of representation that operate as if they were not representation. He makes no attempt to reconsider the mechanics of Hobbesian representation that require total mediation. As such, in Rousseau there is no instance in which a person can make a legitimate claim to represent another person.

Essentially, Rousseau provides a solid critique of mediation in representation without attempting to confront the resulting problem – *How can one who is not the same as another represent that other?* The purpose of Part Three is to move toward answering that question by developing *relational representation*. Relational representation holds that one can make a claim to represent another through practices that respond both to the other as an agent and the intersubjective relationship between you. In §2, relational representation begins by shifting the mediating point in the representative situation away from the *product* of the representation and toward locating it in the *practices* of representing. In other words, whereas Rousseau focuses on the mediating that occurs when one *views* the representation as a product; I instead focus on the interactions that constitute the representative relationship itself. By locating the mediating point in the relationship, the totality of the mediation is mitigated as the relationship is constituted of an iterative series of actions and reactions with multiple agents acting on the other. The intersubjective relationship tends to prevent the alienation and objectification typical in mediating representation not by avoiding mediation but by remaining open to the other in the relationship. This intersubjectivity serves as the basic grounding for relational representation. I develop the intersubjective quality of relational representation through a discussion of the politics of recognition (§2.1) and the move to acknowledgment (§2.2).

From the grounding in intersubjectivity, the practices and ends of the representative relationship change (§3) from the activity of *speaking for* or *standing for* another to the practices of *responding to* another. Since relational representation is grounded in particular relationships, the concrete practices and ends of each representative relationship differ, but they aim toward a common end – the preserving

and further enabling of the *agency* of the represented. As will be seen, working to increase the agency of the represented also tends to increase the agency of the representative, but that is a secondary effect. As such, it follows that to the extent that agency is lost or repressed the relationship loses its intersubjectivity and also its representative quality.

Keeping the end of promoting agency in mind, I begin to develop how relational representation works (§4). I propose one limiting principle and a way to understand relational practices of representation. The limiting principle is the *principle of nondomination*. It sets practices that result in domination – either of the representative or the represented – as the boundary condition of the relationship. Then I examine the relational practices of representation as *practicing commitment*. The active formulation is meant to capture the sense that the characteristics of the practices are embodied in the practices and are particular to each representative relationship. As such, it is impossible to say that doing *x* is practicing commitment unless *x* is placed in the particular context of that relationship: any given practice will sometimes be, and other times will not be. To emphasize two related but distinct aspects of practicing commitment, I consider *solidarity* and *responsibility*. Solidarity emphasizes the relational condition between the persons in relationship, and responsibility emphasizes the centrality of responsiveness to relational representation. Each of these aspects of relational representation serves to acknowledge and engage the agency of the persons in the representative relationship. Most importantly, the representative relationship ought to work to substantively expand the agency of the represented, both within the particular relationship as well as outside it. In Chapter 6, I will then apply the understanding of relational representation to the concrete activities of

nongovernmental actors engage in the types of ‘expansive practices of governance’ of which Tully speaks.

2

REPRESENTATION AS AN INTERSUBJECTIVE RELATIONSHIP

The difficulty with liberal-democratic theories of representation depend on objectification in order to render representing coherent as a liberal political action. Only by objectifying one of the persons in the relationship – either the representative or the represented – can a theory of representation be reconciled with the demands of the liberal autonomous agent. The objectification of the one allows the other person in the relationship becomes the *subject* of representation. The subject-object structure of the relationship provides a solution to two of the enduring ‘difficulties’ with representation. First, as only one person is the subject of representation, that person has the full liberty to act – that is, she can be understood to be autonomous in a strong sense of being self-sufficient. Second, as the relation between the subject and object is structurally determined, the persons assume their roles in the representative relationship as a fixed identity. Thus, by definition, no matter what the particular actions, what the representative does is representing and what the represented does is being represented. This identification of the actor with her role leads to theoretical certainty but opens a gap between the theory of representation and the practical experience of it. This experiential gap is one of the sources of the contemporary re-evaluation of the structures of representation. In evaluating the structures, some focus on how the structures pick up interests both directly and indirectly; others on what it means to be represented well or

poorly.⁵ In the end, they each work their categories by treating representation as the relationship between an acting subject and a passive subject or an inactive object.

Relational representation attempts to resolve the gap between the theory and practices of representation by focusing not on the identity of the persons involved but on the practices of representation themselves. In other words, relational representation takes representation to be an intersubjective relationship that develops through the practical interactions of the representative and the represented. In order to establish an intersubjective basis for representation, I turn to the politics of recognition. Both the politics of recognition and most theories representation frame the problem around *identity*. Both treat identity as fixed and complete and, yet, somehow simultaneously in danger of being either misrecognized or misrepresented. The difficulties with this conception of recognition as a matter of identity are resolved by a shift toward the *acknowledgment* of subjectivity.⁶ Acknowledgment serves as an orienting stance toward the other in an intersubjective relationship. Acknowledgment does not depend on the correct and complete recognition of the other's identity; it merely has to be aware of and attend to developing subjectivity of the other in the relationship. Relational representation grounds itself in the orienting stance of acknowledgment. In doing so, the problem of representation is no longer the complete re-presentation of identity; it is, rather, the continual process of acknowledging the other's subjectivity. Thus, the end of the representative relationship is focused not on having the definitive good – of representing

⁵ On forms of indirect representation, see Mansbridge (2003, 2009). On unelected representatives, see Rehfeld (2006, 2009) and Saward (2009).

⁶ *Acknowledgment* will be discussed at length in §2.2. The concept comes from Cavell (2002a, 2002b) and is developed most fully in Markell (2003).

or being represented correctly – but, instead, in enabling the subjectivity – that is, the *agency* – of the persons in the relationship.

§2.1 Identity & Objectification: The Limits of Recognition and Representation

Following Kojève’s interpretation of Hegel’s ‘master-slave’ dialectic, *recognition* is often cast as a struggle with the highest of stakes.⁷ In the contest, only one emerges with recognition; the other is dominated, understood only through the categories and terms of his subordination. The result is the ‘master’ claims recognition and the use of his liberty and the dominated is rendered an object in the world of the ‘master.’ Many accounts of recognition have modified and qualified the extremity of the struggle, but they tend to retain something of the adversarial character because recognition is cast as a *demand* of one on the other. This situation becomes problematic in what is called the ‘politics of recognition’ because the dynamic of the demand tends to objectify the one demanding recognition because it is a demand to recognize the validity of particular *identities*, not the subjectivity of the person.⁸ Thus, the failure to recognize – *misrecognition* – is understood as either missing the significance of a particular identity to a person or framing that identity as inferior in a way detrimental to a person’s sense of self since they are importantly constituted by that identity.

⁷ Translated into English as the somewhat less severe ‘lord-bondsman’ dialectic, see Hegel (1977), 111-119. For an interpretation that recovers the elements of intersubjectivity in Hegel’s account, see Honneth (1995).

⁸ For good introduction to what is often called ‘identity politics,’ see Gutmann (1994). Taylor’s essay “The Politics of Recognition” (1994) is considered as one of the cornerstones of this perspective. In this section, I hope to make clear why that is and why, despite that, Taylor presents a more complicated picture than most in the tradition.

I argue in this section that we see the same relationship to identity in the many theories of representation. Through a discussion of what Pitkin calls the ‘independence-mandate controversy,’ I argue that the controversy is built on the mutually exclusive demands of both the representative and the represented to have their identity fully expressed through representation.⁹ To enable the full expression of one, the other must be objectified, denied any agency within the relationship. As such, *misrepresentation* is the failure to fully make present the person who is considered to be the active subject of representation. I end the section arguing for the need to shift from a focus on recognizing *identities* to acknowledging *subjectivities*. This move transforms the meaning and approach of recognition, and it opens the possibility of an intersubjective representative relationship.

The ‘politics of recognition’ has developed around several tensions within liberal-democratic political thought. In one way, the politics of recognition depends on the meaning of toleration.¹⁰ What are the limits of toleration in a liberal democratic community? To what extent should a state accommodate non-majority identities? In other words, is the liberal state a neutral arbiter (with minimal rights guarantees) or does it present its own thick identity that demands accommodation from those within the state but with alternative identities?¹¹ Yet, in other important ways, the issue of toleration and accommodation is a second-order concern because it presupposes coherent identities and

⁹ Pitkin (1967), Chapter 7. For elaboration of the paradoxical aspect of this, see Pitkin (1968).

¹⁰ Toleration is in certain ways a lower threshold than the recognition of identity. Toleration does not demand affirmation, only allowance.

¹¹ Taylor (1994) raises these concerns but they are developed more explicitly in Walzer’s comment on Taylor’s essay (Walzer 1994a). For a further elaboration, see Walzer’s *Thick and Thin* (1994b).

ways of living that can demand accommodation.¹² Thus, the political demand of the ‘politics of recognition’ rests on an understanding of identity formation *and* expression that can *then* be the object of recognition by others in the community. Taylor sums up the primary concern with identity in the politics of recognition as follows:

[O]ur identity is partly shaped by recognition or its absence, often by the *misrecognition* of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves.¹³

For Taylor, our identities are central to our sense of self and, thus, how we make decisions and conduct our lives.¹⁴ The good of recognition provides a person with the capacity to express herself freely. For Taylor, our self-expressions are rooted in our identities; therefore, the misrecognition of one of our constituent identities harms us by constricting our capacity to express our own identity.¹⁵ Since identity is affected by understandings and practices, Taylor’s politics of recognition attempts to provide both the space for the expressive practices of identity.

Markell points to a temporal paradox in Taylor’s approach to recognition: it depends on the completeness of a person’s identity as the *source* of expressive action

¹² The notion that liberalism ought to allow the space for ‘experiments in living’ is central to the romantic-influenced liberalism of JS Mill (1978).

¹³ Taylor (1994), 25.

¹⁴ Taylor calls these *strong evaluations*. He develops the idea in Taylor (1985b, 1989, and 1994).

¹⁵ As is already evident, Taylor moves between a view of identity as the sum total of the relations, attributes, and evaluations of the individual person and, at other times, he seems to mean identity to refer to one of those constituent elements of our identity as a whole person. I will elaborate the stakes of this movement below.

while arguing that misrecognition harms the *formation* of those identities.¹⁶ As such, Taylor must hold that identities are prior to actions since the actions we decide to take originate from our ‘strong evaluations’ – those qualities that are essential to the way that I consider myself “because these properties so centrally touch what I am as an agent...that I cannot really repudiate them in the full sense.”¹⁷ If this is the case, then the political moment in which one must recognize or misrecognize another occurs only after the identity is formed and expressed through action. This suggests that misrecognition might do restrict or damage a person’s capacity to express her identity, but not the formation of the identity.¹⁸ In other words, misrecognition risks political harm by denying the full appearance of a person in public, but not a psychological *developmental* harm.¹⁹ These problems fit with Taylor’s considerations of the political situation of the Quebecois in Canada.²⁰ The Quebecois have a rather strongly fixed identity. The political conflict is over what accommodations constitute recognition of the Quebecois identity.

It is possible to find in Taylor the resources to work through the seeming paradox that Markell sets out. Taylor can argue for both the political and developmental harm because of his belief in the *dialogical self*.²¹ To the extent that Taylor speaks of identity

¹⁶ Markell (2003), 13. Markell follows Arendt and reverses the relationship so that action produces identity. See §2.2 below.

¹⁷ Taylor (1985b), 34.

¹⁸ Markell (2003)

¹⁹ Fraser (2009) refers to the political cost of misrecognition as *marginalization*. This differs from the psychological harm, which Fraser also discusses, but is not unrelated.

²⁰ Taylor (1994)

²¹ Taylor (1994), 32. The foundations for his argument in “The Politics of Recognition” can be found in Taylor (1985a) in his discussion of the limits of autonomy as self-sufficiency. I would like to acknowledge

as that which composes an individual person, he is capable of emphasizing the mediation between the conception of any given identity and the actions of the individual person, which at one point he calls “an agent with depth.”²² But when the question of recognition focuses on the constituent identities, Taylor has to treat those identities as complete and given. The result is, as Markell notes, that in making a demand for recognizing a particular identity, the person making the demand offers that identity as a knowable quantity – an object that one can either recognize or misrecognize. The situation appears as such: One person assumes the role of recognizer and is presented with an identity, as a static thing, that she may then recognize or not, accommodate or not. At no point is the subjectivity of the person making the demand to be recognized engaged. This is a rather familiar dilemma in ‘identity politics’ – or the ‘politics of recognition’ – particularly with persons who belong to several marginalized, misrecognized groups. Each recognition of an identity is particular and, therefore, partial for the person. The second phase of an identity-based struggle for recognition is, then, to be seen as a whole person and not to become determined by that particular aspect of one’s identity. This type of struggle is evident, for example, among women or homosexuals of minority groups that attempt to bridge the gap between the two recognition struggles of which they are a part – that of their cultural identity and their gendered or sexual identity.²³

my huge debt to David Leitch in thinking about what’s missing from Taylor’s developmental psychology. See Leitch (2008).

²² Taylor (1985b), 34.

²³ Appiah (1994), 162-163.

Taylor must adopt a view of the identity always being prior to the action because action, for Taylor, is expressive. The purpose of action is to have the capacity to be *authentic*.²⁴ Authenticity is the value of “being true to myself,” which includes being able to act on my identity-based strong evaluations.²⁵ Many views of authenticity adopt a strong notion of liberal autonomy, a belief in the self-sufficiency of the individual – what Taylor calls *atomism*.²⁶ While Taylor rejects the atomist account autonomy, he does hold that there is a moral autonomy that each human being has the capacity to develop.²⁷ With this moral autonomy, authenticity is possible. There is a (moral) *self* to whom I can be true. It is here that Markell locates the ‘mark of sovereignty’ in Taylor’s thought.²⁸ That is, for Taylor, the demands of authenticity require recognition and a moral space over which one exerts absolute control. While one might to some extent be dialogical, in every action one attempts to appear *as they are*, and the political response expected is not one of understanding but of accommodation.²⁹

²⁴ Taylor (1994), 28-32. Tully (2000) notes how the conversation pushes this way: “The traditional concept of recognition is closely related to the concept of a fixed, authentic, or autonomous identity” (p479).

²⁵ Taylor (1994), 28.

²⁶ Taylor (1985a)

²⁷ Taylor (1985a and 1985b) relies on a vocabulary of *capacities* to discuss the subject of rights. This move bears resemblance to the practice-centered capabilities approach of Sen (1999 and 2009). The difference is that for Taylor capacities serve as a potentiality that should make a person worthy of rights while for Sen the connection between capacities and rights pushes toward understanding the capacity to *use* a right as the measure of having it. It is not the potential, but the practice of the right that matters.

²⁸ Markell (2003), Chapter 2

²⁹ Taylor (1994) locates the interest in *authenticity* in a certain interpretation of Rousseau. Paradoxically, this view of Rousseau focuses on distinctions, whereas Taylor notes, Rousseau was interested in commonality. For an interpretation of Rousseau that captures the elements of authenticity but directs them toward connecting with others, see Strong (1994) on *availability*.

The same relationship between identity and action seen in the politics of recognition is also evident in many theories of representation. The end purpose of these theories of representation is to have the subject of representation authentically expressed through representation. By making the ‘good’ of representation the authentic expression of the subject of representation, it demands the objectification of the other person in the relationship. The debate between theories of representation then revolves around whether the representative or the represented is the subject of representation, obscuring the importance of the actual practices of representation.

Pitkin termed these ideal types the *independence* and the *mandate* theories of representation. Pitkin focuses on the conceptual paradox that makes these two opposing viewpoints irreconcilable.³⁰ She notes most theories and representative institutions lie between the two extremes, but the conceptual paradox points to questions that theorists and politicians ignore or invoke only at their convenience. I am not interested here in challenging the basic analysis that Pitkin lays out for the two theoretical poles; it is compelling and convincing. Instead, I want to draw attention to the particular way that the identity of the actors forces the representation into a subject-object relation in order for either theory to ‘work.’

Taking the mandate theory of representation first, it holds the purpose of representation to be, as close as possible, the re-presentation of the represented. That is, the task of the representative is to communicate the interests of the represented with as little distortion as possible. This pole of representative theory often takes the form of

³⁰ Pitkin (1967, 1968). For a recent consideration on how to work out of this paradox, see Rehfeld (2009). Rehfeld creates a field of three aspects by which theories of representation can vary: aims, source of judgment, and responsiveness.

descriptive representation, similar to the mirroring argument of the Anti-Federalists.³¹

From this conception, misrepresentation occurs whenever a part of the identity of the represented is lost or distorted in the process of representation. Representation, therefore, is judged on its authenticity.

What the various versions of mandate theory have in common is that they all reduce the representative to a vehicle to communicate the identity of the represented. In the weak versions of the mandate theory, the representative makes present the represented's interests. In stronger versions in which the representative becomes a mere messenger, the representative re-presents the will, or fully formed decision, of the represented. The representative's only function is to be the physical presence relaying the identity of those who could not be there in person. There are several acknowledged practical difficulties with the mandate model revolving around the plurality of interests within a particular represented constituency and whether it is possible to clearly determine the will of the represented at all. But the theoretical implications of mandate theories are clear: the subject of representation – that is, the acting agent – is the represented. The represented, either a person or group of persons, exercises his or their liberty to arrive at an actionable decision – that is, an expression of his or their identity. That action might be casting a particular vote or engaging in a particular activity. The representative's agency is not engaged in the course of representation. She is treated as a

³¹ Manin (1997) sets up the mirror/filter distinction to describe the differences between Anti-Federalist and Federalist positions on representation in the republic. Manin points out that the two visions had quite a bit in common. Neither rejected representation, so it was not a representation vs. democracy argument. It was about the proper *means* of representation. The Anti-Federalists maintained that the legislature should *mirror* the people in its make-up, containing persons from the different geographical areas and the different vested interests and professions. The Federalists' *filter* focused on the aristocratic belief in the best governing but the democratic one that the best interests of the people must be able to be considered within the legislature.

thing, an object. According to the mandate theory of representation, something is judged to be representative when it authentically expresses the identity of the represented.

The independence theory of representation, exemplified to a large extent by Burke's virtual representation and in an extreme form by Hobbes's sovereign representation, holds that representation is to have a person act in the place of another, who cannot be present.³² In this construction, the representative is an independent person, a *trustee* whose task as a representative is to engage in the activities as any person present would. The trustee is not bound to the represented's will or interests, though most independence-leaning theories attempt to connect the interests of the represented with the decision-making considerations of the representative. Burke points out the commonsensical aspect of the independence theory: "Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he *sacrifices it to your opinion.*"³³ A representative to parliament is meant to engage in politics, which includes listening to testimony, compromising with other representatives and making an informed decision, all of which would be impossible in a mandate theory because the representative appears in the legislature with a decision already in hand.

The theoretical implications of the independence theory are the reverse of those of the mandate theory. In independence theories, the subject of representation is the representative. The representative's identity is expressed in her actions as a representative. The represented becomes an object, a thing determined *prior* to the

³² Pitkin (1967) uses Burke as her example of an independence theory. Complicating Burke's model of 'virtual representation,' see Coniff (1977). For a more recent example, see M. Williams (1996). On Hobbes, see Chapter 3 of this dissertation.

³³ Burke (1999b), 156, emphasis mine.

representative's actions. The objectification of the represented is necessary for the trustee-representative to be able to represent. The active agency of the represented would complicate the capacity of the trustee-representative to develop her own independent, considered judgment, as Burke noted. In opposition to the mandate theory, then, the independence theory judges something to be representative when it authentically expresses the identity of the representative as an individual person.

The concern with authenticity – the full expression of a person's identity through action – that drives the politics of recognition and theories of representation actually ends up undermining the goal of representation by presenting political situations that require the objectification of the other in order to achieve another's authentic expression. In treating identity as the source of expressive action, the problem is not then just misrecognition and misrepresentation, but the objectification inherent in the representative situations. Therefore, instead of a relationship between two active agents, both require perceiving of the 'relationship' as that between a subject and an object. The person or group demanding recognition is reduced to her or their identity since it is the identity, not the person, to which the question of recognition is directed. In representation, to afford the subject of representation the freedom to act, the other must be reduced to an object. This objectification risks domination. In order to avoid a situation that demands objectification, the questions of recognition and representation both have to shift from a focus on achieving a particular 'good' and toward the promotion of the agency experienced in an intersubjective relationship.³⁴ In the next section, I adapt

³⁴ Tully (2000)

the concept of *acknowledgment* to the representative relationship to begin developing a relational theory of representation that works to promote the agency of the persons in the relationship and to minimize domination.

§2.2 Acknowledgment: The Orienting Stance of Relational Representation

There is a basic division in the recognition literature between those who think that recognition is a particular type of activity and those who treat it as prior to any number of different activities.³⁵ Tully argues that recognition should not be treated as a decision point but as a continual process of disclosure and acknowledgment.³⁶ Similarly, Honneth argues for the priority of recognition.³⁷ This priority serves as a habit of recognizing that orients us toward others and the world before we engage in particular practices. Markell gives the fullest account of this shift in thinking about recognition.³⁸ For Markell, acknowledgment is both an orienting stance and an iterative process that draws on the limits of oneself in order to open the space necessary to maintain a relationship with another that avoids the domination or objectification. While there are differences between the three – some of which is discussed below – they each center on this concept of acknowledgment as a way to think about how relationships between persons exist and

³⁵ For the most informative debate between the two positions, see Fraser & Honneth (2003). The issue centers on whether *redistribution* and *recognition* are distinct activities (Tully 2000). Fraser holds that they are distinct, and she later adds a third pillar of justice, which she calls *representation* (Fraser 2009). Honneth believes that recognition is prior to particular activities and, thus, acts of redistribution always already have an aspect of recognition involved. For elaborations of Honneth's position, see Honneth (1995, 2008). Tully (2000, 2004) and Markell (2003) agree with Honneth.

³⁶ Tully (2000)

³⁷ Honneth (1995 and 2008), also in Fraser & Honneth (2003).

³⁸ Markell (2003)

evolve through time.³⁹ These relationships require not only a moment of recognition, but habits and practices that remain open to the way that the relational interactions change the persons involved and attempt to advance the agency of the persons in the relationship. In this section, I lay out an understanding of how acknowledgment grounds intersubjective relationships and, then, how it specifically applies to the representative relationship.

Acknowledgment requires a shift in the understanding of how beings exist and develop. Acknowledgment connects the recognition to *subjectivity*, not *identity*. In this view, human beings are active agents, not simply the expressers of particular identities. To focus on subjectivity leads one to think of human beings as what Ricoeur calls *capable persons*, agents who can intervene in the world to create change and meaning.⁴⁰ Importantly, for acknowledgment, a capable person is a person with potential that can only be developed within the plural context of relationships with other such capable persons. Consequently, the capable person is not the autonomous subject of liberal theory who can be treated as self-sufficient. Instead, the capable person should be understood as necessarily *dependent* upon other persons and yet *not determined* by them. The human condition is, thus, an existence experienced in the tension of finding liberty through relationships that also risk domination.⁴¹ Given this basic experience, acknowledgment takes the form of practices of attentiveness and care, constantly adjusting to allow and to

³⁹ Indeed, both Markell (2003) and Honneth (2008) draw directly on Cavell's understanding of *acknowledgment*. See Cavell (2002a and 1979) and for his reading of *King Lear* as a struggle with acknowledgment (2002b).

⁴⁰ Ricoeur (2007a), 1-3.

⁴¹ This is one way to understand Rousseau's famous paradoxical claim in the *Social Contract*: "Man is born free, everywhere he is in chains" (1987, 141).

build the agency of oneself and others without falling into practices that objectify and dominate.

The experiential development of a person's subjectivity requires a reconsideration of the concept of *autonomy*. In considering the relationship between the agent and identity, we saw Taylor's critique of strong 'atomist' autonomy, but his shift to the dialogical self and moral autonomy still bear the 'mark of sovereignty,' as Markell puts it.⁴² While Taylor is able to incorporate the ideas of a developmental dialogicity, he treats the agent as self-sufficient – that is, sovereign – *in every moral decision* that she makes. As noted above, this means that in each decision one's identity is given and prior to the action, leaving the action as an expression of that identity. Indeed, Taylor is able to account for the continual development of one's identity generally, but in the particular moment of deciding what action to take, the agent must at least temporarily *forget* the ongoing nature of the dialogue that has brought her identity to this point and will (after this action) continue to affect it, in order to act as if she is morally autonomous. Thus, while Taylor weakens the sense of autonomy, he ends up reproducing a subject that must act *as if* self-determining. In his critique of autonomy, Honneth points to the two assumptions of autonomy that inevitably cause Taylor to reproduce it: "the transparency of our desires and the intentionality of meaning."⁴³ In other words, even for the dialogical self in Taylor, it is assumed that when one 'speaks' it is from a position of self-knowledge and self-understanding with a capacity to control the creation and attribution of meaning, even if in practice total control necessarily eludes one.

⁴² Markell (2003), Chapter 2.

⁴³ Honneth (2007b), 185.

Looking to give a theory of the intersubjective self, Honneth proposes a *decentering* of autonomy that avoids the pitfalls of Taylor's dialogical self.⁴⁴ For Honneth, *autonomy* shifts from meaning the self-sufficiency of the individual to the capacities to act and respond – that is, the capacity to participate in the constitution of her individual agency. Honneth points to three decentering principles.⁴⁵ First, the transparency of desires to oneself must be replaced with a focus on the capacity to articulate desires through language. Second, in place of biographical consistency, one is able to give a narrative coherence to her life. And third, the orientation toward universal principles, evident in the Kantian principle of autonomy to be able to will the law by which one lives, must also incorporate a supplemental moral sensitivity to context. In each of these decentering principles of autonomy, the intersubjective intervenes so that no person is ever reduced to an object of knowledge either to her own self or to others. Given the constant subjectivity of the other that intervenes in the development *and* practice of one's own subjectivity, a person cannot strive for self-sufficiency or sovereign control over her own self because her self, her identity, is in continual creation *through* the interactions with other acting subjects in the contexts in which she acts – articulating desires, narrating coherence, and navigating between principles and particulars.

The demands of a decentered autonomy causes the intersubjective perspective requires reversing the relationship between identity and action seen in the politics of recognition. Instead of identity being the source of action, identity is one of the products

⁴⁴ Honneth (2007b)

⁴⁵ The next few sentences are drawn from Honneth (2007b), 188.

of action.⁴⁶ This reversal puts into focus several important elements of the agency of capable persons and its connection to recognition. First, action, not identity, is the location of agency. Second, human agency serves a constitutive function in a person's understanding of the meaning of her life. Thus, human agency is the primary concern of recognition, not particular identities. And third, as persons enact their agency in relationship with other acting agents, any concern with recognition must contain a temporal component because of the constitutive interaction of agents over time. Given these three claims about the agency of capable persons, a concern with recognition shifts away from identity politics toward a habit of being – or an orienting stance – that requires attentiveness and caring practices aimed toward acknowledging that human life and agency unfolds in the experiences of relationships one's life and those of others unfold in the context.⁴⁷

Both Markell and Honneth see *acknowledgment* as an attentiveness to or respect for the agency of oneself and others.⁴⁸ Their primary difference has to do with the grounding from which one cultivates the habit of acknowledgment. For Markell, it is grounded in an awareness of the limits of the self, whereas for Honneth, it is located in a tendency to objectify or to *forget* the other. These positions are not mutually exclusive

⁴⁶ Markell (2003), 13. Markell adapts this from Arendt's *Human Condition* (1958, 178-181).

⁴⁷ Honneth (2008) adapts *care* from Heidegger's existentialism and the *habit of attentiveness* from William James's pragmatism.

⁴⁸ A note on the vocabulary used here: Honneth (2008), despite discussing Cavell's *acknowledgment*, continues to speak of a new understanding of *recognition*. Markell (2003) shifts from *recognition* to *acknowledgment* to avoid confusion and to highlight the distinction. I maintain Markell's convention here and, so I will refer to Honneth's conception of *acknowledgment* when discussing his new understanding of *recognition*.

given the intersubjective character of acknowledgment, but the differences do change the process of cognition that the practices of acknowledgment inform.

Honneth approaches his view of recognition as a type of acknowledgment from a consideration of the *failure* of recognition. In an attempt to revive Lukács's concept of *reification*, Honneth broadens its use to capture a type of habit that tends to objectify other persons and relationships. For Honneth, objectification is not a conscious practice seeking domination but, rather, a *forgetting* of the other's agency and the existential meaning that other agents may give to things, surroundings, and practices.⁴⁹ Reification, then, is about a loss of attentiveness to the world that one shares with others; it is, as Honneth defines it, "the forgetfulness of recognition."⁵⁰ In other words, what is lost in reification is the capacity to approach the world as one made up of a plurality of active agents, each constantly generating meaning through their actions and attaching it to things and relationships. For Honneth, acknowledgment orients a person toward the recognition that others are agents engaging in the same meaning-creating activities that you yourself are.

For Markell, the failure of acknowledgment can also be seen as a forgetting. It is, however, not a forgetting of the other, but a forgetting of one's own "basic ontological conditions."⁵¹ By this Markell means that acknowledgment is rooted in one's awareness that one's own life is formed in the conditions of intersubjectivity that prevents one from

⁴⁹ Honneth (2008) elaborates: reification occurs when "in our objectifying behavior we ignore the existential meanings that these persons have conferred upon their natural surroundings" (p64).

⁵⁰ Honneth (2008), 56.

⁵¹ Markell (2003), 10.

gaining total self-mastery. It is from an awareness of these self-limitations that one arrives at acknowledgment as the appropriate orienting stance toward the world and others. Markell lays out three limits to forming one's self that inform acknowledgment. First, we are aware that our identity is always incomplete, and thus, we always 'risk its fate' when we act.⁵² Second, we are aware of our finitude, particularly "as a matter of [our] practical limits in the face of an unpredictable and contingent future."⁵³ And third, we must surrender our desire for domination – either of oneself or of others – because tension and conflict are constitutive elements of our basic condition.⁵⁴ Acknowledgment is a stance of measure in this sense: it does not deny the possibility of practices of justice, but it does deny the final achievement of justice.⁵⁵ Thus, according to Markell, acknowledgment is an orienting stance toward one's life and, therefore, also toward others that begins in the recognition that our identities, structures of meaning, are constituted through the interaction of a plurality of capable persons each with their own agency and structures of meaning.

⁵² Markell (2003), 24. Markell notes Arendt's claim in *Human Condition* that identity is only tangible once a life has ended (1998, 193). Benjamin (1968) makes a similar claim in "The Storyteller." Benjamin reflects on the claim that 'A man who dies at the age of thirty-five...is at every point of his life a man who dies at the age of thirty-five.' For Benjamin the statement is false because it is only true in *remembrance*. While living, the meaning of that man's life was open and changing. It only gained the sad or tragic character following his death at a young age (p100).

⁵³ Markell (2003), 38. For Markell, the point of finitude is not a claim about the radical unknowability of the other, but the fact that one's knowledge will never be complete.

⁵⁴ Markell (2003), 38. He does not use the term *domination* here, but it repeats throughout the text as the reason that for the inescapable agonism of human life. Markell's understanding of domination will be discussed below in §3.1.

⁵⁵ Tully (2000) claims, "Rather than concentrating primarily on the goals of these struggles (specific forms of distribution or recognition) and the theories of justice which could adjudicate their claims fairly...one should look on the struggles themselves as the primary things. The primary but not exclusive orientation then would be practices of freedom rather than theories of justice" (p469).

Incorporating acknowledgment as the orienting stance in representation restores the relational, intersubjective quality of representation. That acknowledgment is a habit or an orienting stance that is available to all relationships between two or more capable persons. From the stance of acknowledgment, it is evident that both independence and mandate theories of representation depend on reification, on the forgetting of the intersubjectivity of the representative relationship. By integrating acknowledgment into our conception of representation, it reverses the relationship between action and identity so that one's identity as either representative or represented continually *emerges* over the course the interactions within the relationship. The emergent identity is always incomplete because it exists in the intersubjective practices and, as each action elicits a new response, the relationship is kept open. The quality of openness is essential to intersubjectivity. In linking openness to democracy, Alan Keenan articulated three distinct levels at which openness operates; each is evident in an intersubjective relationship.⁵⁶ The first meaning of openness is transparency and availability. These values resonate with the concerns of authenticity, but importantly focus on the self-presentation as an invitation to others, rather than as simply the self-expression of authenticity.⁵⁷ The second meaning of openness is as incompleteness. This opening keeps the relationship continuous and always open to response. It also introduces temporality as a means of managing the relations. This will be discussed in the next section. And the third meaning of openness is as the freedom of self-construction. In other words,

⁵⁶ A. Keenan (2003), 1-24.

⁵⁷ This distinction is clear in the competing readings of Rousseau I discussed in Chapter 4. On Rousseau as concerned with availability, see Starobinski (1988) and Strong (1994).

openness is the acknowledgment of agency, the capabilities that allow a person to intervene and change their life and the world in ways that are not predetermined.

The analytic shift toward the practices of representation, rather than focusing on the identity of the participants, also produces a shift in the purpose of engaging in representation. As is the case with recognition, acknowledgment shifts the purpose of representation from the conception of a particular good that one can have to a process in which one participates and a relationship between the representative and the represented that cultivates the *agency* of the persons in the relationship. In the next section, I elaborate on what it means for representation to be oriented towards engaging the agency of the other person in the relationship.

3

ENACTING RELATIONAL REPRESENTATION

Relational representation takes the representative relationship to be intersubjective; it therefore requires grounding in the orienting stance of acknowledgment in order to preserve the subjectivity of the persons in the representative relationship. In this sense, *representation* emerges through the iteration of actions and responses between persons. The work of representation, then, consists of the persons in the relationship facing the complexities of the intersubjective relationship between one agent who claims to represent and one in the position of being represented. In understanding the character of the representative relationship, I focus on three aspects of the relationship in this section. First, if representation occurs in its practices, then the relationship itself becomes the mediating point. Second, incorporating acknowledgment

requires that the agency of the persons in the relationship be the primary concern of the representative relationship. And third, considered in the following section (§4), given the intersubjectivity of the relationship, the practices of representation are characterized by their *responsiveness*. This means that representation is not a specific set of practices, but rather, they are the practices that respond to and elicit responses within the particular contexts and relationships in which they occur. I take each of these aspects in turn.

The intersubjective understanding of representation provides a number of resources for thinking through how dynamic representative relationships develop through time along with the persons in the relationship. This dynamic quality is often lost in institutional conceptions of representation, as the periodic elections or selection processes encourage a cyclical and ultimately static relationship between the representatives and the represented. Yet, what can be overlooked in the intersubjective understanding is why any particular relationship is *representative*. I address this concern more substantively later (§5), but here it is important to emphasize the one unavoidable aspect of representation – *mediation*. As intersubjectivity emphasizes the relational aspect of the relationship, representation becomes certain types of action, contingent to the contexts in which they occur. The representational practices themselves become the mediating point, rather than either the persons or some end product one can identify as ‘having representation’ or ‘being representative’ – as is the case for Hobbes and Rousseau, respectively.

The contrast between relational representation and Rousseau’s theory of representation is particularly informative. For Rousseau, the mediating point was the product of the representative practices. Rousseau calls this product a *spectacle*, a complete representation. Rousseau understands that the way to avoid the alienating

consequences of mediation is make persons simultaneously the actors and the spectators of the spectacle. Given the dynamics of the situation, the self-representation in which one produces the spectacle that represents oneself is the only way to mitigate the consequences of mediation. For Rousseau, the active spectator is one who is simultaneously actor and spectator. The elapsing of time is not factored into the practices of representation, and so in every moment of representation one is alienated either to another person or to oneself.

There are two advantages in understanding the practices of the relationship, rather than the product of representation, as the mediating point. The first is the incorporation of time, as each practice in the intersubjective relationship responds to the previous action and elicits a response to itself from the other person. Thus, each person in the relationship alternately assumes the roles of actor and spectator. Relational representation takes Rousseau's insight that there is a connection between time and representation and incorporates time *into* the representative relationship. For Rousseau, forms of representation, such as the popular festival, that combine the creation and witnessing of the representation in the immediacy of the present can avoid the experience of the alienating effects of mediation. Outside of that, representation must occur 'out of time' for Rousseau in order to avoid the ills of mediation. The Legislator as a representative who does not represent works in this fashion. He acts in a representative fashion *before* the people he is re-presenting exist and receives recognition for that act at a time *after* it would be experienced as mediating and therefore alienating. Relational representation occurs *during* time so that representation unfolds in time. Incorporating time into the representative relationship opens the possibility for the elapsing of time to mitigate the

experience of alienation that any particular moment or action might produce. Rousseau still might object that this merely alternates alienation and in certain ways that is correct, but the stakes are different than the finality in Rousseau in which alienation becomes an existential condition. For Rousseau, persons are either alienated or not. In relational representation, the risk of alienation present in mediation does not disappear, but in the context of iterative practices the risk is faced directly and the practices work to minimize the experiences of alienation. While the practices of representation are the mediating point and, therefore, the source of the risk of alienation, they are also enacted from the stance of acknowledgment. Thus, the practices both *risk* alienation and *mitigate* that risk through attentiveness and caring practices.

The second advantage of locating the mediating point in the practices themselves is that the relationship remains dynamic and open, avoiding the reification of the relation between the persons. As a result, among the practices of representation is the capacity to discuss, adjust, and develop the meaning of the representative-represented relationship. Nancy Fraser calls this capacity the *boundary setting aspect* of representation.⁵⁸ Fraser argues that the democratic capacity to question and to change the boundaries of one's political relationships is necessary in order to confront the injustices that are perpetuated by the structure of the relationship itself.⁵⁹ That the practices of representation include

⁵⁸ Fraser (2009), 19.

⁵⁹ Fraser (2009), 18-21. Fraser singles out two types of injustice based on representation. The first is ordinary-political, by which she means when decision rules create exclusions not on principle but by the unintended consequences of the structure of the rules. The second is misframing, which applies to the boundary-setting aspect of representation. Essentially, it is the total exclusion of persons who ought to be included in the determining of the decision rules that will affect them.

this type of boundary setting mitigates the risk that reified relations will lead to the total alienation of either person in the relationship.

In §2.2, the connection between intersubjectivity and the orienting stance of acknowledgment shifted the meaning of the representative relationship towards the promotion of the *agency* of the persons in the relationship.⁶⁰ Relational representation takes as its primary concern the agency of the persons in the relationship. The loss of agency is the consequence of allowing the type of mediated alienation over which Rousseau is anxious. A concern with agency, then, requires that the practices of representation aim towards the promotion of the agency of the other. It is not only a matter of habits of attentiveness that accompany the practices grounded in acknowledgment; it also calls for caring practices that cultivate the agency of the *other* person.

The centrality of agency to relational representation reveals that agency is both a constitutive condition of intersubjective relationships and the appropriate end toward which the representative relationship works. The necessity of agency for intersubjective relationships was discussed above. Here I want to emphasize what it means to think of the representative relationship as existing between *capable persons*.⁶¹ If human beings are marked by their capabilities, then several things are immediately the case. First,

⁶⁰ List & Koenig-Archibungi (2010) are part of an attempt to develop an understanding of ‘group agents’ that captures the often collective nature of political subjects without relying on the paradoxical sounding ‘group persons.’ Throughout this chapter, I continue to refer to the ‘persons’ of the representative relationship, but it should be understood that a ‘person’ might be an individual or groups of individuals.

⁶¹ Ricoeur (2007a), 3. Ricoeur links the notion of *capable persons* to agency in order to argue that persons with the capacity for agency are the proper subject of human rights, which is also to say the subject of justice.

capable persons require certain liberties because capabilities only exist in their use.⁶² Second, this requirement means that in relational representation one's response to the other's actions must acknowledge both the capabilities evident in the action and consider the open potential of the other as a capable person.⁶³ While it is possible to see these conditions independent of the direct connection between persons, it is manifest and directly demands a response when in relationship.⁶⁴ As such, any claim to represent by a person must give reasons for the merit of the claim that addresses how it affects the capabilities – that is, agency – of the person she claims to represent.

Since the capable person is always a combination of practical capabilities *and* potential capabilities, the representative relationship ought to work toward the promotion of the agency of the other. In this sense *promotion* is meant to capture both the affirmation of the present agency and the aim of increasing that agency. The promotion of the agency of the other contains both a practical and a normative dimension. The practical dimension is evident in the situation of relational representation. The practices of relational representation are intersubjective and, therefore, they necessarily engage the agency of the other in a reciprocal manner. Since the capabilities of agency develop through use, the practices engaging agency tend toward its increase. As this repeats through the iteration of actions eliciting responses, the agency of both the representative and the represented ought to increase. Of course, the *ought* here draws attention to the

⁶² Sen (2009), 286-290. Sen gives an account of capabilities as being dependent on two distinctions: that between *agency* and *well-being* and that between *freedom* and *achievement*. The result is that these elements combine to explain the types of advantages one has in *using* her liberty.

⁶³ Critchley (2007)

⁶⁴ Critchley (2007)

practical limit and the normative dimension of thinking about the end of representation as the promotion of the agency of the other. Indeed, in any actual relationship every engagement of the other's agency does not necessarily increase that agency; it might hinder or limit it. Given that this is a representative *relationship*, there are two possibilities. One would be a claim that the increase is seen on the level of the relationship as a whole, not in *every* practice. Indeed, one of the advantages to emphasizing the relational aspect of representation is exactly the ability to discuss the development of trust between persons over time that can act and respond when certain practices are or become not beneficial. The second possible way to understand the promotion of the agency of the other in this context is to give it a normative value. The promotion of the agency of the other is the *meaning* of representation and the standard by which it is measured. This normative dimension is developed fully in the next section and in the following chapter (Chapter 6).

A representative relationship that successfully promotes the agency of the other results in a dynamic relationship that sees the agency of both the representative and the represented increased. From the perspective of the represented, the representative relationship ought to increase the represented's capabilities to affect their own lives. Thus, in a successful representative relationship, the practices and responsibilities appropriate to the representative at the beginning of the relationship ought to devolve to the represented over time. From the perspective of the representative, the promotion of her agency could include the development of any number of capabilities, but one tied directly to representing would be an increase in the places in which the representative's claim to represent is held as valid and affords their practices an increased weight. These

are the types of effects expected from a representative relationship that aims to promote the agency of the other through its practices.

Relational representation emphasizes the representative relationship itself and the practices that constitute that relationship. While the particular practices of representation will vary according each relationship and context, the practices share certain characteristics. The practices of representation must be *responsive* – both responding to other actions and eliciting a response. Responsiveness demands both self-limiting practices and caring practices. The self-practices adopt a limiting principle of *nondomination*, and the caring practices are a form of *practicing commitment* – evident in practices of *solidarity* and *responsibility*.

4

RESPONSIVENESS IN RELATIONAL REPRESENTATION

That representation is responsive follows from the recognition that it is a relationship.⁶⁵ But the idea of responsiveness has to extend beyond a generalization about the basic situation of representation and it must be evident in the very practices of representation as well. The shift in thinking about the practices of representation as responsive includes an attentiveness to the fact that each action is itself a response and elicits another response. The responsive shift also changes the character of the practices such that the act of representing is understood not as a *speaking for* or a *standing for* but as a *responding to* another. The point is that the practices of representation do not

⁶⁵ The responsive element of representation is increasingly emphasized in the literature, see Hudson (2001), Kuper (2004, 2005), and Rehfeld (2009).

preclude the acts of speaking for and standing for, but that they are only appropriate practices when they are a response to the other person in the relationship. In other words, when speaking for and standing for promote the agency of the other, then they are representative practices; when those activities are detached from this context, they take on a non-representative character and can potentially be dominating activities.

In this section, I develop the character of responsive practices of representation. I approach these responsive practices of representation from two perspectives. First is the limiting principle of nondomination. As a principle it serves as a measure of the relationship between the persons. The principle of nondomination concerns itself with the presence of *inequality* in the relationship. It attempts to preserve the basic existential equality found in an intersubjective relationship while also being attentive to the contextual inequalities that arise in any actually existing relationship. As such, the principle of nondomination is a principle of measure.⁶⁶ It seeks to address sources of domination within the relationship, but inequality can never be eliminated because the representative relationship is founded in an irresolvable gap that risks inequality – because the act of representing always implies acting for another who is not the same as you. Second is the attempt to have contained in one’s practices the notion of *practicing commitment*. In other words, the practices of representation should be directed toward building trust and engaging the agency of the other. I break practicing commitment into two values that should be simultaneously present in the practices of representation – *solidarity*, a recognition of the difference and connection between the agents, and

⁶⁶ By *measure*, I mean to connect the principle of nondomination to the political ethics of Camus discussed in the Introduction of the dissertation. Here ‘measure’ is meant as a considered reckoning from particulars, rather than the principled leveling suggested by ‘moderation,’ see particularly Camus (1991a)

responsibility, a willingness to incorporate the consequences of the interactions into one's next response.

§4.1 The Principle of Nondomination

Nondomination serves as the limiting principle for relational representation because the basic intersubjective condition of the representative relationship requires one to avoid negating the agency of the other subject. Such negation of the other's agency would end the process of responsiveness, thereby ending the representative relationship. The principle of nondomination has gained attention as the revived republican alternative to the liberal conception of liberty strictly as the absence of obstruction.⁶⁷ What nondomination adds as a principle of liberty is an understanding that even if free in physical space, a person is not actually free if the limits of that space are completely controlled by another.⁶⁸ To be under such control is a condition of domination because one's freedom exists only at the liberty of another person.

The principle of nondomination is one lens through which to understand why Hobbes and Rousseau take the positions on representation that they do. As a defender of liberty as the absence of obstruction, Hobbes holds that a representative relationship can be just under the conditions of control, provided that the control ensures the spaces in which liberty can be exercised. This condition of domination – though Hobbes would note, not the absolute dominion of slavery – is best seen in his claim that all liberties of

⁶⁷ See Alexander (2010) for a clear recent description of the liberal-republican debate over liberty. The republican conception of liberty as nondomination is championed by Skinner (1988, 2008) and Pettit (1997, 2001, 2008a).

⁶⁸ Pettit (2008a)

the subjects beyond the basic ones depend on the “silence of the law.”⁶⁹ One also witnesses domination as a necessary aspect of the independence and mandate theories of representation. Each one depends on the domination of one person for the sake of the one who is the subject of representation. Since Rousseau adopts a principle of nondomination into his understanding of liberty, he rejects Hobbes’s commonwealth as essentially being a society of slaves.⁷⁰ Liberty as nondomination leads Rousseau to conclude that true liberty is the subordination to laws that oneself wills. This mirrors his understanding of self-representation. Both conceive of the dominating person and the dominated person as the same person. This act of self-mastery avoids the *experience* of domination.⁷¹

Nondomination is the appropriate limiting principle for relational representation because it demands securing the agency of the persons in the relationship. This is necessary if the relationship is to be responsive, but more broadly, it also fits with the understanding of agency developed throughout this dissertation. Sen’s capabilities approach to agency already implies a principle of nondomination.⁷² To say that a person has agency is to say that she has the capacity to act *and* the liberty to decide upon its use. Yet both the principle of nondomination and Sen’s articulation of the capabilities

⁶⁹ *Leviathan* 21.18

⁷⁰ Taylor (1994) makes this point about Rousseau’s notion of freedom (p51).

⁷¹ Berlin (2000) places Rousseau in the category of ‘positive liberty’ for this view, taking him closer to Plato than to liberalism. One of the goals of the republican revival has been to distinguish the principle of nondomination as a *third* concept of liberty, see Pettit (1997).

⁷² Alexander (2010) considers this point at length, suggesting that making the principle of nondomination explicit in Sen would transform his capabilities approach into a “legitimate political theory” – by which, I suspect Alexander means that nondomination affirms the constant political character in the question of enabling capacities so that it is not merely the capacity that matters, but the liberty to use them as well. See also Pettit and Sen’s discussion about the relationship between the two theories (Pettit 2001, Sen 2001).

approach to agency are limited by an understanding of domination as *control*. Markell rightly points out that nondomination as non-control is only part of what is necessary to preserve agency because one's agency is compromised both when one's actions are directly controlled and when another *usurps* one's right to act.⁷³ As such, Markell argues that nondomination ought to be concerned with *involvement* as well as *control*.

In the case of relational representation, *involvement* is the more immediately threatening aspect of domination. While the representative relationship is established with an existential equality, it almost never exists as equal in practice. Grounding relational representation in the orienting stance of acknowledgment requires the recognition of a basic existential equality in the relationship. That is, the relationship begins with the acknowledgment that the other person has agency. The acknowledgment of this existential equality is the limit of the relationship. If, in the course of the interactions, it is forgotten, then the relationship dissolves and becomes a situation of domination in which one asserts control over the other by not acknowledging the other's agency.

Markell's inclusion of *involvement* concerns a second type of inequality, the unavoidable practical inequality found in actually existing relationships. The inequality arises from two sources: the plurality of the world and the political contexts in which the relationship forms. The plurality of the world reminds us of an inequality found in the fact that we are different persons. This difference is an inequality in the sense that we are

⁷³ Markell (2008). The discussion on the next two pages is dependent on Markell's excellent analysis of what *usurpation* adds to the concept of *nondomination*.

the same and yet to some extent not the same.⁷⁴ The difference can affect the structure and character of the relationship, turning a descriptive inequality into a normative one – that is, an inequality given meaning. The second source of inequality is the political context of the relationship. These contexts structure the way the representative and represented relate to one another. These inequalities of structure and capability are unavoidable, and therefore, the persons in the relationship must remain attentive to the ways in which their involvement either promotes agency or perpetuates domination. This negative involvement is called *usurpation* because it occurs when one person assumes the right to act when it belonged to the other. It is not an overt act of domination, but one by virtue of context. In this sense, usurpation is the constant risk of domination in relational representation. That the relationship develops and is context-dependent means that certain practices that are appropriate at one point in the relationship constitute acts of usurpation at a later point. The habits of attentiveness are meant, in part, to be sensitive to the changing significance of different relations of involvement.

To illustrate the risks of usurpation within a dynamic representative relationship, consider briefly the example of Partners in Health (PIH), a nongovernmental organization that has been in relationship with the Haitian community for many years.⁷⁵ The primary goal of PIH is to provide a preferential health option for the poor in the community. In

⁷⁴ Plurality is Arendt's basic assumption about the world and the human condition. Arendt writes, "Plurality is the condition of human action because we are all the same, that is, human, in such a way that nobody is ever the same as anyone else who ever lived, lives, or will live" (1998), 8.

⁷⁵ For a history of Partners in Health, see Kidder (2003) and Farmer (1999 and 2005a). PIH will be considered at more length in the next chapter (Chapter 6). There I focus more on what the claim that PIH *represents* the Haitian community might actually mean. Here that contentious point is assumed. In this discussion, I use Haiti as the example of the served community since that is where PIH began though they now operate in several different communities.

order to provide the preferential health option, PIH operates with a philosophy that resonates closely with Sen's capabilities approach. Like Sen, PIH identifies poverty as the major source of health deprivation, which it aims to overcome by enabling the capabilities of the members of the Haitian community in a number of ways that allow them to have more control over the condition of their health.

The history of the relationship between PIH and the Haitian community shows an attentiveness to the dangers of usurpation as PIH works to adapt its practices in ways that promote the agency of the Haitian community and that require less non-local staff in providing healthcare. In 1984, when PIH began, the American doctors took upon themselves nearly every aspect of patient care from administering the medical care to following up with patients in faraway villages to providing the resources to make it all possible. Yet the character of this initial stage of the relationship was not meant to permanently structure the relationship between PIH and the community. The relationship was initiated under clear, extreme inequalities of capacity. Haiti is the poorest nation in the Western hemisphere, and so nearly all the power and capabilities rested with the organization. PIH, from its founding, has done a number of things to mitigate the effects of this capabilities differential. For example, PIH attempts to avoid usurpation through engaging the agency of the community by providing the training and opportunity for members of the community to assume responsibilities in the provision of healthcare. This example is one of the early programs of PIH to train *accompagnateurs*, community health workers, to provide aspects of the follow-up care for the patients. Through programs such as this, PIH has continued to adapt the nature of its involvement with the Haitian community to promote the agency of the community and avoid the risks of usurpation.

This type of program promotes the agency of the community in two ways. First, the relationship between PIH and the Haitian community is based on creating healthy conditions in the community. Every practice that contributes toward that goal promotes the agency of the community that is repressed by the deprivation that poverty and sickness bring. Second, by progressively incorporating the members of the community in the work of the healthcare provision promotes the capacity of the community to exert control over that aspect of their lives. Though the follow-up care was perceived as a necessary involvement for the American doctors of PIH when the relationship between the organization and the Haitian community began, today it would be an act of usurpation for the American staff to re-assume the responsibilities of the *accompagneurs*. Those are now practices for which the Haitian community does not require representation.

Nondomination serves as the appropriate limiting principle for relational representation because it draws attention to the presence of inequality between the agents. Nondomination as usurpation brings attention to the ways in which the temporal dimension of the relationship requires constant responsiveness, an adapting set of caring practices sensitive to the changing significances that particular actions assume over time.

§4.2 Practicing Commitment – Solidarity

The issue of *commitment* is intertwined with the principle of nondomination, particularly given its concern with involvement. Inequalities occur in every relationship. This fact is more apparent in representative relationships because there is always a gap between the one person's claim to represent and the concrete existence of the represented. A practical *ethics of commitment*, to borrow a term from Critchley, does not erase the

tension created by that gap, but it signals the disposition to work through it.⁷⁶ The ethics of commitment appropriate to relational representation serves two purposes. The first is that the evidence of the commitment is in the practices that one takes. Therefore, one is *practicing commitment* when engaging the agency of the other person in the relationship. These practices also affirm the responsive character of representation. To capture these two aspects of commitment, I divide the ethics of commitment into two values – *solidarity* and *responsibility*. In certain ways this is an artificial division as each of the values is only evident when present together.⁷⁷ That is, it is difficult to speak of practicing commitment if one shows solidarity but not responsibility or vice versa. Yet each clarifies different aspects of practicing commitment and are therefore worth treating separately. *Solidarity* builds on the orienting stance of acknowledgment in that it calls not only for the recognition of the agency of the other, but it affirms that one's agency is directly intertwined with the agency of the other. It is the affirmation of the relationship between distinct agents. *Responsibility* captures the active engagement in the relationship affirmed by solidarity. Responsibility is evident in practices that incorporate the consequences of the interactions that have constituted the relationship thus far and the

⁷⁶ Critchley (2007) presents a provocative case for his theory of 'ethical subjectivity.' For Critchley, there are three concepts guiding this ethical subjectivity: fidelity to the event, the unfulfillable ethical demand, and the self divided by the acceptance of the unfulfillable demand and the practical self (p10). While not following Critchley as far as the radically divided self, the ethical subjectivity he presents resonates with the difficulties in articulating one's responsibilities in the deeply interconnected globalized world.

⁷⁷ Principe (2000) argues that recent conceptions of *solidarity* that take it to be prior to *responsibility* reverse the actual relationship. Solidarity should be the *product*, not the source of responsibility. Aside from a misreading of Camus, Principe's point is well taken. Acts of taking responsibility often generate solidarity between persons and groups. Of course, just reversing the relationship as Principe does misses the mutually reinforcing aspect of the two values. Acts of responsibility may generate solidarity, but that solidarity does feed into the next act of responsibility. For analytic clarity, I divide the two values – discussing solidarity first – but I intend them to occur together, each signaling the existence and potential of the other.

feedback of the other agent in order to continue working toward the enabling of the agency of the other.

The practices of representation informed by the ethics of commitment strongly resemble Weber's synthesis of the ethics of conviction and responsibility in which a person affirms everything bound up in her action and says – echoing Luther – “Here I stand, I can do no other.”⁷⁸ The ethics of commitment is meant to continually reinforce the mutual trust between the participants that each action responds to the other and is left open to be responded to by the other. The difference between Weber's political ethics and the ethics of commitment developed here is that Weber emphasizes *conviction* rather than *solidarity*. For Weber, what is moving about the stand is the harmony between the internal beliefs of the actor – her convictions – and the willingness to be held to account for the consequences that her action has in the world – her responsibility.⁷⁹ This harmony is the harmony of the individual and the world. The ethics of commitment that emphasizes solidarity instead aims for a harmony *between* the particular persons in relationship in the world. The harmony is therefore located in shared practices rather than in the link between the motivations and actions of a single person. Shared practices may signal, but do not require, shared convictions. The relationship is constituted around practices that can be ‘shared’ in the broader sense of being affirmed by those in the relationship. A diversity of motivational convictions is inevitable particularly with claims

⁷⁸ Weber (2004), 92.

⁷⁹ For Weber (2004), the focus on the connection of conviction to actions served to distinguish Weber's political ethics from moral ethics of *intentionality* that separated responsibility from the motivations for the action. For Weber, intentionality does not absolve one of responsibility.

to represent that often cross borders and cultures in constituting the representative relationship.

The concept of solidarity has gained several related but significantly different resonances over the history of its use.⁸⁰ Its most common contemporary usage is as a form of *commonality*.⁸¹ This use of solidarity comes in both weak and strong versions. The weak version is found in Rorty's liberalism.⁸² For Rorty, solidarity describes points of commonality between different persons that motivate actions concerned for the other. The fundamental commonality for human beings is an aversion to cruelty.⁸³ From this basic solidarity, Rorty constructs a thin, neo-pragmatic liberalism with basic respect for human rights. The strong version of solidarity as commonality suggests the formation of a common identity and belonging in the same community. This strong version is evident Marxist usage in which solidarity meant acting as a member of the community of the working class. This form of solidarity as commonality subordinates differing interests, including for Marxists national identity, to common membership in the universal community of the working class. In its ideal, it is the domination of commonality over difference. The demand of those in solidarity is assimilation into one community.

In contrast, the sense of solidarity that fits with the principle of commitment in relational representation is better understood not as commonality but as *acting together*. Whereas commonality prioritizes a quality of sameness, solidarity as acting together

⁸⁰ Brunkhorst (2002), 1-9; and Principe (2000).

⁸¹ Principe (2000) claims that solidarity as commonality has impoverished the concept. He critiques its use particularly in Rorty (1989).

⁸² Rorty (1989), 189-196.

⁸³ Rorty (1989) on cruelty, see Chapters 7 & 8.

emphasizes shared practices. Thus, solidarity in this sense is evident in practices that show a commitment for being present with another. These shared practices focus on the commitment evident in the practices that constitute the relationship while still retaining the tension that occurs when one acts *with* a community without being *of* that community. In other words, solidarity as acting together acknowledges that togetherness is fragile and partial, existing only through the practices of the representative relationship. A representative relationship attentive to the solidarity expressed in the practices of the relationship is the commitment to promote the agency of the other, not to forge a new common identity.

By this, I do not mean that persons are only in solidarity when they enact the *same* practices, but rather that the practices of each gain significance in the context of the relationship. In other words, the practices are shared when they can be understood as being responsive to the relationship itself. This distinction is important because the representative relationship occurs in the context of practical inequalities that require different actions from each participant. In fact, it is in confronting and working through the relational inequalities that solidarity becomes evident. From this perspective, shared practices can be better understood as those practices that elicit responses encouraging agency in the other. Of course, the practices of solidarity vary in each particular relationship, but I want to give one general example that illustrates the idea of solidarity as acting together. In representative relationships marked by substantial inequalities in power, knowledge or resources, receptive practices of *listening* on the part of the person

with the advantages demonstrates this type of solidarity.⁸⁴ In a context in which one is the assumed leader, taking one's opportunity to be the first mover and choosing to adopt the receptive practices of listening serves to make the commitment of solidarity clear in several ways. First, the person in the advantaged position uses her agency to immediately open a space for the other to use theirs. Second, it opens the relationship by eliciting a response from the other demonstrating the intersubjective character of the association. Third, receptive practices also show a willingness to *risk* trust at a point in which one could have set the agenda or determined a certain aspect of the relationship. Thus, the invitation contained in receptive practices is demonstrating commitment by promoting the agency of the other simply by inviting the other to speak first. In these types of practices, solidarity shows itself as the commitment of acting together. It is complemented by responsibility, a willingness to incorporate the practical history of the relationship into one's next response while remaining attentive to the type of response it might, in turn, elicit.

§4.3 Practicing Commitment – Responsibility

The concept of *responsibility* captures the responsiveness of relational representation.⁸⁵ As an aspect of the ethics of commitment, responsibility signals attentiveness not only to the relationship but also to the contexts in which it exists. To take responsibility is to face the present by reckoning with the actions and contexts that

⁸⁴ Coles (2005), particularly Chapter 7.

⁸⁵ On the link between responsiveness and responsibility, see Cavell (1990), HR Niebuhr (1999), and Ricoeur (2007b).

have brought the relationship to the present and, then, to respond with a sensitivity to the consequences the present action might entail.⁸⁶ In this sense, responsibility is concerned with the consequences of actions, but it is not strictly dependent on the retrospective attribution of *fault*; it is also the prospective assumption of *risk*.⁸⁷

The understandings of *responsibility* are as diverse as its use. Bernard Williams provides a good account that draws together many of the diverse uses.⁸⁸ Williams, reflecting on the question of whether or not there is a concept of responsibility in Greek literature, outlines four elements that any theory of responsibility must address. The four elements are cause, intention, state, and response. The interplay between these elements produces the complex process of attributing responsibility. *Cause* is the immediate physical element; it connects the consequence to the action or actions that directly preceded it. In many cases, cause is enough to attribute responsibility, but not always. In such cases, one can consider *intention* as well. Intention opens the possibility that while a person may have caused a situation, it was not an intended consequence of the action. Sometimes unintentionality is sufficient to absolve one of responsibility; other times it is not. What Williams calls *state* has to do with the context in which the action was taken. A defense of madness does not deny that a person caused the situation and, in that moment, intended those consequences; and yet, because of one's state of mind, one might not be held responsible. Though Williams does not in his reflection, the condition of *state* can be

⁸⁶ Vazquez-Arroyo (2008) claims, "Instead, it emphasizes the element of response and recasts the role of answerability. Responsibility is foremost an intersubjective and dialogical category that instead of adjudicating culpability calls for a response" (p98).

⁸⁷ Ricoeur (2007b), 25.

⁸⁸ B. Williams (1993), 50-74. The next paragraph is an elaboration of Williams's account.

expanded to incorporate many elements of context that might affect one's determination of responsibility. Lastly, Williams identifies *response* as a necessary element in a theory of responsibility. For Williams the response is related to the finding of fault, but it is not determined by it. For example, Agamemnon claims that he wronged Achilles because he was 'deluded' by Zeus, and yet, he responds to this wrong for which he is not guilty by restoring to Achilles what was rightfully his.⁸⁹ In this response, though Agamemnon claimed his state of mind absolved him of guilt, he was still the person in the position to respond to the wrong done to Achilles. In this case, fault is separated from responsibility. Agamemnon takes responsibility because of his position, not his fault. Many contemporary accounts of responsibility define the concept on this last element of response: what does it mean to respond, and whose place is it to respond?

To think of responsibility in terms of responsiveness contains both a retrospective and a prospective understanding. Retrospectively, it is a demand to give an account for what has happened. It is a question of imputing fault.⁹⁰ The prospective understanding of responsibility focuses on the assumption of risk for what will happen. It occurs before there is any fault to distribute and, as such, it is a commitment, an affirmation of the connection between one's agency and the consequences of one's actions. Paul Ricoeur recognizes three potential problems that occur if the imputation of fault is eliminated from one's concept of responsibility. First, there is a difficulty in assigning fault when things do happen. The assumption of risk is not the same as assigning fault. Locating fault is important in addressing the causes of problems. It has a different moral resonance

⁸⁹ B. Williams (1993), 53.

⁹⁰ Ricoeur (2007b), 13. The next paragraph is based on his discussion on p30-31.

than risk. Second, the idea of responsibility as risk does not readily suit itself to limits in time and space. Indeed, the notion of the infinite demand of responsibility either erases the meaning of responsibility or it depends on persons taking up responsibility, opening the possibility of those who will avoid assuming risk and deny fault. And third, in losing the idea of fault, one loses the capacity to demand reparations. In reparation is embedded the idea of reciprocity, a responsibility constituted by the fact of being related.

Ricoeur begins the development of a prospective concept of responsibility without the idea of fault by focusing on the idea of prevention.⁹¹ From the idea of responsibility as prevention, one can locate responsibility with the person who can generate harm. It serves to call us to ourselves, to give an account of ourselves in respect to our capacity to harm. It also includes others, but only ever as a negative. One considers the other, is forced to respond to the other, only to the extent there is a possibility of harming them. Taken to this point, Ricoeur worries that the reciprocity suggested by solidarity is lost to responsibility.⁹²

Iris Marion Young develops a prospective concept of responsibility that is grounded in solidarity and the idea of being in a position to respond.⁹³ In thinking about issues of global justice that test our capacities to affix cause or intention on any actors, Young articulates what she calls a ‘social connection model’ or a ‘structural position

⁹¹ Ricoeur (2007b), 31.

⁹² Ricoeur (2007b), 31.

⁹³ Young (2006)

model' of responsibility.⁹⁴ For her, responsibility does not entirely lose its connection with fault as it recognizes that we live and act in a deeply interconnected world and, therefore, we all contribute in some manner to global injustices. Yet, instead of articulating an ethics of an infinitely demanding responsibility for everything, Young accepts this interconnected and diffuse fault as part of the basic conditions of the world.⁹⁵ This does not dismiss the need to hold actors to account when possible, but it generates a second, complementary understanding of responsibility as a capacity to respond. For Young, as with Agamemnon, the issue is not a demand for responsibility as much as it is about being in a position to take responsibility for a situation, to become involved in particular relationships that then create the elements of reciprocity and solidarity that Ricoeur worried were absent from the prospective understanding of responsibility.

Relational representation adopts an understanding of responsibility that combines the attentiveness necessary for Ricoeur's responsibility as prevention and Young's active, practical assumption of responsibility through engaging in relationships, grounded in a consideration of one's position in the world. Practicing commitment through responsibility is demonstrated in the way that one responds to the particular contexts that structure the relationship in the present and will, along with one's response, affect it in the future. The sensitivity to these contexts and the particular history of the relationship

⁹⁴ Young (2006), 127. The elements of determining one's position are power, privilege, interest, and collective ability. This view is related to the consideration of advantage in Sen (2009), 286-290.

⁹⁵ Young (2006) works through the case of sweatshop labor to explain the diffuseness of responsibility extending from the factory to the company that contracts them to the consumers who purchase the product. Importantly, knowledge is not necessary to incur this type of responsibility. It is structural and belongs to you to the extent that you participate in the structures (p107-111).

as well as attentiveness to the ways in which one can avoid harm and actively promote the agency of the other constitute practices of responsibility. It demonstrates a commitment across time, stretching from before the representative relationship and potentially to a point beyond in which it might no longer be necessary. In this sense, practices of responsibility show what Arendt calls *comprehension* or *understanding*. Responsibility can be thought of as an understanding that begins by “examining and bearing consciously the burden that events have placed on us – neither denying their existence nor submitting meekly to their weight as though everything that in fact happened could not have happened otherwise.”⁹⁶ When an agent takes responsibility, she acts in the present connecting the world as it has come to be to how what it might become given her capacity to respond.

5

CONCLUSION

Relational representation opens the representative relationship to intersubjectivity, showing that practices of representation and democracy are not mutually exclusive but part of the constitutive tensions of living with one another. Relational representation roots itself in the orienting stance of acknowledgment that calls for attentiveness and practices of care that recognize one’s relationship to others without forgetting their independent agency. The basic acknowledgment of the relational situation requires a new understanding of representation as responsiveness. This places the practices of

⁹⁶ Arendt (1973), xiv. Arendt develops the idea of understanding further in “Understanding and Politics” (1994).

representation within a relationship between (at least) two agents. Each practice is a response and invites a response. As such, in responding, the practices of representation should avoid domination – the objectification of the other – and demonstrate commitment to the relationship. In attempting to do this through the responsive practices, the purpose of being in the representative relationship is found to be the promotion of the agency of the other. Thus, relational representation provides a substantive answer to that fundamental question about representation – *How can one who is not the same as another represent that other?* While the openness of relational representation prevents one from claiming a permanent identity as a representative, the responsive practices provide reasons why one can claim to represent another. In responding to the agency of the other and attempting to promote that agency, one is engaged in representing.

In certain respects, relational representation seems to have shifted from many understandings of what representation is. Pitkin summarizes the traditional understandings of the concept well as she considers its uses as a *speaking for* and as a *standing for*.⁹⁷ Both these senses understand the absence implied by representation as the absence of what one might call a whole person. In this sense, representation is about using another person to complete the presence of the subject of representation, which depends on whether one subscribes to an independence or mandate theory. Relational representation approaches the question of representation differently. First, it anchors the meaning of representation in a *responding to*. This is not say that speaking and standing for are not a part of relational representation, but they are not its foundation. If one speaks

⁹⁷ Pitkin (1967)

for another, it is rooted in a response to the other and one's relationship to that other. From the perspective of responsiveness, the absence of representation is not absence of a whole person, but the absence implied by potentiality. Relational representation understands representation as the process of continually re-presenting a person as she develops the capabilities that constitute her agency. In the next chapter, I return to nongovernmental actors in global politics and examine how their practices can be understood in light of relational representation.

CHAPTER 6

ACTING IN GLOBAL POLITICS: NONGOVERNMENTAL CLAIMS TO REPRESENT

As in the preceding articles, our concern here is not with philanthropy, but with right.

- Kant¹

I represent a lot of people [in Africa] who have no voice at all . . . They haven't asked me to represent them. It's cheeky but I hope they're glad I do.

- Bono²

1

INTRODUCTION: RELATIONAL REPRESENTATION AND NONGOVERNMENTAL ACTORS

Relational representation opens the language of representation to a number of political relationships that do not necessarily occur within the institutions of government. It does this by grounding the representative relationship in responsiveness rather than in authority. Often claims to represent are the consequence of prior claims to authority over others.³ This connection became the norm as representation was increasingly seen as a

¹ Kant (1983), 118.

² Quoted in Saward (2009), 1.

³ It is worth noting that the relationship between representation and authority is reversed with Hobbes's sovereign-representative. It is necessary to grant the representative sovereign authority because it is his representing that unites the commonwealth.

subset of the sovereign government's activities. Thus, the sovereign authority of the state serves as the guarantee of the representativeness of the political relationships that occur within it. The limits of the conceptual conjunction between representation and the authority of the state become evident as we move into the post-sovereign conditions of global politics. Suddenly, there are a number of political actors engaged in a range of practices that can be described as representative, yet the actors lack claims to any authority, let alone to sovereignty. In this chapter, I consider this situation in the case of a particular set of nongovernmental actors who lack recourse to authority but are clearly making claims to represent when representation is understood in the terms of relational representation – that is, as responsiveness. As such, the legitimacy of those claims ought to be evaluated against a set of criteria that assess responsiveness, not authority.

It is necessary to be clear about three things in making this argument: who the nongovernmental actors discussed here are, what the limits of the argument are, and what it means to say that relational representation is responsive. First, the nongovernmental actors I consider in this chapter are the set of global activists that were discussed in Part One. To this point, several languages have been used to describe these political actors. To recap, they are importantly *nongovernmental*, and like the majority of the network of global activists that appeared in Seattle, they engage in what Tully calls 'expansive practices of governance,' which is to say that their activities focus on "structuring the possible field of action of others."⁴ In doing this, the practices adopted by these nongovernmental actors follow the spirit of Camus's political ethics and conceive of

⁴ Tully (2009b), 56.

global justice in terms of a social justice aligned with Sen's capabilities approach.⁵

Focusing on this subset of nongovernmental actors excludes two large groups of nongovernmental actors – violent actors and multinational corporations. The exclusion is not intended to deny the possibility that either group can make legitimate claims to represent, but the issues involved in assessing those claims are sufficiently different that they deserve to be considered on their own terms.

Second, related to the exclusion of some nongovernmental actors from this argument, I do not mean to argue that claims to represent based on authority are illegitimate. In other words, the purpose of this chapter is *not* to delegitimize the government's claim to represent. Rather, it is to expand the field of potentially legitimate claims to represent to match the plurality already present in a post-sovereign global politics.

Third, as introduced in the previous chapter, the key to conceptualizing representation as relational is to understand it as a form of responsiveness. Relational representation takes the representative relationship to be intersubjective, meaning that each action both responds to and elicits a response from the other in the relationship. Responsiveness determines several things about the character of the practices of representation as well as its purpose. In order to remain responsive, the agency of the other must be acknowledged and respected, which includes avoiding turning the relationship toward becoming one of domination. It also requires a demonstration of commitment and trust. Since relational representation has no appeal to authority, the

⁵ See §2 of the Introduction to this dissertation for this discussion.

relationship continues only as long as both subjects remain committed to continuing the iterative responsive practices. And finally, these practices treat representation as a means to a democratic end – the promotion of agency. In this chapter, the assessment of claims to represent will combine the demands of trust with the question of responsibility – to what extent are the consequences of one’s actions actually serving the end of representation and promoting the agency of the other?

In thinking through what it means use relational representation to understand the practices of certain nongovernmental actors as representative, I take up several of the problems that arise in shifting from a view of representation based on authority toward one based on responsiveness. The first problem centers on the difficulty of *initiation* (§2). That nongovernmental actors engage in practices that make claims on others without recourse to authority to legitimate the first action is a problem. I consider this problem through a discussion of a statement that Michel Foucault made in support of a nongovernmental initiative. For Foucault, the initiation of the relationship between the nongovernmental actors and the community suffering deprivation is already a response, grounded in a right to intervene. In §3, I consider the necessary changes to the concept of *legitimacy* when moving from an authority-based view of legitimacy to one grounded in responsiveness. This is then elaborated in the following two sections. In §4, I consider the limits that accompany nongovernmental actors’ claims to authority in order to legitimate their actions. The authority to which they have access is the moral authority of universal principles. The two primary limits of this authority are that it provides moral rather than political legitimacy and that it legitimates actions, not the standing of the actors. And then in §5, I develop a framework for thinking about *accountability* as the measure of

legitimacy assessed through responsiveness. Finally, in §5.1, I work through the case of Partners in Health, a nongovernmental actor that demonstrates accountability and can be thought of as being engaged in a representative relationship with the communities in which it works. In the conclusion, I return to the question of nongovernmental actors and explain why relational representation helps makes sense of their practices, also providing a way to begin evaluating which nongovernmental actors are capable of making legitimate claims to represent.

2

RESPONDING: INITIATING A CLAIM TO REPRESENT

On June 19, 1981, Michel Foucault was in Geneva to participate in announcing the formation of the *Comité International contre le Piraterie* (CICP).⁶ The CICP was a nongovernmental initiative working to provide security to refugees exposed to pirate attacks in the Gulf of Thailand as they left Vietnam by boat. The CICP formed in the face of the failure of any government or intergovernmental organization to assist the refugees. As discussed in Chapter 2, the situation of the refugee falls between responsibilities.⁷ In this absence of responsibility, the CICP took responsibility upon itself and both advocated relevant intergovernmental organizations and raised funds in order to provide

⁶ International Committee Against Piracy. This initiative was launched in conjunction with Médecins du Monde and Terre des Hommes, two early NGOs, both explicitly invoked within Foucault's statement as examples of what they were engaged in that day. For the history and context of the CICP, see T. Keenan (1987). Foucault's statement first appeared three years after Foucault made the statement, just following his death as "Face Aux Gouvernements, Les Droits De L'Homme" in *Libération*, (no. 967, 30 juin-1er juillet 1984: 22).

⁷ On the politics of refugees, see Arendt (1973) on the need to establish the right to have rights – that is, to provide a ground in which any person can claim her human rights without recourse to a government that will claim the responsibility for that guarantee. See also, Benhabib (2004) and Honig (2001).

the necessary security to prevent the pirate raids against the refugees. Foucault's statement concerning the CICP is both a defense of his engagement in this specific activism and a theoretical reflection about how nongovernmental initiatives had already changed the boundaries of global politics.

In this section, I consider Foucault's statement at length because it provides the conceptual framework necessary to understand the situation that nongovernmental actors face in global politics. Foucault's statement addresses two constellations of questions concerning nongovernmental actors. The first is how do persons constitute themselves as a *political* actor? The second is what legitimates the nongovernmental actor's initiation of action? For Foucault the answers are that it is the common response to particular experiences that unites persons in political action, and the initiation of the action is legitimated not by authority, but by right. At the end of the section, I align Foucault's answers – responsiveness and the right to act – with the concerns of relational representation.

Foucault's short statement remains relevant thirty years after the particular situation that prompted it because it continues to provoke in two ways. The first is an academic provocation about how to interpret a recent, significant thinker. In certain regards this falls outside the scope of this project, but I touch on it here because what this statement shows about Foucault's late thought captures many of the complexities facing political actors in a post-sovereign politics. The statement challenges the standard interpretation of Foucault's thought and aligns with the current reassessment of the 'ethical turn' in his late work. The statement stands at the intersection of his concern with *governmentality* and his development of a subjective ethics. The statement deploys the

language of governmentality – the governing of oneself and others – but focuses on persons as acting subjects, not as the near-passive product of multiple disciplinary forces.⁸ The subjects of this statement are enmeshed in the web of power relations, but they respond with practices meant to confront disciplines and constitute new non-dominating power relations.⁹ In line with his ethical turn, Foucault focuses on persons concretizing abstract universal claims, such as citizenship and responsibility, through the practices in which persons engage.

The statement's second provocation is critical in nature. Foucault asserts a right for persons to act in politics at *any* level and introduces the concepts and language by which this *new right* can be understood. For Foucault politics is post-sovereign and the right emphasized in this statement shows it. The statement is a declaration that does what Foucault had lamented modern political thought had thus far failed to do – cut off the head of the king.¹⁰ He begins this rethinking of politics with a shift in his approach and a radical claim. The shift in approach is to prioritize the empirical over the conceptual.¹¹ That is, for Foucault it emphasizes the fact that *categories* are secondary to empirical reality. Indeed, once formed, these categories will tend to organize reality within those

⁸ Foucault (2003c) on 'governmentality.' Note the resonances with Tully's 'expansive practices of governance' mentioned above and which I discussed at length in Chapter 2.

⁹ For his subjective ethics, see Foucault (2001) on the idea of *parrhesia*, truth-telling as a non-dominating mode of power. For an analysis of the subjective ethics in the late work of Foucault, see Luxon (2004, 2008).

¹⁰ Foucault claims, "Such theories still continue today to busy themselves with the problem of sovereignty. What we need, however, is a political philosophy that isn't erected around the problem of sovereignty or, therefore, around the problems of law and prohibition. We need to cut off the king's head. In political theory that has still to be done" (2003b, 309).

¹¹ This is the inverse of Foucault's earlier work in which disciplines have categories that then constitute the selves according to the categories. Here Foucault suggests the opposite. Persons have acted; now our concepts have to adapt to the new reality.

constructs. Here, Foucault becomes interested in the empirical exception that rejects the reality of the constructs and becomes the germ of something new. It is for this reason that Foucault turns to practices, in line with Arendt's arguments that what is specific to action is its capacity to begin, its inherent nativity.¹² Foucault's radical claim then is that nongovernmental actors are political actors who act based on a different understanding of politics than governments. They are *nongovernmental* meaning their acts of governance do not aim toward authority or sovereignty.¹³ Foucault's view requires the recognition that global politics has a plurality of actors and contains political action that is neither justified by nor subservient to sovereignty.

I take Foucault's statement in two parts. The first few sentences explain and defend those participating in the CICIP against the unspoken question: *Who are you to intervene here?* In the first instance the question is directed at the legitimacy of the CICIP existing as a political actor. And in the second instance, it is a question of its standing to act in the particular situation in which it intends to intervene. The second part of the statement outlines the three principles Foucault proposes to guide nongovernmental initiatives like the CICIP. The statement begins by addressing the context of the situation and the position of the organization,

We are just individuals here, with no other grounds for speaking, or for speaking together, than a certain shared difficulty in enduring what is taking place.

Of course, we accept the obvious fact that there's not much that we can do about the reasons why some men and women would rather leave their country than live in it. That fact is beyond our reach.

¹² Arendt (1998). On Arendt and beginnings, see Markell (2006) and Isaac (1992).

¹³ This Foucauldian claim is echoed in Feher (2007), 12.

Who appointed us, then? No one. And that is precisely what constitutes our right.¹⁴

Here Foucault establishes who is acting, the boundaries of this action, and he confronts the primary objection to this and similar initiatives. I take each point in turn.

For Foucault, the actors are ‘private individuals’ with no claim to speak alone or together other than the fact that they have a ‘shared difficulty.’ This shared difficulty provides the grounds upon which they come together as the CICIP; it reflects the experiences of both the refugees suffering pirate raids and the persons coming together in the CICIP. The persons who constitute the CICIP have a ‘shared difficulty’ in common. This commonality is not the direct experience of suffering or misfortune (*malheur*), as Foucault puts it later in the statement. Rather, the shared difficulty found in witnessing the failure of governments to mitigate the injustice and alleviate the suffering of human beings. At this point in the statement, it is not sufficiently clear why this witnessing justifies the CICIP to act; yet, in his first principle, Foucault links the act of witnessing to the existence of this injustice.¹⁵ Here what matters is that the ‘shared difficulty’ provides a reason for individuals to come together to act in concert. Again, Foucault echoes the Arendtian concept of *power*. It is part of the human condition to unite for common purpose.¹⁶ This unity, as Hobbes recognized, was the establishment of a representative.¹⁷

¹⁴ Foucault (2003a), 64-5 (with my own modifications). For an alternative English translation, see T. Keenan (1987).

¹⁵ Boltanski (1999) is a working through of when this connection motivates action and when it renders us passive spectators to injustice.

¹⁶ Arendt (1972 and 1990)

¹⁷ Hobbes, *Leviathan* 22

In fact, the freedom of individuals to do this was the reason Hobbes required an authoritarian politics in order to delegitimize the many representations that rival the state. For Foucault, the members of the CICP constituted the collective actor to engage their ‘shared difficulty.’

The other side of the ‘shared difficulty’ – the injustice that is being witnessed – establishes the boundaries of the CICP’s actions. The condition of the refugees is one of deprivation. Because of their displacement, they are left without security and without the grounds to demand it from any others. The result is human suffering. In Foucault’s statement, it is unclear if it is the experience of suffering or the reciprocity of rights that calls the members of the CICP to take responsibility for the situation, but what is clear is that the purpose of their actions is to alleviate that suffering. Anticipating the accusation of being utopian, Foucault bounds the practices of the CICP in a measured politics. The CICP is working to remedy the experience of suffering, not to usher in a political revolution or to construct an ideal world. The goal of the CICP is not to end *displaced populations*, that fact is ‘beyond their reach.’ In this sense, Foucault endorses the Camusian call to ‘save bodies.’¹⁸ The CICP has taken responsibility for a particular displaced group that is suffering from a concrete lack of security that the CICP is capable of providing. This measured responsibility ought to serve as the standard by which the group is held to account.

The objection against many nongovernmental initiatives boils down to the question – *Who are you to act?* Foucault’s answer confronts the assumption of authority

¹⁸ Camus (2006a). For Camus, it is also a question of *utopian* thinking. He develops the notion of a ‘relative utopia’ to describe this type of measured politics in distinction to the ideal and ideological ‘absolute utopia’ that aims to revolutionize human relations.

that underlies the question. Foucault phrases the question more specifically – “Who appointed us, then?” Built into the question is the claim that legitimate political action requires authority and, it is implied, that nongovernmental actors lack intrinsic authority and so they require the authorization of another actor with authority. Foucault does not back away from the question. He answers it simply and directly: “Who has appointed us, then? No one.” Foucault shuts down the line of thought that attempts to build nongovernmental actors’ right to act by recourse to an authority. Instead, he offers an alternative: the absence of authority constitutes the right to act. The potential authorities that Foucault implicitly dismisses are the sovereign authority of governments, but also the authority of the refugees to select those who act on their behalf – that is, represent them. On the one hand, the move to deny the government the exclusive right to represent a population as they deem appropriate resonates on two levels. First, Foucault is ultimately interested in thinking beyond sovereignty and absolute claims to authority. But second, even without the theoretical scaffolding, in this particular instance of the concrete suffering of a population of displaced persons, no government can claim the authority to represent and then justify their inaction. The silence of their inaction creates the space in which others may take up the responsibility. On the other hand, there is something to the idea that the refugees themselves are an authority over who can claim to act on their behalf. This, for Foucault and nongovernmental actors, is the problem of initiation. There is no relationship between the CICP and the refugees *before* the CICP intervenes and provides security and advocates on their behalf. And so, how does one justify an action without precedent? There is an inherent risk in acting without the assurance of justification. Thus, for the un-appointed, political action happens independent of

authority and is grounded in a conception of rights. This uncoupling of action from authority also breaks the link between authority and legitimacy – some unauthorized actions are legitimate.¹⁹

Thus, Foucault declares that it is the absence of authority that constitutes the right of the CICP to act. Later in the statement, Foucault calls this a *new* right. According to Foucault this right is created through the activity of preceding, similar initiatives, including Amnesty International.²⁰ For Foucault, rights emerge out of action; they are not given by nature or legal institutions. This understanding of rights as constituted by action connects the existence of rights to their capacity to be acted upon. This is understanding of rights as performative, as the existence of the right is evident in the ‘performative contradiction’ – the denial by one party of the rights of another, despite the fact that the right is at that moment being exercised.²¹ Foucault’s view also lends itself to the discourse on rights that places agency at its center. It connects the capacity to act to the substantive existence of the rights.²²

By acting in the political space, these initiatives have established a new right to act – to intervene as nongovernmental actors in ‘international politics.’ Keenan argues

¹⁹ On unauthorized proposals, see Frank (2007).

²⁰ In §4, I use Amnesty International as an example of an NGO that attempts to link its legitimacy to authority. Foucault’s point here stands as the right Amnesty helped create is the right of nongovernmental actors to act in politics.

²¹ Rancière (1999) writes, “If the ‘performative contradiction’ may intervene here, it is at the heart of this situation of argument that must first take no notice of it in order to clearly show its ignorance” (p53). The concrete example Rancière uses is the example of the workers’ strike. When the workers go on strike, the bosses deny the existence of the right that is already being practiced. It contradicts the reality of the situation.

²² On agency and human rights discourse, see Ignatieff (2001). On capable persons as the subject of human rights, see Ricoeur (2007a). The capabilities approach to rights suggested here will be discussed at more length below. The touchstones for that perspective are Sen (1999 and 2009).

that Foucault's new right is similar to Derrida's *coup de droit* – "The invention, the intervention, creates the right to intervene, enacts the right to act, initiates the right to initiate."²³ While this description of the right captures a number of important elements in Foucault's usage, it dwells on the newness and the creating, whereas in the context which Foucault is speaking, he is not invoking the *right* to invent per se; he is relying upon the precedent of an already created right to intervene in such cases. This right to intervene is better put as the right of nongovernmental actors to engage in politics beyond the nation-state. Similar to Arendt's *right to have rights*, the right to intervene is not substantive; it sets up the necessary conditions for politics.²⁴

This is not to say that newness and initiation are absent from Foucault's thinking here. In defending the right to intervene, Foucault separates the activity of a nongovernmental actor into two parts: the initiation of the action and what follows the action – that is, the practices and their reception. Foucault's primary goal in the statement is to defend the right to intervene and to reflect on the meaning of what is being initiated. It is in this context that Keenan connects Foucault's right to Derrida's *coup de droit*, the right to initiate.²⁵ Foucault is concerned with the conditions that make it possible for persons to come together for common purpose *and* to act on that purpose absent the authority to do so. In the statement, Foucault opts not to articulate an alternative view of legitimacy without recourse to authority. Rather, he selects three ethical principles by

²³ T. Keenan (1987), 23. He draws the *coup de droit* from Derrida (1986).

²⁴ Arendt (1973) introduces the concept of the right to have rights in the context of discussing 'stateless persons.' For a recent application of Arendt's concept, see Benhabib (2004).

²⁵ T. Keenan (1987), 23.

which one might evaluate the practices of an NGO. He does this because the action necessarily precedes its own legitimacy and it remains particular to each possibility to initiate a political relationship through one's acting.

For Foucault, the principles are meant to address not the eventual assessment of legitimacy, but the grounds from which one acts. As such, it addresses the difficulties that a nongovernmental actor faces in initiating action. Foucault's principles address the issues of bridging the distance between the actors and demonstrating commitment in situations, which are at the point of intervention characterized by an absence of responsibility.²⁶ Foucault's three principles to guide nongovernmental initiatives, such as the CICP, are as follows:

1. There exists an international citizenship that has its rights and its duties, and that obliges one to rise up against every abuse of power, whoever its author, whoever its victims. After all, we are all of the governed and, to that extent, in solidarity.
2. Because they claim to be concerned with the welfare (*bonheur*) of societies, governments arrogate to themselves the right to pass off as profit or loss the human misfortune (*malheur*) that their decisions provoke or their negligence permits. It is a duty of this international citizenship to always bring the testimony of people's misfortunes (*malheurs*) to the eyes and ears of governments - misfortune for which it is not true that they are not responsible. People's misfortune must never be a silent remainder of politics. It grounds (*fond*) an absolute right to stand up and speak to those who hold power.
3. We must reject the division of labor so often proposed to us: individuals can get indignant and talk; governments will reflect and act. It's true that good governments appreciate the holy indignation of the governed, provided it remains lyrical. I think we need to be aware that very often it is those who govern who talk, are capable only of talking, and want only to talk. Experience shows that one can and must refuse the theatrical role of

²⁶ I agree with T. Keenan (1987), Foucault is not making a new declaration of human rights as the French editors of *Libération* suggest. Foucault is not attempting to justify the legality of this right, but instead, this is a practical ethical engagement with a political problem. Foucault outlines principles, not juridical laws.

pure and simple indignation that is proposed to us. Amnesty International, Terre des Hommes, and Médecins du Monde are initiatives that have created this new right – that of private individuals to effectively intervene in the sphere of international politics and strategy. The will of individuals has to inscribe itself in a reality over which governments have wanted to reserve as a monopoly for themselves – a monopoly which we uproot little by little and day by day.

Foucault's first principle focuses on the issue of the fundamental *distance* between the nongovernmental actors and the persons on whose behalf they act. The first principle bridges the distance by reconstituting the boundaries of community. In order for the actions of the CICP to be legitimate, they must overcome the distance between themselves and the refugees suffering in the Gulf of Thailand. The distance is particularly pronounced because it stretches across political boundaries.²⁷ The members of the CICP were, for the most part, like Foucault. Foucault was a French academic whose everyday experiences did not make evident his connection to the refugees and their experiences. Foucault does not deny the existence of those distances, but he aims to move beyond them by reconstituting community such that includes the members of the CICP and the misfortunate.

Foucault claims there is an 'international citizenry' bound together in 'solidarity.' These two terms require explanation. Though Foucault uses the term *international*, given his third principle, it is clear that his usage is time-bound and he means it only to speak of politics *beyond* the nation-state, not specifically the interaction *between* states. Thus, the citizenry he invokes is *global* in character, not inter-national. More importantly, Foucault here claims that individuals are *citizens* of a global community. This understanding of

²⁷ Foucault (2003c, 2003d, 2003e). For Foucault political boundaries are less about territoriality and more about the management of populations. Either way, the CICP is usurping the role governments had held to be their sovereign right.

citizenship retains a republican character with its twin demands of citizenship – it guarantees rights and obliges duties.²⁸ This community is bound by a *solidarity* constituted by the fact that we share a common experience – we are all governed. This commonality creates the global community. The global community does not rest on claims of the essential, abstract qualities of humanity. It is not transcendent. It is grounded in our shared existential condition from which this set of rights and obligations is born. Our acceptance of both the rights and obligations requires us to be prepared to take responsibility for our own actions and for those on whose behalf we claim to act. In other words, we are to take responsibility for those in the community we constitute.

Importantly, the commonality Foucault reconstitutes community around is neither the experience that created the ‘shared difficulty’ that caused a number of persons to constitute the CICP, nor is it sharing the experience of suffering. For Foucault it would be impossible to actually share another’s suffering in a meaningful way. In this way, Foucault’s invocation of solidarity as commonality obscures the distance that remains between the CICP and the displaced persons, and the distance that always remains between a nongovernmental actor and those in the communities in which they work. As such, Foucault’s principle does not accomplish what it sets out to do. What is worth taking from Foucault’s first principle then is not the substantive claim itself about a global ‘community.’ Rather, the principle might be reformulated to recognize the need to face the fundamental distance between the actor and those for whom they act and the need to initiate the connections that will begin a relationship of solidarity. In this sense,

²⁸ On the revival of republican thought, see Pettit (1997) and Skinner (1998).

solidarity is more in line with my description of it as *acting together*, rather than as commonality as Foucault suggests here.²⁹

The second and third principles focus on what it means for nongovernmental actors to take responsibility. Foucault divides it into two activities – advocacy and the direct mitigation of suffering. In the second principle, he focuses on the responsibility to advocate, to give voice to the misfortunate – that is, the suffering.³⁰ This responsibility falls to individuals because governments that claim to care for the welfare of persons act in ways that create a ‘silent remainder’ in politics.³¹ By shifting persons into this remainder, governments refuse responsibility for these persons. This situation is unacceptable, Foucault claims that the risk that suffering persons will be rendered silent “grounds an absolute right to stand up and speak to those who hold power.” To understand what Foucault is claiming here, it is important to draw on the language of relational representation. As noted in the previous paragraph, there are some differences between Foucault’s statement and the theory of relational representation presented in the last chapter, but they have a number of similarities. The primary similarity is found in this extraordinary claim that the silencing of persons grounds an absolute right to stand and speak. The right opens *responsive* actions. The act of speaking for the suffering begins in an acknowledgment of the condition of the other. To recognize the deprivation of agency incurred by suffering places a demand on the individual to speak out and to

²⁹ See Chapter 5, §4.2

³⁰ See Urbinati (2000) for a defense of advocacy as representation. Urbinati’s sense of representation connects deliberative models of democracy with JS Mill’s representation.

³¹ See Rancière (1999) for a theory of politics as fundamentally about who is counted and who is not.

speaking for those persons. The speaking is not only speaking, it is the initiation of a relationship between the speaker and the ones at risk of being silenced. That initiation begins as a response to the suffering. In acknowledging suffering, Foucault claims one must put the right to speak to use – one must take responsibility for those suffering.³² In that sense, the act of speaking is also the act of taking responsibility. They occur together.

Foucault's third principle articulates the second activity of those who take up responsibility – direct action to counter the suffering. Our responsibility is not complete once we advocate; it also demands that we act to mitigate the misfortune. That is, Foucault calls for individuals to 'save bodies.' In calling for both advocacy and practices that alleviate suffering, Foucault challenges one of the primary divisions in nongovernmental activity. For Foucault, advocacy is an engaged practice that cannot stop at 'witnessing'; it must act to alleviate the suffering. And the reverse is true; the practices to alleviate suffering are missing something if they do not include practices of advocacy and testifying to the suffering.³³ The combination of these practices demonstrates the commitment that is necessarily absent in the initial action. To take responsibility, to show commitment, unfolds over time. One of the challenges, then, remains how to initiate with commitment or, at least, to signal that commitment before it is demonstrable.

Recognizing the responsive origin of nongovernmental action resituates global politics and reveals the radical nature of Foucault's right to intervene. The right to

³² Boltanski (1999) is interested in how the globalized world has made suffering more visible and, yet, does not always move one from being a pure spectator to being, at the least, an active spectator.

³³ Foucault can be seen as weighing in on the disagreement that led Bernard Kouchner to establish of Médecins du Monde. Kouchner was a founding member of Médecins Sans Frontières, but he and the group split over the issue of 'witnessing.' Kouchner felt that humanitarian work required both witnessing and the alleviation of suffering, otherwise, by one's silence, one remained complicit in the irresponsibility of governments.

intervene with its call to responsibility requires the conscious rejection of the sovereign order of politics in which it is the exclusive prerogative of governments to act. This is not an overturning of states. It is meant to exist alongside active advocacy to governments. It is about recognizing the nature of governments and taking the opportunity to puncture the fabric of sovereignty through nongovernmental action. Thus, Foucault ends his statement with a call for the continued activity of nongovernmental initiatives aimed at ‘uprooting’ (*s’arracher*) the government’s monopoly on political action. It is a post-sovereign politics because it denies the assumptions of sovereignty in two ways. First, the existence of both governmental and nongovernmental political actors testifies to a plurality, not a monopoly, of actors in global politics. And second, in identifying the values of solidarity and responsibility in his three principles, Foucault points toward an alternative legitimacy not dependent upon sovereign authority.

This alternative legitimacy must take into account the difficulty of initiating. There is, in this sense, no predetermined legitimacy. Thus, legitimacy must derive not from the status of the actor, but the practices in which she engages. The result is a conception of legitimacy that has the ‘fabulous retroactivity’ necessary for legitimating a claim to represent that lacks initial authority.³⁴

3

CLAIMS TO REPRESENT AND LEGITIMACY

³⁴ Derrida (1986). On developments of this idea, see Frank (2007), and Honig (2001, 2009).

In building on Foucault's statement, two concepts need to be developed – the claim to represent and legitimacy. Foucault's statement focused on the right of nongovernmental actors to *act*, not necessarily on *representation*. In the previous section, I indicated several points where Foucault's language paralleled the concerns of relational representation. The similarities include the sense of responsiveness, the focus on action over identity, the character of those practices, and the purposes of those practices. Yet, as evident in Foucault's use of *solidarity* as commonality rather than as acting together in relational representation, the strategies for confronting the distance between the nongovernmental actors and those for whom they act are different. For Foucault, the action has an immediacy that unites or, at least, affirms an existent unity. For relational representation, there is the acknowledgement that the practices are representative. In this sense they are practices that make something present again, which at the point of acting was absent. The distance remains the grounding condition of the practices meant to deal with that fact. Thus, for relational representation, the practices make a *claim* to represent that can only be legitimated in the context of the relationship itself.

In this section, I first work through several understandings of the relationship between nongovernmental actors and representation. Second, I consider the potential approaches to legitimacy available to nongovernmental actors seeking to legitimate their claims to represent. As Foucault makes evident, the nongovernmental actor cannot rely on the authority of sovereignty to legitimate its claims. As such, the two alternatives are to seek other sources of authority or to build legitimacy without recourse to authority. I call the former the authorization view of legitimacy and the latter the accountability view. After introducing these two forms of legitimacy here, I consider each one in the next two

sections (§4 and §5) and find the accountability view more appropriate to understanding the political and representative status of nongovernmental actors.

At stake in understanding nongovernmental actors to be making *claims* to represent is the nature of the relationship between nongovernmental actors and the communities in which they work. To see nongovernmental actors as making claims to represent captures the openness of the representative relationship.³⁵ Each action is in itself incompletely representative until it is responded to. In other words, to see nongovernmental actors as making claims to represent is to understand them to be engaged in relational representation. There exist two other prominent arguments that depict the connections between nongovernmental actors and representation in very different terms. The first argument is that nongovernmental actors cannot be representative because representation is linked to sovereignty and governments. By definition, then, a nongovernmental actor is neither. The second argument relies on the connection between representation and authenticity. It holds that nongovernmental actors cannot represent *others*, though their actions can be thought of as self-representative, expressions of their convictions and identity. Each argument has its particular problems, but as I argue below, both miss the *relational* aspect of the practices necessary to the practices of nongovernmental actors. The practices must be thought of as claims and as representative because as actions they make claims on and for others and demand responses. That is, the practices imply a relationship to others. *Representation* is one resource for understanding the character of that relationship.

³⁵ A. Keenan (2003)

Michel Feher articulates the first argument against seeing nongovernmental actors as representatives. For Feher, representation is identified with the institutions of government and, thus, unavailable to nongovernmental actors. My disagreement with Feher on this point is illustrative of what is at stake in making the connection between nongovernmental actors and representation because in most other ways, we share a similar conception of what it means to be a nongovernmental actor in global politics. Feher defines nongovernmental actors as political actors without the intention of being the government.³⁶ In other words, for Feher, there are political actors that are not sovereign and do not wish to be. Nongovernmental politics is then the “politics in which the governed as such are involved” and make the Foucauldian demand “not to be governed thusly.”³⁷ Thus, Feher stakes out a field of political activity that belongs to nongovernmental actors and that should be treated as significant.

For Feher, representation is not part of that arena of political activity. He argues that nongovernmental actors who make claims to represent are less coherent than “those who simply renounce any claim to representation.”³⁸ This alleged incoherence in fact results from Feher’s association of sovereignty with representation. Thus, a non-sovereign actor claiming to represent confuses the issue and can only fall short of the

³⁶ Feher (2007), 12. This is one of the points where the language of *governance* adds confusion. As with Tully (2009b), Feher and I both borrow Foucault’s wider understanding of practices of governance as any practice that seeks to manage relations between persons. The sharp line for Feher, then, is between governance, which is part of all political activity and government, which is a particular constellation of governing practices that claim certain authority over particular populations.

³⁷ Feher (2007), 13-14.

³⁸ Feher (2007), 15.

measures of representativeness, thus appearing illegitimate.³⁹ Feher suggests that nongovernmental actors build their legitimacy not on representation, but on alternative sources of legitimacy – universal principles and particular experiences. However, this alternative raises several issues. The first will be considered in §4, as the dependence on universal principles tends towards *depoliticizing* nongovernmental actors by affirming their moral legitimacy, not their political legitimacy. Second, both universal principles and particular experiences do not *directly* engage others as acting subjects themselves. That is, in rejecting the language of representation, Feher does not replace it with an alternative relational language. Instead, he holds up sources of legitimacy that appeal to an abstract principle or to a particular event. Each implies an engagement with other persons, but the legitimacy of the actions rests not on the responses of those persons but on either the rightness of the principle or the demand of the event. As such, Feher is wrong to consider universal principles and particular experiences as alternatives to representation. They may serve as reasons motivating political action, but that does not preclude or replace the need for the dynamics of the representative relationship.

The second argument against understanding nongovernmental actors as representing others holds that nongovernmental activity is, at the most, self-representative. This conclusion rests on an idea of authenticity, or the authority of the self. It follows the participatory democrats' understanding of Rousseau's critique of

³⁹ Feher (2007). The point is made explicit in conclusion: "First, it shows that politics extends beyond the realm of representation. In other words, representing the people, or, alternatively, choosing and supporting worthy representatives are not the only options available to those who want to engage in politics" (p26).

representation.⁴⁰ It holds that practices are expressive of *who* the actor is and *what* she believes. Because of this, representation is never fully legitimate since it has another acting in one's place and so nongovernmental actors are better off only representing themselves. Mary Kaldor speaking to the Helsinki Citizens' Assembly (HCA) in 1990, gives a strong articulation of this position. She said, "We are not a representative of civil society; we are a part of civil society. If we were representative of civil society we would be no different from a parliament... In fact we don't represent anyone except the movements and institutions in which we are involved."⁴¹ Kaldor uses representation to make a point about the power found in acting in concert, but problematically, it comes with the cost of setting participation against representation. Kaldor limits the political claim that participating in civil society makes by constraining the representativeness of the HCA to its explicit members. In one sense, Kaldor is right; the HCA does not represent civil society as a whole because it focuses on particular issues, not the existence or reform of civil society in total. But in another sense she is wrong. The actions of the HCA extend beyond the explicit members of the group as their practices aiming to bring peace, human rights, and democracy necessarily place demands on others and put them in a position of speaking on behalf of those who are deprived of rights. For nongovernmental actors, like the HCA, to maintain claims of mere self-representation is a form of irresponsibility, denying the relationship, let alone the representative character of it, that their very practices necessarily enact.

⁴⁰ I discuss this interpretation of Rousseau in Chapter 4. See Barber (2003) for the strongest statement of the participatory democratic argument.

⁴¹ Quoted in Isaac (1998), 172.

Political legitimacy is a concept with a deep and varied use in political thought. In thinking about legitimating claims to represent, *legitimacy* takes on a particular resonance that separates the concept from its typical association with *rule*.⁴² That is, political legitimacy understood in terms of ruling seeks the conditions under which one appropriately exercises authority over another. It is a matter of ruling and being ruled.⁴³ Ruling is often conceived as having a quality of *domination*. As Arendt notes, it is precisely this element of domination that makes it difficult to conceptualize democratic freedom within political structures that require that one both rule and be ruled in turn.⁴⁴ Drawing on Feher's definition of nongovernmental politics, it is the politics that is not concerned with government – that is, not concerned with rule. Thus, one of the limits of nongovernmental actors is to avoid producing the conditions of rule, which is to say, the conditions of domination. Here there is an evident coincidence between the situation of nongovernmental actors and the demands of relational representation, discussed in the previous chapter.⁴⁵ In this sense, a principle of nondomination is essential to any conception of a legitimate nongovernmental claim to represent.

⁴² Weber (2004) argues that there are three ideal types of political legitimacy – tradition, charisma, and legality. They each concern the question of ruling, and as such, are not as applicable in this context.

⁴³ Markell (2006) gives an interesting rethinking of the place of rule within democratic politics through a consideration of Arendt's thoughts on rule. For Markell, the common view of democracy is to set it against rule, as Rancière (2001) does in his third thesis on politics: "Politics is a specific rupture in the logic of *arche* [rule]." Markell points to Arendt's rejection of that view in translating *arche* both in terms of 'rule' and 'beginning.' See Arendt (1998).

⁴⁴ This is the reason that Arendt (1990) focuses on the idea of 'no-rule' in order to think about how democratic freedom is possible.

⁴⁵ Markell (2008) argues that the use of *domination* to mean 'control' by contemporary republicans, such as Pettit, is only captures part of what is necessary to preserve agency. Thus, Markell rightly argues that discussions of domination should also include *usurpation*, which considers 'involvement.'

While the principle of nondomination serves as a limit that emphasizes the distinction between the type of legitimacy associated with claims of legitimacy that concern *ruling* – that is within sovereign, governmental politics – and those that concern *governance* in the broad sense implied in Tully’s “expansive practices of governance.”⁴⁶ As such, nongovernmental actors do not have recourse to the authority of sovereignty to legitimate their claims to represent. Thus, they can develop legitimacy in two alternative ways. The first is to appeal to a source of authority other than sovereignty. This is the authorization view as it still relies on the dynamics of authority to legitimate the practices. The second is the accountability view, which avoids appeals to authority in favor of determining legitimacy within the political relationship itself.

The authorization view maintains the need for an authority that legitimates an actor *prospectively*, such that her actions are legitimated as they are enacted. The authorization view can appeal to any number of authorities. Nongovernmental actors tend to rely on universal principles to legitimate their activity and support any claims to represent that they might make. The authority of universal principles provides a coherent and often compelling moral narrative for the actions taken, which are a necessary component of any political practice. Yet the appeal to the universal principles does not end up affirming the *political* status of the nongovernmental actors or their representative quality. The reason for this is that an appeal to universal principles subordinates the political relationship *between* persons or communities to the principle. That is, their

⁴⁶ Tully (2009b). I discuss Tully’s global justice theory in Chapter 2 §5.

relationship is mediated through the principle, and as such, the practices end up affirming the principle, not the subjectivity of the other.

The accountability view of legitimacy makes no claim to authority but evaluates the relationship on its own terms. It is *retrospective* in the sense that it can only emerge over the course of the relationship and, thus, it acknowledges a legitimacy that will have already been the case.⁴⁷ As such, the accountability view is able to cope with the problem of initiating nongovernmental action. The initial action need not be legitimate in itself; what it must do is initiate a relationship of responses that will retrospectively locate it within a legitimate relationship. *Accountability* is key to understand this view of legitimacy. It requires the acknowledgment of a relationship between persons or groups, both of whom have a distinct subjectivity. Since it is retrospective, accountability is progressive in that it occurs within the practices and never reaches completion. That is, there is no point in the relationship in which the actors in the relationship come to have the permanent identity of ‘accountable.’ It remains part of the iterated actions and responses, able to pass judgment on what has already come and trusting in what will come. The derivation of legitimacy from accountability focuses on the values of an intersubjective relationship. Thus, when it comes to applying this view to a nongovernmental actor’s claim to represent, it evaluates it from the perspective of relational representation. It looks for practices that are responsive and show commitment.

In the end, the accountability view of legitimacy better explains the practices of nongovernmental actors. It accepts several of the difficulties with nongovernmental

⁴⁷ On articulating Derrida’s ‘fabulous retroactivity’ as a matter of the future anterior, see Honig (2009) and Frank (2007).

politics as basic conditions of the situation. It acknowledges the uncertain status the nongovernmental actor has when it first intervenes in a political situation. It is suited to thinking of practices as *making claims*, rather than as being expressive. Because accountability is retrospective, it suspends judgment on actions until those actions are understood in the context of the responses to it. This time-delay allows the relationship to develop by which the claims to represent will come to be evaluated.

4

THE LIMITS OF LEGITIMACY THROUGH UNIVERSAL PRINCIPLES

When nongovernmental actors adopt an authorization view of their legitimacy and the legitimacy of their practices, they must rely on an authority other than sovereignty. Feher proposes two alternative authorities – universal principles and particular experiences.⁴⁸ In this section I consider the authority provided by universal principles, addressing that of particular experiences in the following section (§5). The appeal to universal principles has several benefits for nongovernmental actors, particularly as their use has expanded to cover a number of different practices. Yet, in the end, the appeal to universal principles creates two difficulties for nongovernmental actors. The first is that the appeal to universal principles attempts a *prospective* legitimacy that ignores the situation of uncertainty that nongovernmental actors face in initiating action across borders and in communities distant from their own. Second, it also has the effect of focusing on the intentions of the actions or the convictions of the actors. This creates, at

⁴⁸ Feher (2007)

most, a *moral* legitimacy, but it fails to generate a *political* legitimacy. As such, the nongovernmental actors end up mediating their claims *about* the situation and experiences of other persons *through* universal principles, rather than directly constituting a relationship *between* persons. The result is that nongovernmental actors are viewed in moral terms and, thus, their actions are interpreted through moral concepts – such as ‘charity’ and what can be called a ‘politics of pity’ – instead of focusing on the substantive effects on the others, as articulated in views similar to Sen’s capabilities approach and which can be understood as making claims to represent.⁴⁹

In making the argument that universal principles only provide moral, not political, legitimacy, it is important to be aware of the evolving debate around which *specific* practices can be legitimated by universal principles. The traditional division splits nongovernmental organizations between those primarily concerned with human rights those focused on humanitarian issues. These distinctions are meant to explain different practices – human rights organizations engage in advocacy and humanitarian ones provide relief services. Both groups would appeal to authority to legitimate their practices. The human rights groups would invoke universal principles, and the humanitarian ones would invoke the demand of the particular experience created by a natural or political disaster. Yet, this division of nongovernmental politics has become empirically false on two counts. First, most NGOs link their legitimacy to universal principles. This is, in part, due to a willingness to make use of all the articles in the Universal Declaration of Human Rights (UDHR), including the social and economic

⁴⁹ On the contrast of a politics of pity and social justice (a capabilities version), see Farmer (2005a).

rights. Thus, for example, humanitarian relief organizations can now appeal to the human right to healthcare (Article 25). Second, and more importantly, the division between humanitarian practices and rights advocacy has disappeared as an increasing number of NGOs engage in both sets of activity in order to address their particular issues of concern.

In this section, I draw on the experiences of two NGOs that appeal to the authority of universal principles to legitimate their activities. These two organizations also demonstrate the shift toward nongovernmental actors that mix humanitarian practices with rights advocacy. The first organization is Amnesty International (AI), one of the NGOs central to defining the human rights agenda as it has come to be. AI constrains itself to rights-monitoring and advocacy practices only. Its success is built around using the universal principles as an authoritative mediation between the organization and the political actor that they are pressuring. The second organization is Love-146, a relatively young NGO that focuses on ending child sex trafficking. Love-146, like many of the newer generation of NGOs, engages in a mix of humanitarian practices and rights advocacy. This being the case, their diversity of practices is legitimated by an appeal to universal principles that focuses on the moral worth of the cause – ending child sex trafficking. One way to think about the distinction between the two uses of universal principles is that AI puts forth a negative claim that questions the legitimacy of another group; whereas Love-146 makes an affirmative claim about the set of practices they engage in. However, both organizations must settle for a moral legitimacy. This legitimacy affords them voice – that is, they are in a position to *witness* to the suffering they see and know. But it is limited in that it prevents both organizations from articulating the *political* stakes of what they are doing. It prevents them from making

claims to represent those they see and know to be suffering. The fundamental difference is that the *witness* speaks only from her own self, while the *representative* acts from a position of response that engages the suffering other and elicits responses from the audiences to whom she represents that other.

Before considering the specific uses of universal principles as the authority to provide legitimacy, it is important to have an understanding of what a universal principle is. Here is not the place to list the particular universal principles to which one might appeal. Generally speaking, the most common ones are formulations of human rights, particularly with a neo-Kantian understanding of their universality. It is the *universality* that gives a particular instantiation of a principle its authority. In political theory, the two primary arguments that we are approaching a coherent set of universal principles come from defenders of an emerging *human rights regime* and Rawlsians who defend the existence of a *global basic structure*.⁵⁰ By invoking universal principles, nongovernmental actors claim that their particular concerns are instantiations of a universal principle and ought to be considered with the same value, urgency, and authority as that principle to which they are connected. Making this connection to the authority of the universal principle gives the actor, or at least its actions, a prospective legitimacy. The principle behind the practice is legitimate; therefore, the practice – even before it is enacted – has legitimacy. This is a *moral* legitimacy that rests on the

⁵⁰ For a historical analysis and sympathetic view of the human rights regimes, see Donnolly (2003). For a more critical but still sympathetic account, see Ignatieff (2001). The HRR was discussed in relationship to Benhabib's cosmopolitan-federalism in Chapter 2. Rawls (1999) articulates the possibility of a 'global basic structure.' On thinking beyond the debate about whether there is or is not a global basic structure, see Pogge (2008).

convictions or intentions that motivate their practices, rather than on the consequences that their actions will have.

While this prospective legitimacy has its benefits as will be considered below, it also lacks the resources for confronting the actual distances and uncertainties that face nongovernmental actors as they engage in their practices. In this sense, prospective legitimacy fails to actually address the concern with nongovernmental actors. One of the primary difficulties that arises from relying on moral legitimacy, rather than developing a political one, is that the *moral* legitimacy as a principle of identity for the actor or of character for the practices does not provide the resources to make the claim that any particular actor has the standing to be the one to engage in those practices in a particular situation.⁵¹ The gap between legitimating the activity and the right of the actor to act is what political legitimacy seeks to resolve.

Given the political uncertainty of the nongovernmental actor, their legitimacy is often staked not on who they are or what they do, but on the *authority* of the universal principle they invoke. Critics contest the ‘universality’ of the principle invoked, in an attempt to undercut its authority.⁵² If it is not universal, then even its moral authority is insufficient to provide a nongovernmental actor with the legitimacy to act.

Nongovernmental actors assume the universal validity of the principle they invoke, and thus they are concerned with defending their particular concerns as instances of the

⁵¹ This problem is the inversion of the collective action problem in that here there are actors who act without the means to legitimate their own acceptance of the responsibility to act. I am indebted to Michael Goodhart for this observation.

⁵² For the merits and problems of considering human rights as essentially Western rights, see Ignatieff (2001). For a view of human rights that accepts the postcolonial critique and attempts to reground the rights in the concrete demands of communities, see Forst (1999). On so-called ‘Asian values’ as a challenge to ‘democracy,’ see Sen (1999b).

universal principle. In making that connection, the particular concerns gain appeal beyond the narrow particular support that they would garner on their own. For example, Love-146 explicitly connects its issue – the end of child sex trafficking – to slavery.⁵³ The human rights tradition against slavery is long, deeply and widely accepted.⁵⁴ Thus, by identifying the problems of child prostitution and human trafficking with slavery, Love-146 appeals to persons, other organizations, and governments as members of a shared moral community – one that values the abolition of slavery. This process of connecting sex trafficking to slavery is compelling on a number of levels and is a powerful motivation for getting involved. Yet the moral argument has a certain limit. While it legitimates a moral community, it does not legitimate any particular actors within it to act. To whom does the responsibility fall? Thus, while the activity of abolition is morally compelling and morally legitimate, the question of the political legitimacy – who is the one who ought to be acting in this particular situation? – remains uncertain.

Given this limit, there are two strategies that a nongovernmental actor appealing to the authority of universal principles might use in making a *political* argument. They can either use the universal principles as *leverage* to question the legitimacy of another actor or use the principles to justify a broad conception of *responsibility* that will supply an answer as to why they have the right to act in the particular situation. I argue the latter argument stops short of being fully political, as it stops short of recognizing the

⁵³ “The Story of Love-146” is a video on the organization’s origins and justification: [http://www.love146.org/media_player.asp?type=large&messageID=9691], (accessed 9/29/09).

⁵⁴ See Keck & Sikkink (1998), Chapter 2

representative character of the relationship their practices initiate, and as such the argument has its limits. Notably, the division in the strategies follows the generational shift in practices. As such, Amnesty International serves as the example of leveraging universal principles, and Love-146 serves as the example of the strategy of constructing a moral responsibility to justify that they are the ones acting.

Some nongovernmental actors work around their own uncertain political legitimacy by leveraging the common moral community to make political claims against other political actors. Key to the leveraging strategy is to shift the discussion away from the legitimacy of the nongovernmental actor and to focus on the political legitimacy of the other actor – often a government. In doing so, it avoids the actual ‘universality’ of the principles to which it applies and, instead, makes use of the already existent institutions and commitments of the political actors to those universal principles in order to leverage support for addressing the issue at hand. Thus, an organization such as Amnesty International will make moral arguments connecting a particular issue to universal principles, but it primarily makes arguments by appealing to the documents of international law, such as the UDHR.

The leveraging of these existent political commitments are used in a strategy Keck and Sikkink call the *boomerang pattern*.⁵⁵ Transgressing states are pressured by allies, trading partners, and international organizations to modify their behavior in accordance with this common agreement. The reputational, political, and economic costs provide incentives for states to alter their behavior by either passing new laws or

⁵⁵ Keck & Sikkink (1998), 12-13.

enforcing laws already on the books. For the political strategy of leveraging, the actual universality of the principles is secondary; what primarily matters is only that the political actors have already accepted the principles in question. The advantage of this more modest universalism is that it allows nongovernmental actors to make claims against other actors within a bounded set of values in which contesting the universality is irrelevant since the values are shared between the actors involved. This makes the appeal of the nongovernmental actors simpler. They need not call for a change in values; rather, they call *others* to account for the principles and values to which they already ostensibly adhere. The success of the leveraging strategy has created two systematic problems for nongovernmental actors. First, it exacerbates the misunderstanding of nongovernmental actors as apolitical by further de-emphasizing the political legitimacy of nongovernmental actors themselves. Second, the early success of this strategy created a limited popular perception of what is legitimate for a human rights nongovernmental actor to do. Thus, it has been difficult to use appeals to human rights for work beyond a limited form of advocacy – the monitoring of rights violations.⁵⁶

Monitoring rights violations is a limited form of advocacy because it requires the monitor to apply universal principles to particular cases. The monitor moves from the universal to the particular. The practice of advocacy in general is more varied than that. One can advocate for a particular cause without necessarily tying it to a universal principle. The practice of rights monitoring is effective, in part, because of its highly specific, limited scope of action. Amnesty International, one of the major monitoring

⁵⁶ Feher (2007), 20. Feher seems to hold that invoking universal principles limits one to acting as a monitor. He notes that as a practice monitoring has problems, particularly the passive role that a monitor must take in the political situations with which it is concerned.

NGOs, not only limits its actions to monitoring human rights violations but to monitoring a specific subset of human rights violations – those concerning civil and political rights. As Foucault noted, Amnesty International (AI) was among the organizations that created the right for nongovernmental actors to intervene in global politics.⁵⁷ Their early successes came to define which human rights were enforceable through monitoring the rights of prisoners of conscience and its campaign against torture in the early 1970s.⁵⁸ AI's organizational structure reflects the movement from the universal to the particular evident in its monitoring practices. AI is a scale-free network, which means there is one central node, the main office in London, through which all the other nodes, national offices, run their requests to take up specific cases.⁵⁹ AI begins with several universal principles and looks for particular cases that connect to those principles. The strategy of limiting the cases it took up and the ways that it would advocate was central to AI's success throughout the 1970s and 80s.⁶⁰ As such, the limiting of one's practices to particular forms of advocacy is not in itself a problem; it is a problem when the particular organization-level choice becomes the norm for the entire field of nongovernmental actors. This is what happened following AI's success: human rights organizations became synonymous with rights monitoring.

⁵⁷ Foucault (2003a), 64

⁵⁸ For the history of AI and its central role in establishing the human rights network, see Clark (2001), Hopgood (2006), Wong (2008), and Lake & Wong (2009).

⁵⁹ See Chapter 2 of this dissertation for a discussion of network types. On AI's network, see Lake & Wong (2009) and Wong (2008).

⁶⁰ As AI's influence in the human rights network waned in 1990s, the organization began to adopt a wider set of human rights and injustices to monitor. It is a matter of debate whether AI's expanded repertoire was a response to or the cause of the loss of influence in the rapidly expanding human rights network. See Wong (2008).

The difficulty with the leveraging strategy of rights monitoring is that it obscures the issue of the legitimacy of the monitor by redirecting the legitimacy question outward and calling other actors to account for their illegitimate actions. Since monitoring focuses on challenging the legitimacy of others, the monitor's own standing as a political actor generally and as a monitor specifically remains unexamined. When the question of the monitor's legitimacy is raised, it is often part of an attack that holds all nongovernmental actors to be inherently illegitimate political actors that lack accountability. The defense against this position is unsatisfactory as many nongovernmental actors reject the question of their political legitimacy by claiming to be *apolitical*. In doing this, they surrender any claims they might have to engage in practices beyond the mere act of witnessing – that is, speaking of what they, from their own eyes, have seen. The idea that nongovernmental actors are *apolitical* obscures the ways in which their actions – including the interventions of their monitoring – are political because they make claims on others. In this way, then, the claim to be *apolitical* is a claim to political irresponsibility.

The misunderstanding of nongovernmental actors as *apolitical* is common both inside and outside the nongovernmental sector. The misunderstanding has several sources. One has to do with the early success of monitoring organizations like AI. The second source comes out of the civil society literature, particularly due to its roots in the resistance activity in Eastern Europe prior to the fall of the Berlin Wall in 1989 and the subsequent 'velvet revolutions.'⁶¹ Many of those activists claimed to be *apolitical*. But I would argue that this sense of *apolitical* has a very different resonance. It is the

⁶¹ Isaac (1998) makes the case for the centrality of these events for politics and political theory. I agree with Isaac that the tradition is not well understood and deserves more attention though I do not agree with all of his conclusions about its significance for political theory.

difference of taking responsibility within a corrupted political society, as it was for the Eastern Europeans, and eliding responsibility, as it is for many contemporary activists.

The Charter 77 in Czechoslovakia is a good example of an *apolitical* initiative. The Charter called on persons to “speak the truth,” calling the Czechoslovakian government to account for violating the rights it had endorsed at the Helsinki Conference of 1975.⁶² In this sense, the Charter was a diffuse individualized form of rights monitoring. And in line with its individual-focus, Vaclav Havel, one of its spokespersons, claimed that the fundamental misunderstanding about the Charter 77 is that it was a “political movement in the traditional sense of the word, a force or organization that is politically defined ... and may even desire political power.”⁶³ Under the political conditions of the Soviet controlled Eastern Bloc, it was prudent, if not also necessary, for the Charter 77 to forego any claim to being political, otherwise one risked being labeled a ‘dissident’, which had social costs including the possibility of being sent to prison.⁶⁴ For Havel, what made the Charter 77 apolitical was that it was not organized. It was a charter that individuals signed as a commitment to live in accordance to its stated values. It was explicitly not an organization. Havel recognizes that in the eyes of the Czechoslovakian government, to organize is to challenge its power.⁶⁵ As such, organizing is always a

⁶² Havel (1992a). For a good history of the Helsinki Conference and its political effects, see Thomas (2001).

⁶³ Havel (1992a).

⁶⁴ Havel (1992b) on the ‘specter’ of dissidents. Havel ended up serving several years in prison before being released and eventually becoming the first president of the post-communist Czechoslovakia.

⁶⁵ We have encountered this thinking before. This is Hobbes’s worry in *Leviathan*, that the associations would threaten the sovereignty of the government. Schmitt (1996) also saw the encouragement of associations as one of the weaknesses of liberalism.

political act and an implicit threat to the government. And so, Havel established what he called an ‘anti-political politics’ for a ‘parallel polis’ which is to say a method for individuals to take responsibility for the conditions under which they lived with the hopes that a renewed engaged and responsible Czechoslovakian civil society would emerge.⁶⁶ Note that both terms preserve the sense of being *political* while also disclaiming it. Thus, for Havel, the point was never to be *apolitical* in the absolute sense – only to draw a distinction between the politics of the state and the politics among the people.

The experiences of Solidarity in Poland in 1980 and 81 provide another example of an Eastern European civil society movement that attempted to separate the practice of organizing from being a political threat to the government. In the escalation of the conflict, which culminated with the Polish government declaring Solidarity illegal and instituting martial law in December of 1981, the leaders of Solidarity developed the concept of the *self-limiting revolution* as a way to articulate the boundary of their actions – they did not aim to govern.⁶⁷ While both the Charter 77 and Solidarity cast themselves as apolitical, it was because of a political situation in which organization was interpreted as a challenge to rulership. As discussed above, the strict definition of the political as rulership is too narrow for global politics. As Feher notes, nongovernmental actors are neither governmental nor apolitical.⁶⁸ There is a politics in-between governing and quiescence. This is the *politics* of Solidarity and Charter 77 as well as contemporary nongovernmental actors. Given the context of Eastern European activism, the claim to

⁶⁶ Havel (1988) on ‘anti-political politics’ and Havel (1992b) on the ‘parallel polis.’

⁶⁷ Touraine (1983).

⁶⁸ Feher (2007), 12.

being apolitical makes sense as a counterclaim against the total state. But, in global politics, claims to being apolitical avoid responsibility for the actions that one takes and the claims that these actions make on others.

Related, the misunderstanding of nongovernmental actors as apolitical tends to treat them as passive in the sense that they do not actively intervene. Instead, they monitor, exhort, and advocate – they witness, but they do not intervene. Such a conception of nongovernmental actors is empirically inaccurate; most are not limited to monitoring activities. The invocation of universal principles is not meant to be merely other-directed; it is supposed to be self-directed as well. It is the common value by which to hold others to account, but it is also the legitimation of the set of practices in which the nongovernmental actor actively engages. The moral claim compels a diverse set of practices supported by an understanding of a moral responsibility, even if political legitimacy remains uncertain.

Love-146, the NGO seeking to end child sex trafficking, engages in both a diverse set of practices and presents a case for their particular involvement as a form of moral responsibility. The organization puts forward two goals – the abolition of child sex trafficking and restoration of the children rescued from that experience. Toward these two goals, the organization focuses on two specific aspects of the child sex trafficking problem – prevention and aftercare.⁶⁹ The practices of prevention include advocacy and monitoring, but also service provision, such as educational programs in areas affected by child abductions, looking to actively create the material conditions to prevent further

⁶⁹ For information on Love-146, see the organization's website: [<http://www.love146.org>].

trafficking. Working toward the restoration of the victims of child sex trafficking, the aftercare program actively engages with youth rescued from brothels. Love-146 has set up safe houses and established a training facility for those who want to work with the rescued youth. Love-146 is a nongovernmental organization that legitimates both its advocacy role and its active intervention in politics by universal principles. In its practices, Love-146 demonstrates a deep commitment and active responsibility to set the world to right by working toward the abolition of child sex trafficking. Their responsibility is a moral one, and so they are held to account by the universal principle (abolition of slavery) they invoke. The clarity of the organization's moral responsibility does not resolve its status as a political actor. And that limit is important in addressing questions, such as, beyond its principles, to whom or what is the organization responsible? That is, how should we understand the relationships that Love-146's practices initiate, such as those with the children in the aftercare programs? It requires a political language on top of the moral one to fully comprehend their responsibility.

The appropriate political language for understanding nongovernmental practices is representation – particularly, relational representation. The language of representation locates one's responsibility and the terms of one's legitimacy with other persons. The difficulty of universal principles is that under them, legitimacy rests in the abstract principle, connecting to persons as a secondary concern. The distance between legitimacy under universal principles and locating persons to whom one is responsible and accountable is a persistent difficulty for nongovernmental actors. There are a number of ways in which such nongovernmental actors deal with what is essentially a constituency

problem.⁷⁰ Some claim a universal constituency to match the universality of their claim to legitimacy. Such claims are met with significant skepticism and seem to avoid rather than resolve the problem of concretely articulating a constituency to which one can be held to account. A more modest version of the universal constituency is that the actor represents those affected by the issue that the organization has taken up.⁷¹ The affected principle masks that the claim to represent remains universal in its implication, if not its practice.

Another effort to resolve the constituency issue is to avoid making the universal claim, claiming instead that the nongovernmental actor represents not those on whose behalf they act, but rather the persons who join the organization through volunteering or giving. This shifts the representative claim to concerns internal to the organization: does the organization act in accordance with its members' will? Legitimacy is found through an internal democratic process, acting in accordance with the will of the members. The size of the membership constituency can be used to bridge the gap between the organization's internal legitimacy and the broader universal constituency to which the organization ideally appeals. Amnesty International, for instance, repeats in a number of places on its website that it has over 2.2 million members.⁷² This immense number constrains the direct constituency of the organization – AI is accountable to those 2.2 million people – while suggesting the universality of its appeal by emphasizing its

⁷⁰ See Rehfeld (2005) for a study of the many of the analytical and historical understandings of constituency.

⁷¹ The all-affected principle has considerable theoretical appeal, but it runs into practical difficulties over how 'affectedness' ought to be determined. For interesting considerations of how to work with the concept, see Fraser (2009) and Benhabib (2006). For a recent attempt to think about the role of corporate *stakeholders* in politics, see Macdonald & Macdonald (2010).

⁷² For information on the current membership of Amnesty International, see their website: [<http://www.amnesty.org/en/who-we-are>], (accessed 9/29/09).

membership size and the number of states in which it maintains national offices, currently over 80. The internal constituency avoids the question of the external constituency – those on whose behalf the organization claims to act. Yet another line of argument shifts the focus of representation from persons to issues. Thus, a nongovernmental actor's 'constituency' is only its commitment to the issue and the principle that justifies it. This abstracted view of representation remains problematic because it avoids the political point of the constituency issue: Are you accountable to those whom your actions affect?

Nongovernmental actors seeking legitimacy in the authority of universal principles have to answer the question, however qualified, *No*. In this section, I have argued that universal principles provide moral legitimacy. This moral legitimacy is important to contemporary nongovernmental politics, but it obscures the political aspect of what nongovernmental actors are actually doing. Their actions are part of Tully's 'expansive practices of governance.' In other words, particularly with groups like Love-146 whose practices directly engage people every day, they are political in the sense that their actions affect the lives of others. The narrative of moral legitimacy gives a good account of what ought to motivate individuals to act and how they ought to think about their actions, but it does not acknowledge the political relationship that is constituted by those actions. It cannot conceptualize an accountability grounded in the subjectivity of the persons affected. Thus, the practices are generated from the perspective of the witness or spectator.⁷³ This tends toward a 'politics of pity' in which the spectator *gives* – be it out of responsibility or charity – to the suffering other. The goal in the next section is to

⁷³ Boltanski (1999)

push beyond a politics of pity and conceive a political accountability that engages the other. In order to do that, I turn to relational representation, which is grounded in responsiveness as the means for constituting the relationship and thus incorporates the other in the process of determining what it means to be accountable and, therefore, legitimate.

5

ACCOUNTABILITY, REPRESENTATION AND CAPABILITIES ORGANIZATIONS

Nongovernmental actors that adopt an authorization view of legitimacy have difficulty providing a political principle that legitimates them as the one to act in a particular situation. Since the authorization view is prospective, if the legitimacy is not present at the initial action, then it is not there at all. The accountability view of legitimacy also does not provide legitimacy in the initial moment; instead it focuses on the emergence of legitimacy. It is retrospective and, thus, can come to understand the initial action taken in uncertainty as part of a legitimate political relationship. The accountability view is *political* because it is anchored in the relationship between persons who have agency. Their actions and responses contribute to the understanding of accountability that provides the relationship with a political legitimacy. In other words, the accountability view of legitimacy understands the political relationship as an instance of relational representation. The development of accountability is grounded in a relationship of responsiveness in which the actors acknowledge that their practices make claims on others and, therefore, require the response of those others in order to place that practice in a context of capable of assessing legitimacy.

In considering the accountability view of legitimacy, I turn to the topic of *suffering*. While suffering is not the only grounds on which a nongovernmental actor can initiate a legitimate political relationship, it is, however, a common one. The invocation of suffering is used to justify and legitimate a number of interventions. I want to distinguish between two relationships to suffering. The first relates to the ‘politics of pity’ mentioned above. It elevates *suffering* as a universal limiting principle, such that in the presence of suffering, all actions motivated by the alleviation of suffering are legitimate and justified. I argue that this is another form of moral legitimacy that obscures the political and relational aspects required to actually confront suffering. This is not to say that this approach is without value; it generates important emergency relief the world over. The problem is that it prevents the acknowledgment that we are connected *everyday* not only in moments of catastrophic suffering. In such cases, with the subsiding of the catastrophic suffering, the other is again *reified*, to borrow Honneth’s formulation – the agency of the other is *forgotten*.

The second relationship to suffering acknowledges it as a part of the existential condition of persons. In this sense, suffering always points beyond itself to a person with agency who is deprived of the capacity to act by the suffering.⁷⁴ This second relationship is properly speaking *political*. That is, it is concerned with effecting *justice*, which – as Sartre said – is a matter between men.⁷⁵ Adopting the second relationship to suffering opens the possibility of a political relationship in which legitimacy derives from being held accountable within the development of the relationship itself. In §5.1, I work

⁷⁴ On the capabilities approach as a matter of ‘deprivation,’ Sen (1999 and 2009) and Nussbaum (2006)

⁷⁵ Sartre (1989), 103.

through an empirical case of this type of accountability-based relationship between a nongovernmental actor – Partners in Health – and the members of the communities in which they work. I call these types of nongovernmental actors *capabilities organizations* since they aim to alleviate suffering not for its own sake but as a means to promoting the agency of those experiencing deprivation.

The politics of pity takes several forms, but it often begins as a response to suffering *as suffering*. The most common manifestation of the politics of pity comes in the face of natural and political disasters.⁷⁶ Thus, following a natural disaster, such as the Haitian earthquake in January 2010, there tends to be an immediate outpouring of sympathy in response to the witnessed suffering.⁷⁷ This response, grounded in the moral feeling of pity, shows the limits of the politics of pity. They arise from the fact that the response to suffering is anchored in the individual's immediate feelings in being a witness to suffering, rather than in an attempt to connect the witnessing individual to the suffering *persons*. There are three related ways in which the limits of the politics of pity are evident.

First, while the immediacy of the emotional response is an important aspect of dealing with catastrophes, it is not itself a sufficient response. Often, the politics of pity takes that immediate response as the end in itself. That is, in the face of a catastrophe, the outpouring of sympathy and accompanying sincere gestures of support accomplish the ends of the politics of pity. Those acts satisfy the moral conscience of the majority of the

⁷⁶ Feher (2007) notes that these 'disaster zones' are places of disruption. They are an opportunity for nongovernmental actors to step in and act since the 'normal' sovereign state order is disrupted.

⁷⁷ See the Introduction of this dissertation for the specifics of the Haitian earthquake.

spectators. Thus, the immense instant solidarity in the face of a catastrophe gives way to an absence or lack of commitment and follow-through for the affected communities. This problem is well noted outside of and within the humanitarian relief community. It is evident in the reports coming back from Haiti now approximately six months – and one hundred eighty news cycles – after the quake.⁷⁸ The amazing amount of charity seen in the days after the quake has dropped off, which is to be expected, but also the follow-through on the promised aid has dissipated, and so the people of Haiti have received little of the world's generosity and the world has forgotten everything except for our immediate benevolence. Second, since the response of pity is immediate and arises from moving the individual's moral conscience, the form the response takes tends to be determined by one's own aversion to suffering and what it means to alleviate that suffering. Thus, the response tends to be a projection of one's own culturally conditioned understandings of suffering, which do not take into account the subjectivity of the suffering persons themselves.⁷⁹

And third, the framework of the politics of pity tends to obstruct understanding of the political character of humanitarian work. Due to the immediacy of the response, it sees humanitarian work as temporary and exceptional. Viewing humanitarian work as temporary misses the number of ways in which humanitarian work, particularly that associated with efforts of sustainable development, establishes roots and relationships

⁷⁸ On the struggles still facing Haiti six months later, see Deborah Sontag, "In Haiti, the Displaced Are Left Clinging to the Edge." *New York Times*, July 11, 2010: [<http://www.nytimes.com/2010/07/11/world/americas/11haiti.html?scp=2&sq=haiti&st=cse>]. For comprehensive running updates on the situation, see [<http://www.nytimes.com/info/haiti-earthquake-2010/>].

⁷⁹ Boltanski (1999), see Forman-Barzilai's review of Boltanski on this aspect of 'distant suffering' (2004).

within communities that exist over long periods of time. They aim at structural transformation, not emergency relief. And viewing humanitarian work as exceptional prevents humanitarian actors from making use of their political status. It is here that humanitarianism debates the practical compromise to forego testifying to what they witness in the catastrophes in order to be given the access to deliver relief.⁸⁰ It is easier to understand the compromise if humanitarian actors view themselves as apolitical. Moved by pity, they seek to alleviate suffering, connecting to the suffering persons on a moral level. If humanitarian actors accept the political nature of their intervention – as Foucault does – then the demand to be a witness, to give voice to those silenced by their suffering, to represent them to every audience cannot be separated from what it means to do humanitarian work and alleviate suffering.⁸¹ Thus, with these three limits, the politics of pity fails to turn the emotional response to witnessing suffering into an engagement with the suffering persons on their own terms. This is not to say it does not have a place in humanitarian relief, but it is not adequate alone.

The second approach to suffering connects it to the persons who are suffering. In order to accomplish this, the immediate response to suffering has to be a response to the suffering persons. It begins with the invitation to share how the suffering understand their situation.

As such, the initial response to suffering is to elicit a response from those suffering. This establishes the situation as an intersubjective relationship, open to develop according to

⁸⁰ On the role of testifying and witnessing as necessary political acts that interrupt procedural discourse in order to draw attention, see Sanders (1997) and Oliver (2001).

⁸¹ See §2 above on Foucault and also the divisions that led Bernard Kouchner to start Médecins du Monde after leaving Médecins Sans Frontières.

the responsive practices of those in the relationship. The character of this relationship is that of relational representation. It is grounded in a responsiveness oriented towards acknowledging the agency of the other. In the development of the relationship, it is necessary to be attentive and avoid domination.⁸² In situations of suffering, it is easy to slip into a relation of domination. The inequalities between the intervening agent – the nongovernmental actor in this case – and the suffering agent are pronounced, particularly where the deprivation is rooted in experiences of poverty.⁸³ It must also demonstrate the type of commitment that is often lacking in the politics of pity. Practices of commitment are evident when they show solidarity and responsibility.⁸⁴ The solidarity affirms the commitment, the sense that those in the relationship are *acting together*, working together towards the same ends – the alleviation of suffering, the promotion of agency, toward justice. Responsibility is, then, the commitment to the consequences of a responsive relationship. It is the affirmation that each action – even the initial one – is a response to the other and as such it elicits a response in return. In Chapter 5, I argued that this type of relationship is representative because in each response is an implied re-presentation of the relationship that remains open to revision in the reception of each responsive practice. Here I want to emphasize how this relational understanding of representation can ground an accountability view of legitimacy.

⁸² See Markell (2008) and §4.1 of Chapter 5 in this dissertation.

⁸³ Sen (1999) and Nussbaum (2006) make a strong case for thinking of poverty as the primary deprivation of freedom in the world. See also Pogge (2008).

⁸⁴ See §4.2 & §4.3 of Chapter 5 in this dissertation.

As the representative relationship develops, it is possible to discern a form of accountability that can provide the nongovernmental actor with political legitimacy. Such an understanding of accountability connects to the concept of *trust* and requires the active participation of both the nongovernmental actor and the persons to whom the nongovernmental actor is responding.⁸⁵ In focusing on the relational component, the concept of accountability is separated from the capacity to sanction. As Rubinstein persuasively argues, a sanction-based understanding of accountability requires one to think of nongovernmental actors as primarily surrogates, who help leverage sanctions against other actors on behalf of a third actor who lacks the capacity to sanction.⁸⁶ This version of leveraging does describe the behavior of some nongovernmental actors, particularly those that engage in rights monitoring like Amnesty International. But, as is the case with leveraging, here accountability means that the nongovernmental actor is holding *others* to account, not being held to account themselves. The trust-based conception of accountability focuses on the relational aspects implied by giving an account of oneself.⁸⁷ The accounting concerns one's actions, the effects it had on others, and one's capacity to respond to those conditions. They are not simply agents holding others to account, but they as political actors can also give an account of their actions. The trust-based conception of accountability does not preclude the capacity to sanction or to serve as a surrogate for sanctioning as among the practices available to

⁸⁵ On *trust*, see Dunn (1984) and for its connection to agency, Dunn (1990).

⁸⁶ Rubinstein (2007). She borrows the concept of surrogates from Mansbridge (2003). Mansbridge's example of "surrogate representation" occurs when an elected official represents interests for a constituency that is not the one that elected her. Rubinstein adapts surrogacy to a 'second-best' situation, where the surrogate is not elected.

⁸⁷ Ricoeur (2007b) links responsibility directly to the ability to give an account of oneself.

nongovernmental actors. Instead, it recognizes that as one practice among many potential practices, not the sole or primary determinant of what it means to hold or to be held to account.

The accountability view of legitimacy is necessarily retrospective because there can be no account of oneself *before* one has acted or that action has been responded to. Thus, linking legitimacy to accountability is one way to understand how to assess nongovernmental actors and, particularly, their claims to represent. The emergence of accountability, places the practices of a nongovernmental actor into the context of an intersubjective relationship in which the nongovernmental actor has demonstrated a commitment to being responsive and attentive to the agency of the persons the nongovernmental actor is in a position to re-present to other audiences. In the next section, I consider the case of a *capabilities organization*. That is, nongovernmental actors who understand their work in terms of promoting the agency of those with whom they work. The nongovernmental organization I discuss is Partners in Health (PIH), an NGO that works to provide healthcare in impoverished communities without much medical access. PIH is a good example of a capabilities organization that consciously works to develop accountability to the communities with whom it works. This emphasis on accountability gives one reasons to see the organization as capable of making legitimate claims to represent the members of those communities.

§5.1 Partners in Health: Healthcare Provision and Cultivating Accountability

In 1984, with several others, Paul Farmer founded an NGO, Partners in Health (PIH), and set up a health clinic in rural Haiti.⁸⁸ PIH began as an organization devoted to providing healthcare in rural Haiti. It has since expanded to several different communities, but each clinic-center remains primarily grounded in the community it serves. The organization's vision statement emphasizes this:

THE PIH VISION: WHATEVER IT TAKES

At its root, our mission is both medical and moral. It is based on solidarity, rather than charity alone. When a person in Peru, or Siberia, or rural Haiti falls ill, PIH uses all of the means at our disposal to make them well—from pressuring drug manufacturers, to lobbying policy makers, to providing medical care and social services. Whatever it takes. Just as we would do if a member of our own family—or we ourselves—were ill.⁸⁹

The vision statement is a clear, concise statement of the organization's values and the philosophy behind its practices. I want to pull three things out of this statement. First, the communities in which PIH has established clinics are central to the organization's structure and sense of purpose. Their commitment is to the persons of those communities, and they take responsibility for those who fall ill as they would “a member of our own family.”⁹⁰ In other words, PIH treats the persons in the communities they serve as their own community, or even closer, as their own family. Second, the statement rejects the framework of a politics of pity (“charity alone”) in favor of a politics grounded in

⁸⁸ For the full history of PIH, see Farmer (1999) and Kidder (2003).

⁸⁹ On the vision of PIH, see its website: [<http://www.pih.org/who/vision.html>].

⁹⁰ Note: with nongovernmental organizations it is difficult to retain the organizational pronoun ‘it’ throughout as most NGOs engage in the inclusive language of ‘we.’ As such, here the language will slip between the two cases.

solidarity. And third, the range of practices of PIH is diverse. They engage in advocacy in the market and politics and provide the medical care and social services required to make the medical care effective. Farmer summarizes the purpose of these diverse practices as an attempt to give a “preferential option to the poor.”⁹¹

Originally located only in rural Haiti, PIH grew and developed by responding to the medical needs articulated within the community. PIH used a model of engagement borrowed from liberation theology – observe, judge, act.⁹² These practices, done in that order, were key to PIH’s early success because the first step, observing, constituted trust-building and listening to the people of the community.⁹³ Farmer and the other founders of PIH began their relationship with the Haitians by visiting the local communities they were hoping to work in. They observed the local practices and, importantly, asked the community what they thought their primary health problems were.⁹⁴ With the information gained from the initial period of observation, PIH expanded its practices to include policy advocacy and social programs as it became clear that the social obstacles of poverty were perpetuating many of the health problems. For example, once setting up the clinic in Haiti, PIH recognized the growing prevalence of multi-drug resistant tuberculosis (MDR-

⁹¹ Farmer (2005a), 139-140.

⁹² Farmer (2005a), 142-152.

⁹³ On the need for listening practices in democracy, see Coles (2005). And as it relates to avoiding domination, see §4.1 of Chapter 5 in this dissertation.

⁹⁴ It is important to note that practices of listening do not require that the nongovernmental actor do exactly as the community wants. Rather, the period of observing is followed by judging, in which the experiences of both the community and the nongovernmental actor are engaged and a set of initial practices is decided upon. For example, in the case of PIH, the observation period revealed the difficulty that voodoo traditions would play in providing healthcare in rural Haiti. PIH had to figure out how to acknowledge that tradition while seeking to change the habits and practices it suggested.

TB)⁹⁵ and began to look for ways of providing the necessary healthcare to effectively counter its spread. The solution for a health crisis such as MDR-TB⁹⁶ is to engage directly with the community, which means that it also requires that significant trust exists between the organization and the community.

For PIH, this direct engagement has taken several forms, including training programs and the staffing of the clinic with former patients and others locals. This is evident in PIH's community health workers program, the *accompagneurs*. The community health workers are local organizers dedicated to visiting patients. One of the primary causes of MDR-TB is the improper or incomplete treatment of tuberculosis, and thus, it is important that patients with tuberculosis not only have enough of the drug regimen in order to avoid patient self-rationing, which weakens the effectiveness of the drugs, but also to ensure that there is community follow-through with the patient. Through programs such as this, the work of PIH is also the work of the community. PIH responds to the community needs by providing the needed services and cultivating the participation of the community in the service provision. PIH demonstrates all of the elements of accountability - grounded in solidarity with the community, responding to the needs in the community, and taking responsibility for the healthcare offered, which is returned as trust from the community that accepts the care and actively participates in the organization's programs.

⁹⁵ Multidrug Resistant Tuberculosis is "an infecting strain that is resistant to at least...the two most powerful first-line drugs" (Farmer 2005a, 118).

⁹⁶ Farmer (1999) argues that MDR-TB is one of the "modern plagues" that strike those in poverty disproportionately. PIH has also confronted the other major modern plagues, AIDS.

Through their commitment to providing a preferential healthcare option for the poor of Haiti and the responsive adjustment of their practices, PIH organically grew a new model of healthcare provision in poverty-stricken communities. As the creators of this new model, the founders of PIH found themselves and their organization pulled away from rural Haiti and the community in which it had developed accountability toward becoming a more diffuse, principle-based organization. That is, they had an issue – this new model of healthcare – that they were asked to apply in new communities. Thus, it threatened to give primacy to the general principle over the particular community. The growth and changes in PIH over the last ten years are their attempts to reconcile this tension.

As the organization of PIH has grown, its legitimacy cannot rest solely on its connections to the community of rural Haiti.⁹⁷ But in order to preserve the community-based aspect of the organization – which is what is new about their healthcare model – PIH attempts to make each clinic they establish in different communities to be relatively autonomous. Thus, today PIH's accountability rests on a plurality of communities, each clinic responding to the community in which it is located. In each community that PIH serves, they build and adapt their programs and treatments from within the community, working with the explicit goal of training local staff to eventually provide all of the services. Now, PIH is an umbrella organization that transcends any of

⁹⁷ An interesting development in the history of PIH centers on their response to their growing role as global healthcare advocates. In 1993, PIH established a sister organization that only advocates for healthcare policy changes, the Institute for Health and Social Justice. That PIH perceived a need to separate its healthcare provision from its increasing role in global policy-making debates speaks to several of the tensions that NGOs face mentioned above. It seems to reinforce the division in nongovernmental organizations between those that advocate and those that provide services, loosely the human rights organizations and the humanitarian ones.

its particular locations, but the principle of its activity remains the development of accountability in the community it serves. This strategy makes particular sense for the issue of healthcare because while there are global epidemics (MDR-TB and AIDS among them), the service of healthcare remains in important ways local and requires a response directly to the health needs of the particular community.

As such, having cultivating this accountability over two decades, Partners in Health is in a position to provide reasons why their claims to represent the communities for which they have opportunities to speak should be held to be legitimate. Their claims to represent are legitimate because in their everyday practices they are engaged in a responsive relationship with the persons they claim to represent, working to promote the agency of the members of the communities in which they work. They have a history of being accountable and held to account.

6

CONCLUSION

Nongovernmental actors are political actors without recourse to the authority of sovereignty to legitimate their practices, let alone their claims to represent others. This situation leaves nongovernmental actors open to immediate dismissal as *illegitimate* and incapable of representing others. To dismiss nongovernmental actors so quickly seems like a mistake on two levels. The first level is practical: the number of nongovernmental actors is increasing, as are the range of their activities and their status within global politics. Thus, to dismiss them as illegitimate misses part of the already present empirical reality of global politics. The second mistake occurs on the theoretical level: the dismissal

comes from judging nongovernmental actors by the standards of governments. And indeed, from that perspective, nongovernmental actors will always be found wanting. The challenge then is to develop a sense of judgment that considers nongovernmental actors within the context of nongovernmental politics.

In this chapter, through Foucault's statement on the CICP, I pointed to one of the particular difficulties in nongovernmental politics – initiating action without recourse to political authority. I argued that there are two basic approaches to this problem. The first is to find alternative non-sovereign sources of authority. In the end, these appeals provide the nongovernmental actor with moral legitimacy, but not political legitimacy. Among the difficulties that this creates is the capacity to find certain practices 'legitimate' without having to include the subjectivity of the persons on whom the practices make claims. As such, I argued that an accountability view of legitimacy is better suited to the political situation of nongovernmental actors. The accountability view is necessarily retrospective since an account cannot be given until there is something for which to account. This 'fabulous retroactivity' allows for the uncertainty of the nongovernmental actor's initiating action. That is, it does not legitimate the initiation *before* it occurs, nor does it understand that first action as illegitimate since it lacks legitimacy in the moment it is enacted. Instead, accountability opens a space of *deferred* legitimacy. The initiating action is taken, and it receives legitimacy retrospectively, based upon the type of relationship it begins.

Through an appeal to accountability, nongovernmental actors can give reasons why they ought to be considered legitimate political actors capable of representing others. As a standard of judgment, accountability is particularistic, as each nongovernmental

actor's accountability is determined by the responsiveness of the relationship formed with the people of the communities in which they work. But without recourse to authority, one is left only with the particulars of judgment. The value of linking the accountability view of legitimacy with the insights of relational representation is that it opens our understanding of the place of nongovernmental actors in global politics. It recognizes the representative character of the practices of nongovernmental actors. They are representative both in the sense that they make claims on specific persons – the represented – and also as they appear before us as an audience who can with legitimacy re-present the situation of those persons to us.

CONCLUSION

TAKING RESPONSIBILITY IN GLOBAL POLITICS

[A]ny genuinely meaningful point of departure in an individual's life...is not just the expression of an introverted, self-contained responsibility that individuals have to and for themselves alone, but responsibility to and for the world.

- Vaclav Havel¹

None of this is to say that the representation of the sufferings of others is not fraught with danger.

- Paul Farmer²

At the heart of this dissertation is the suspicion that the claims by Havel and Farmer complement each other. Havel's responsibility "to and for the world" derives meaning from the capacity to connect one's own life and experiences to that of others. Farmer's awareness calls to our attention the fact that in making these connections to others, we involve ourselves in the practices of representation, which are "fraught with danger." Indeed, the danger of representation is clear. Every representation is the making present of one who is absent. Representation, then, is a translation resting on an irremediable distance between the absent and the present. Every representation is always

¹ Havel (1992a), 194.

² Farmer (2005b), 176

an intervention between persons as they are and as they come to appear before an audience. The danger is that something is lost in-between presence and re-presenting. Yet, this risk is not cause to dismiss the possibility of representing others, if only because lived experience denies us that possibility. Representation is a necessary risk of living together, of political life. To take responsibility to and for the world is to assume the risk of representing others, in their sufferings as well as their everyday interests and joys. As such, the question is not whether representation belongs in politics; rather, it is – What are the forms of political representation that face the risks of representing others and that provide strategies to work through those risks rather than obscure them?

In this dissertation, I have examined this question from the perspective of nongovernmental actors because, in part, their political uncertainty makes clear the difficulties present in any claim to represent, but also because their experiences navigating global politics have revealed a diversity of strategies for cultivating practices that are in themselves representative and that can serve as the grounding for making claims to represent. In other words, nongovernmental actors can cultivate a representative relationship with the persons of the communities in which they work. This relationship, I argued, is based in *relational representation*, an understanding of representation as *responding to* the agency of the other. In establishing this responsive relationship, the nongovernmental actor is in a position to represent the persons of those communities to other audiences.

Here is where Farmer's point intervenes. That claim to represent stands as a *claim* and is, therefore, contestable on a number of levels by a number of people. But if the claim to represent is grounded in a responsive relationship, there are reasons to afford the

claim merit and weight. The representation is, by the conditions of life, imperfect and incomplete. Yet if placed in a context in which the *incompletion* is acknowledged and used as the invitation for a response and met with a commitment to revision, then one sees the conjunction between the claim to represent and the assumption of responsibility.

In connecting the language of representation to the practices of nongovernmental actors, several aspects of our contemporary political experience gain some clarity. First, linking the ‘expansive practices of governance’ already a part of the repertoire of nongovernmental actors to representation draws attention to the ways in which those practices necessarily make claims on others who themselves have agency and a voice.³ And since representation is inherently a language of contestability, the relationship remains open to the agency of both the one claiming to represent and the represented. Second, it emphasizes that global politics is a politics of several authorities, but none decisive. As a result, global politics requires the use of judgment in each particular situation. And third, it situates the individual – each of us a potential nongovernmental actor – within the current of global politics, which opens to us the possibility of enacting a responsibility to and for the world.

³ Tully (2009b)

BIBLIOGRAPHY

- Abizadeh, Arash. 2001. "Banishing the Particular: Rousseau on Rhetoric, Patrie, and the Passions." *Political Theory* 29(4): 556-582.
- Agamben, Giorgio. 2005. *State of Exception*. Chicago: University of Chicago Press.
- Alexander, John M. 2010. "Ending the liberal hegemony: Republican freedom and Amartya Sen's theory of capabilities." *Contemporary Political Theory* 9(1): 5-24.
- Allen, Danielle. 2004. *Talking to Strangers: Anxieties of Citizenship since Brown v. Board of Education*. Chicago: University of Chicago Press.
- Ankersmit, F.R. 2002. *Political Representation*. Stanford: Stanford University Press.
- Appiah, K. Anthony. 1994. "Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction." In *Multiculturalism*, ed. A. Gutmann. Princeton: Princeton University Press, 149-164.
- Arendt, Hannah. 1972. "On Violence." In *Crises of the Republic*. San Diego: Harcourt Brace, 103-198.
- Arendt, Hannah. 1973. *The Origins of Totalitarianism*. San Diego: Harcourt Brace.
- Arendt, Hannah. 1990. *On Revolution*. New York: Penguin Books.
- Arendt, Hannah. 1998. *The Human Condition*. Chicago: University of Chicago Press.
- Arendt, Hannah. 2004. "Understanding and Politics." In *Essays in Understanding: 1930-1954, Formation, Exile, and Totalitarianism*, ed. J. Kohn. New York: Schocken Books, 307-327.
- Arendt, Hannah. 2006. "Truth and Politics." In *Between Past and Future*. New York: Penguin Books, 223-259.
- Austin, J.L. 1970. *Philosophical Papers (2nd Edition)*, ed. J.O. Urmson and G.J. Warnock. New York: Clarendon Press.
- Badiou, Alain. 2005. *Being and Event*. New York: Continuum.

- Balibar, Etienne. 2007. "(De)Constructing the Human as Human Institution: A Reflection on the Coherence of Hannah Arendt's Practical Philosophy." *Social Research* 74(3): 727-738.
- Ball, Philip. 2004. *Critical Mass: How One Thing Leads to Another*. New York: Farrar, Strauss and Giroux.
- Barabási, Albert-László. 2003. *Linked: The New Science of Networks*. Cambridge, MA: Perseus Publishing.
- Barber, Benjamin. 2001. "Malled, Mauled, and Overhauled: Arresting Suburban Sprawl by Transforming Suburban Malls into Usable Civic Space." In *Public Space and Democracy*, ed. M. Hénaff and T. Strong. Minneapolis: University of Minnesota Press, 201-220.
- Barber, Benjamin. 2003. *Strong Democracy: Participatory Politics for a New Age (XX Edition)*. Berkeley: University of California Press.
- Baumgold, Deborah. 2008. "The Difficulties of Hobbes Interpretation." *Political Theory* 36(6): 827-855.
- Baumgold, Deborah. 2009. "Hobbesian Absolutism and the Paradox of Modern Contractarianism." *European Journal of Political Theory* 8(2): 207-228.
- Benford, Robert D. & David A. Snow. 2000. "Framing Processes and Social Movements: An Overview and Assessment." *Annual Review of Sociology* 26: 611-639.
- Benhabib, Seyla. 2004. *The Rights of Others: Aliens, Residents and Citizens*. New York: Cambridge University Press.
- Benhabib, Seyla. 2006. *Another Cosmopolitanism*. Ed. Robert Post. Oxford University Press.
- Benhabib, Seyla. 2007. "Democratic Exclusions and Democratic Iterations: Dilemmas of 'Just Membership' and Prospects of Cosmopolitan Federalism." *European Journal of Political Theory* 6(4): 445-462.
- Benhabib, Seyla. 2009. "The Twilight of Sovereignty or the Emergence of Cosmopolitan Norms? Rethinking Citizenship in Volatile Times." In *Democracy, States, and the Struggle for Global Justice*, ed. H. Gautney, O. Dahbour, A. Dawson, and N. Smith. New York: Routledge Press, 79-98.
- Benjamin, Walter. 1968. "The Storyteller: Reflections on the Works of Nikolai Leskov." Ed. H. Arendt. New York: Schocken Books, 83-110.

- Bennett, W. Lance. 2003. "Communicating Global Activism: Strengths and vulnerabilities of networked politics." *Information, Communication & Society* 6(2): 143-168.
- Berlin, Isaiah. 2000. "Two Concepts of Liberty." In *The Proper Study of Mankind*, ed. H. Hardy and R. Hausheer. New York: Farrar, Straus, Giroux, 191-242.
- Bob, Clifford. 2005. *The Marketing of Rebellion: Insurgents, Media, and International Activism*. New York: Cambridge University Press.
- Bobbio, Norberto. 1993. *Thomas Hobbes and the Natural Law Tradition*. Chicago: University of Chicago Press.
- Boltanski, Luc. 1999. *Distant Suffering: Morality, Media and Politics*. Cambridge, UK: Cambridge University Press.
- Boltanski, Luc and Laurent Thévenot. 2006. *On Justification: Economies of Worth*. Princeton: Princeton University Press.
- Borowiak, Craig. 2010. "Conceptualizing Solidarity Economy: Mapping Its Diversity." Paper presented at the 9th International Conference of the International Society for the Third Sector Research, Istanbul, Turkey, July 7-10, 2010.
- Borowiak, Craig. 2011 (forthcoming). *Accountability and Democracy: The Pitfalls and Promises of Popular Control*. New York: Oxford University Press.
- Breines, Wini. 1982. *The Great Refusal: Community Organization in the New Left: 1962-1968*. New York: Praeger.
- Brown, Keith C. 1978. "The Artist of the *Leviathan* Title-Page." *British Library Journal* 4: 24-36.
- Brown, Keith C. 1980. "Hobbes and the Title-Page of *Leviathan*." *Philosophy* 55(213): 410-411.
- Brunkhorst, Hauke. 2005. *Solidarity: From Civic Friendship to a Global Legal Community*. Cambridge, MA: MIT Press.
- Burke, Edmund. 1999a. "Reflections on the Revolution in France." In *The Portable Edmund Burke*, ed. I. Kramnick. New York: Penguin Books, 416-473.
- Burke, Edmund. 1999b. "Speech at Mr. Burke's Arrival in Bristol (1774)." In *The Portable Edmund Burke*, ed. I. Kramnick. New York: Penguin Books, 155-157.
- Camus, Albert. 1991a. *The Rebel*. New York: Vintage International.

- Camus, Albert. 1991b. *The Plague*. New York: Vintage International.
- Camus, Albert. 2006a. "Neither Victims Nor Executioners." In *Camus at Combat*, ed. J. Lévi-Valensi. Princeton: Princeton University Press, 255-276.
- Camus, Albert. 2006b. "Why Spain?" In *Camus at Combat*, ed. J. Lévi-Valensi. Princeton: Princeton University Press, 297-301.
- Cassen, Bernard. 2004. "Inventing ATTAC." In *A Movement of Movements: Is Another World Really Possible?*, ed. T. Mertes. New York: Verso, 152-174.
- Cassirer, Ernst. 1954. *The Question of Jean-Jacques Rousseau (2nd edition)*. New Haven: Yale University Press.
- Castells, Manuel. 1998. *The End of the Millennium*. Malden, MA: Blackwell Publishing.
- Castells, Manuel. 2000. *The Rise of Network Society (2nd edition)*. Malden, MA: Blackwell Publishers.
- Castellanos, M. Bianet. 2010. *A Return to Servitude: Maya Migration and the Tourist Trade in Cancún*. Minneapolis: University of Minnesota Press.
- Cavell, Stanley. 1979. *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy*. New York: Oxford University Press.
- Cavell, Stanley. 1990. *Conditions Handsome and Unhandsome: The Constitution of Emersonian Perfectionism*. Chicago: University of Chicago Press.
- Cavell, Stanley. 2002a. "Knowing and Acknowledging." In *Must We Mean What We Say? (Revised edition)*. New York: Cambridge University Press, 238-266.
- Cavell, Stanley. 2002b. "The Avoidance of Love: A Reading of *King Lear*." In *Must We Mean What We Say? (Revised edition)*. New York: Cambridge University Press, 267-356.
- Christakis, Nicholas A. and James H. Fowler. 2009. *Connected: The Surprising Power of Our Social Networks and How They Shape Our Lives*. New York: Little, Brown and Company.
- Clark, Ann Marie. 2001. *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms*. Princeton: Princeton University Press.
- Cockburn, Alexander and Jeffrey St. Clair. 2000. *Five Days that Shook the World: Seattle and Beyond*. New York: Verso.

- Coles, Romand. 2005. *Beyond Gated Politics: Reflections for the Possibility of Democracy*. Minneapolis: University of Minnesota Press.
- Conniff, James. 1977. "Burke, Bristol, and the Concept of Representation." *Western Political Quarterly* 30(3): 329-341.
- Connolly, William E. 1995. "Democracy and Territoriality." In *Ethos of Pluralization*. Minneapolis: University of Minnesota Press, 135-162.
- Connolly, William E. 2002. "Eccentric Flows and Cosmopolitan Culture." In *Neuropolitics: Thinking, Speed and Culture*. Minneapolis: University of Minnesota Press, 176-202.
- Copp, David. 1980. "Hobbes on Artificial Persons and Collective Action." *The Philosophical Review* 89(4): 579-606.
- Corbett, Margery and Ronald Lightbrown. 1979. *The Comely Frontispiece: The Emblematic Title-Page in England, 1550-1660*. Boston: Routledge & Kegan Paul.
- Cox, Gary. 1997. *Making Votes Count: Strategic Coordination in the World's Electoral Systems*. New York: Cambridge University Press.
- Critchley, Simon. 2007. *Infinitely Demanding: Ethics of Commitment, Politics of Resistance*. New York: Verso.
- Dalton, Russell J. 1994. *The Green Rainbow: Environmental Groups in Western Europe*. New Haven: Yale University Press.
- De Certeau, Michel. 1984. *The Practice of Everyday Life*. Berkeley and Los Angeles: University of California Press.
- Debord, Guy. 1995. *The Society of the Spectacle*. New York: Zone Books.
- Della Porta, Donatella. 1996. *Social Movements, Political Violence, and the State*. New York: Cambridge University Press.
- Della Porta, Donatella and Mario Diani. 1999. *Social Movements: An Introduction*. Malden, MA: Blackwell Publishers.
- Derrida, Jacques. 1986. "Declarations of independence." *New Political Science* 7(1): 7-15.
- Derrida, Jacques. 2005. *Rogues: Two Essays on Reason*. Stanford: Stanford University Press.

- Derrida, Jacques and A. Dufourmantelle. 2000. *Of Hospitality*. Stanford: Stanford University Press.
- Donnolly, Jack. 2003. *Universal Human Rights in Theory and Practice (2nd Edition)*. Ithaca: Cornell University Press.
- Dovi, Suzanne. 2009. "In Praise of Exclusion." *The Journal of Politics* 71(3): 1172-1186.
- Dugan, C.N. and Tracy B. Strong. 2001. "Music, Politics, Theater, and Representation in Rousseau." In *The Cambridge Companion to Rousseau*, ed. P. Riley. New York: Cambridge University Press, 329-364.
- Dumouchel, Paul. 2001. "Persona: Reason and Representation in Hobbes." In *Public Space and Democracy*, ed. M. Hénaff and T. Strong. Minneapolis: University of Minnesota Press, 53-65.
- Duncombe, Stephen (ed.). 2002. *Cultural Resistance Reader*. New York: Verso.
- Dunn, John. 1984. "The concept of 'trust' in the politics of John Locke." In *Philosophy in History: Essays on the historiography of philosophy*, ed. R. Rorty, J.B. Schneewind, and Q. Skinner. New York: Cambridge University Press, 279-302.
- Dunn, John. 1990. "Trust and Political Agency." In *Interpreting Political Responsibility: Essays 1981-1989*. Cornwall, UK: Polity Press, 26-44.
- Edelman, Marc. 2001. "Social Movements: Changing Paradigms and Forms of Politics." *Annual Review of Anthropology* 30: 285-317.
- Ekins, Paul. 1992. *A New World Order: Grassroots Movements for Global Change*. New York: Routledge.
- Ellison, Ralph. 1980. *Invisible Man*. New York: Vintage International.
- Farmer, Paul. 1999. *Infections and Inequalities: The Modern Plagues*. Berkeley and Los Angeles: University of California Press.
- Farmer, Paul. 2005a. *Pathologies of Power: Health, Human Rights, and the New War on the Poor*. Berkeley and Los Angeles: University of California Press.
- Farmer, Paul. 2005b. "Never Again? Reflections on Human Values and Human Rights", given at Tanner Lectures on Human Values, University of Utah, March 30, 2005. Web location: [<http://www.tannerlectures.utah.edu/lectures/atoz.html#f>]
- Feher, Michel. 2007. "Politics of the Governed." *Nongovernmental Politics*, ed. M. Feher, G. Krikorian, and Y. McKee. New York: Zone Books, 12-30.

Finnemore, Martha. 2003. *The Purpose of Intervention: Changing Beliefs about the Use of Force*. Ithaca: Cornell University Press.

Finnemore, Martha. 2008. "The Paradoxes of Humanitarian Intervention." In *Moral Limits and Possibility in World Politics*, ed. R. Price. New York: Cambridge University Press, 197-224.

Flathman, Richard. 1993. *Thomas Hobbes: Skepticism, Individuality, and Chastened Politics*. Newbury Park: Sage Publications.

Follesdal, Andreas and Simon Hix. 2006. "Why There Is a Democratic Deficit in the EU: A Response to Majone and Moravcsik." *JCMS: Journal of Common Market Studies* 44(3): 533-562.

Forman-Barzilai, Fonna. 2003. "The Emergence of Contextualism in Rousseau's Political Thought: The Case of Parisian Theatre in the *Lettre à D'Alembert*." *History of Political Thought* 24(3): 1-28.

Forman-Barzilai, Fonna. 2004. "And Thus Spoke the Spectator: Adam Smith for Humanitarians." *Adam Smith Review* 1: 167-174.

Forman-Barzilai, Fonna. 2010. *Adam Smith and the Circles of Sympathy: Cosmopolitanism and Moral Theory*. New York: Cambridge University Press.

Forst, Rainer. 1999. "The Basic Right to Justification: Toward a Constructivist Conception of Human Rights." *Constellations* 6(1): 35-60.

Foucault, Michel. 1986. "Of Other Spaces." *Diacritics* 16(1): 22-27.

Foucault, Michel. 2001. *Fearless Speech*. Los Angeles: Semiotext(e).

Foucault, Michel. 2003a. "Confronting Governments: Human Rights." In *The Essential Foucault*, ed. P. Rabinow & N. Rose. New York: New Press, 64.

Foucault, Michel. 2003b. "Truth and Power." In *The Essential Foucault*, ed. P. Rabinow & N. Rose. New York: New Press, 300-318.

Foucault, Michel. 2003c. "Governmentality." *The Essential Foucault*, ed. P. Rabinow & N. Rose. New York: New Press, 229-245.

Foucault, Michel. 2003d. "The Subject and Power." *The Essential Foucault*, ed. P. Rabinow & N. Rose. New York: New Press, 126-144.

- Foucault, Michel. 2003e. *Society Must Be Defended: Lectures at the College de France 1975-1976*. New York: Picador.
- Frank, Jason A. 2007. "Unauthorized Propositions: The Federalist Papers and Constituent Power." *Diacritics* 37(2-3): 103-121.
- Frank, Jason A. 2009. "Publuis and Political Imagination." *Political Theory* 37(1): 69-98.
- Frank, Jason. 2010. *Constituent Moments: Enacting the People in Postrevolutionary America*. Durham: Duke University Press.
- Fraser, Nancy. 2009. *Scales of Justice: Reimagining Political Space in a Globalizing World*. New York: Columbia University Press.
- Fraser, Nancy and Axel Honneth. 2003. *Redistribution or Recognition? A Political-Philosophical Exchange*. New York: Verso.
- Friedlander, Eli. 2004. *J.J. Rousseau: An Afterlife of Words*. Cambridge, MA: Harvard University Press.
- Gauthier, David P. 1969. *The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes*. New York: Oxford University Press.
- Gaventa, John. 1980. *Power and Powerlessness: Quiescence and Rebellion in an Appalachian Valley*. Chicago: University of Illinois.
- Geuss, Raymond. 2008a. *Philosophy and Real Politics*. Princeton: Princeton University Press.
- Geuss, Raymond, 2008b. "Philosophical Anthropology and Social Criticism." In *Reification: A New Look at an Old Idea*, ed. M. Jay. New York: Oxford University Press, 120-130.
- Gibson-Graham, J.K. 2008. "Diverse economies: performative practices for 'other worlds.'" *Progress in Human Geography* 35(2), 613-632.
- Gill, Stephen. 2000. "Toward a Postmodern Prince? The Battle in Seattle as a Moment in the New Politics of Globalisation." *Millennium: Journal of International Studies* 29(1): 131-140.
- Gillespie, Diane and Molly Melching. 2010. "The Transformative Power of Democracy and Human Rights in Nonformal Education: The Case of Tostan." *Adult Education Quarterly*, published online 26 March, 2010.

- Goldsmith, MM. 1990. "Hobbes's Ambiguous Politics." *History of Political Thought* 12: 639-673.
- Goodhart, Michael. 2007. "Europe's Democratic Deficits through the Looking Glass: The European Union as a Challenge for Democracy." *Perspectives on Politics* 5(3): 567-584.
- Gould, Carol. 2004. *Globalizing Democracy and Human Rights*. New York: Cambridge University Press.
- Gould, Carol. 2009. "Envisioning Transnational Democracy: Cross-Border Communities and Regional Human Rights Frameworks." In *Democracy, States, and the Struggle for Global Justice*, ed. H. Gautney, O. Dahbour, A. Dawson, and N. Smith. New York: Routledge Press, 63-78.
- Granato, Jim, Ronald Inglehart, and David Leblang. 1996. "The Effect of Cultural Values on Economic Development: Theory, Hypothesis and Some Empirical Tests." *American Journal of Political Science* 40(3): 607-631.
- Gutmann, Amy. 1994. "Introduction." In *Multiculturalism*, ed. A. Gutmann. Princeton: Princeton University Press, 1-24.
- Habermas, Jürgen. 1987. *The Theory of Communicative Action, Volume 2*. Boston: Beacon Press.
- Habermas, Jürgen. 1998. *The Inclusion of the Other*. Cambridge, MA: MIT Press.
- Habermas, Jürgen. 2001a. "The Postnational Constellation and the Future of Democracy." In *The Postnational Constellation*, ed. M. Pensky. Cambridge, MA: MIT Press, 58-112.
- Habermas, Jürgen. 2001b. "Constitutional Democracy: A Paradoxical Union of Contradictory Principles?" *Political Theory* 29(6): 766-781.
- Hadden, Jennifer and Sidney Tarrow. 2007. "Spillover or Spillout? The Global Justice Movement in the United States after 9/11." *Mobilization: An International Quarterly* 12(4): 359-376.
- Halliday, Fred. 2000. "Getting Real about Seattle." *Millennium – Journal of International Studies* 29(1): 123-129.
- Hamilton, Alexander, and James Madison & John Jay. 1999. *The Federalist Papers*, ed. C. Rossiter. New York: Mentor Press.
- Hardt, Michael and Antonio Negri. 2001. *Empire*. Cambridge, MA: Harvard University Press.

- Hardt, Michael and Antonio Negri. 2004. *Multitude: Ear and Democracy in the Age of Empire*. New York: Penguin Press.
- Havel, Vaclav. 1988. "Anti-Political Politics." In *Civil Society and the State*, ed. J. Keane. New York: Verso.
- Havel, Vaclav. 1992a. "Two Notes on Charter 77." In *Open Letters: Selected Writings, 1965-1990*. New York: Vintage Books, p. 323-27.
- Havel, Vaclav. 1992b. "The Power of the Powerless." In *Open Letters: Selected Writings, 1965-1990*. New York: Vintage Books, p. 125-214.
- Hegel, G.W.F. 1977. *Phenomenology of Spirit*. New York: Oxford University Press.
- Held, David. 2004a. *Global Covenant: The Social Democratic Alternative to the Washington Consensus*. Malden, MA: Polity Press.
- Held, David. 2004b. "Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective." *Government and Opposition* 39(2): 364-391.
- Held, David. 2005. "Globalization, Corporate Practice, and Cosmopolitan Social Standards." In *Global Responsibilities Who Must Deliver on Human Rights?*, ed. A. Kuper. New York: Routledge, 185-204.
- Held, David. 2006. *Models of Democracy, 3rd Edition*. Stanford: Stanford University Press.
- Held, David. 2007. "Reframing Global Governance: Apocalypse Soon or Reform!" In *Globalization Theory: Approaches and Controversies*, ed. D. Held and A. McGrew. Malden, MA: Polity, 240-260.
- Held, David. 2009. "Restructuring Global Governance: Cosmopolitanism, Democracy, and the Global Order." *Millennium – Journal of International Studies* 37(3): 535-547.
- Held, David and Anthony McGrew. 2007. "Introduction: Globalization at Risk?" In *Globalization Theory: Approaches and Controversies*, ed. D. Held and A. McGrew. Malden, MA: Polity Press, 1-11.
- Hénaff, Marcel. 1992. "The Cannibalistic City: Rousseau, Large Numbers, and the Abuse of the Social Bond." *SubStance* 21(1): 3-23.
- Hénaff, Marcel and Tracy B. Strong. 2001. "Introduction: The Conditions of Public Space: Vision, Speech, and Theatricality." In *Public Space and Democracy*, ed. M. Hénaff & T. Strong. Minneapolis: University of Minnesota Press, 1-32.

- Hobbes, Thomas. 1969. *The Elements of Law: Natural & Politic*, ed. F. Tonnies. Cambridge: Cambridge University Press.
- Hobbes, Thomas. 1991. *Man and Citizen (De Homine and De Cive)*, ed. B. Gert. Indianapolis: Hackett Publishing Company.
- Hobbes, Thomas. 1994. *Leviathan*, ed. E. Curley. Indianapolis: Hackett Publishing.
- Hoekstra, Kinch. 2006. "A lion in the house: Hobbes and democracy." In *Rethinking the Foundations of Modern Political Thought*, ed. A. Brett & J. Tully, with H. Hamilton-Bleakley. New York: Cambridge University Press, 191-218.
- Hollinger, David. 2001. "Not Universalists, Not Pluralists: The New Cosmopolitans Find Their Own Way." *Constellations* 8(2): 236-248.
- Honig, Bonnie. 1993. *Political Theory and the Displacement of Politics*. Ithaca: Cornell University Press.
- Honig, Bonnie. 2001. *Democracy and the Foreigner*. Princeton: Princeton University Press.
- Honig, Bonnie. 2009. *Emergency Politics: Paradox, Law, Democracy*. Princeton: Princeton University Press.
- Honneth, Axel. 1995. *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. Cambridge, MA: Cambridge University Press.
- Honneth, Axel. 2007a. "Pathologies of the Social: The Past and Present of Social Philosophy." In *Disrespect: The Normative Foundations of Critical Theory*. Malden, MA: Polity, 3-48.
- Honneth, Axel. 2007b. "Decentered Autonomy: The Subject After the Fall." In *Disrespect: The Normative Foundations of Critical Theory*. Malden, MA: Polity, 181-194.
- Honneth, Axel. 2008a. *Reification: A New Look at an Old Idea*, ed. M. Jay. New York: Oxford University Press.
- Hood, FC. 1964. *The Divine Politics of Thomas Hobbes: An Interpretation of Leviathan*. London: Oxford University Press.
- Hopgood, Stephen. 2006. *Keepers of the Flame: Understanding Amnesty International*. Ithaca: Cornell University Press.

- Hudson, Alan. 2001. "NGOs' transnational advocacy networks: from 'legitimacy' to 'political responsibility'?" *Global Networks* 1(4): 331-352.
- Hullung, Mark. 2001. "Rousseau, Voltaire, and the Revenge of Pascal." In *The Cambridge Companion to Rousseau*, ed. P. Riley. New York: Cambridge University Press, 57-77.
- Huntington, Samuel P. 1993. *The Third Wave: Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.
- Ignatieff, Michael. 2001. *Human Rights: As Politics and Idolatry*, ed. A. Gutmann. Princeton: Princeton University Press.
- Isaac, Jeffrey C. 1992. *Arendt, Camus, and Modern Rebellion*. New Haven: Yale University Press.
- Isaac, Jeffrey C. 1998. *Democracy in Dark Times*. Ithaca: Cornell University Press.
- James, William. 2000. "On a Certain Blindness in Human Beings." In *Pragmatism and Other Writings*, ed. G. Gunn. New York: Penguin Books, 267-285.
- Jaume, Lucien. 1986. *Hobbes et l'Etat représentatif moderne*. Paris: Presses Universitaires de France.
- Kahler, Miles. 2009. "Networked Politics: Agency, Power, and Governance." In *Networked Politics: Agency, Power, and Governance*, ed. M. Kahler. Ithaca: Cornell University Press, 1-20.
- Kaldor, Mary. 2000. "'Civilising' Globalization? The Implications of the 'Battle in Seattle.'" *Millennium – Journal of International Studies* 29(1): 105-114.
- Kant, Immanuel. 1983. "To Perpetual Peace: A Philosophical Sketch." In *Perpetual Peace and Other Essays*, ed. T. Humphrey. Indianapolis: Hackett Publishing, 107-144.
- Kantorowicz, Ernst H. 1997. *The King's Two Bodies: A Study in Mediaeval Political Theology*. Princeton: Princeton University Press.
- Kateb, George. 1989. "Hobbes and the Irrationality of Politics." *Political Theory* 17(3): 355-391.
- Kateb, George. 1992. *The Inner Ocean: Individualism and Democratic Culture*. Ithaca: Cornell University Press.
- Keck, Margaret E. 1995. "Social Equality and Environmental Politics in Brazil: Lessons from the Rubber Tappers of Acre." *Comparative Politics* 27(4): 409-424.

Keck, Margaret E. and Kathryn Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca: Cornell University Press.

Kelly, Christopher. 1987. "‘To Persuade Without Convincing’: The Language of Rousseau’s Legislator." *American Journal of Political Science* 31(2): 321-335.

Keenan, Alan. 2003. *Democracy in Question: Democratic Openness in a Time of Political Change*. Stanford: Stanford University Press.

Keenan, Tom. 1987. "The ‘Paradox’ of Knowledge and Power: Reading Foucault on a Bias." *Political Theory* 15(1): 5-37.

Kidder, Tracy. 2003. *Mountains Beyond Mountains*. New York: Random House.

Kingsnorth, Paul. 2003. *One No, Many Yeses: A Journey to the Heart of the Global Resistance Movement*. London: The Free Press.

Klein, Naomi. 1999. *No Logo*. New York: Picador.

Klein, Naomi. 2002. "Seattle." In *Fences and Windows: Dispatches from the Front Lines of the Globalization Debate*. New York: Picador, 3-6.

Klein, Naomi. 2004. "Reclaiming the Commons." In *A Movement of Movements: Is Another World Really Possible?*, ed. T. Mertes. New York: Verso, 219-229.

Klein, Naomi. 2007. *Shock Doctrine: The Rise of Disaster Capitalism*. New York: Metropolitan Books.

Krasner, Stephen D. 1982. "Structural Causes and Regime Consequences: Regimes as Intervening Variables." *International Organization* 36(2): 185-206.

Kronman, Anthony. 1980. "The Concept of an Author and the Unity of the Commonwealth in Hobbes’s *Leviathan*." *Journal of the History of Philosophy* 18(2): 159-175.

Kuper, Andrew. 2004. *Democracy Beyond Borders: Justice and Representation in Global Institutions*. New York: Oxford University Press.

Kuper, Andrew. 2005. "Introduction: The Responsibilities Approach to Human Rights." In *Global Responsibilities Who Must Deliver on Human Rights?*, ed. A. Kuper. New York: Routledge, ix-xxii.

- Kuper, Andrew. 2007. "Reconstructing Global Governance: Eight Innovations." In *Globalization Theory: Approaches and Controversies*, ed. D. Held and A. McGrew. Malden, MA: Polity, 2225-239.
- Laclau, Ernesto. 1996. *Emancipation(s)*. New York: Verso.
- Lake, David A. 2009. *Hierarchy in International Relations*. Ithaca: Cornell University Press.
- Lake, David A. and Wendy H. Wong. 2009. "The Politics of Networks: Interests, Power, and Human Rights Norms." In *Networked Politics: Agency, Power, and Governance*, ed. M. Kahler. Ithaca: Cornell University Press, 127-150.
- Leitch, David. 2008. *The Politics of Understanding: Language as a Model of Culture*. PhD Dissertation. University of California, San Diego.
- Levi, Margaret and David Olson. 2000. "The Battles in Seattle." *Politics & Society* 28(3): 309-329.
- Lijphart, Arend. 1999. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. New Haven: Yale University Press.
- List, Christian and Mathias Koenig-Archibugi. 2010. "Can There Be a Global Demos? An Agency-Based Approach." *Philosophy & Public Affairs* 38(1): 76-110.
- Locke, John. 1960. *Two Treatises of Government*, ed. P. Laslett. New York: Cambridge University Press.
- Lotz, Andrew. 2007. "Global Democracy: Diverse Representation or States-Plus?" *Polity* 39(1): 125-136.
- Lukes, Steven. 2005. *Power: A Radical View (2nd edition)*. New York: Palgrave Macmillan.
- Luxon, Nancy. 2004. "Truthfulness, risk and trust in the late lectures of Michel Foucault." *Inquiry* 47(5): 464-489.
- Luxon, Nancy. 2008. "Ethics and Subjectivity: Practices of Self-Governance in the Late Lectures of Michel Foucault." *Political Theory* 36(3): 377-402.
- Macdonald, Kate and Terry Macdonald. 2010. "Democracy in a Pluralist Global Order: Corporate Power and Stakeholder Representation." *Ethics & International Affairs* 24(1): 19-43.
- Machiavelli, Niccolò. 1998. *The Discourses*, ed. B. Crick. New York: Penguin Books.

- Macpherson, C.B. 1965. "Hobbes's Bourgeois Man." In *Hobbes Studies*, ed. K. Brown. Oxford: Basil Blackwell, p. 169-185.
- Maitland, F.W. 2003. *State, Trust and Corporation*, ed. D. Runciman and M. Ryan. New York: Cambridge University Press.
- Majone, Giandomenico. 1998. "Europe's 'Democratic Deficit': The Question of Standards." *European Law Journal* 4(1): 5-28.
- Malcolm, Noel. 2002. "The Title-Page of *Leviathan* Seen in a Curious Perspective." In *Aspects of Hobbes*. Oxford: Oxford University Press, 200-231.
- Manin, Bernard. 1997. *The principles of representative government*. New York: Cambridge University Press.
- Mansbridge, Jane. 2003. "Rethinking Representation." *American Political Science Review* 97(4): 515-528.
- Mansbridge, Jane. 2009. "A 'Selection Model' of Political Representation." *Journal of Political Philosophy* 17(4): 369-398.
- Markell, Patchen. 2000. "Making Affect Safe for Democracy? On 'Constitutional Patriotism'." *Political Theory* 28(1): 38-63.
- Markell, Patchen. 2003. *Bound by Recognition*. Princeton: Princeton University Press.
- Markell, Patchen. 2006. "The Rule of the People: Arendt, *Arche*, and Democracy." *American Political Science Review* 100(1): 1-14.
- Markell, Patchen. 2008. "The Insufficiency of Non-Domination." *Political Theory* 36(1): 9-36.
- Marshall, David. 1986. "Rousseau and the State of Theater." *Representations* 13(1): 84-114.
- Martinich, AP. 1992. *The Two Gods of Leviathan: Thomas Hobbes on Religion and Politics*. New York: Cambridge University Press.
- Marx, Karl. 1978. *The Marx-Engels Reader (2nd edition)*, ed. R. Tucker. New York: WW Norton & Company.
- McAdam, Doug, John D. McCarthy, and Mayer N. Zald. 1996. "Introduction: Opportunities, mobilizing structures, and framing processes – toward a synthetic, comparative perspective on social movements." In *Comparative Perspectives on Social*

- Movements*, ed. D. McAdam, J. McCarthy, and M. Zald. New York: Cambridge University Press, 1-22.
- Melucci, Alberto. 1988. "Social Movements and the Democratization of Everyday Life." In *Civil Society and the State*, ed. J. Keane. New York: Verso, 245-260.
- Melucci, Alberto. 1996. *Challenging Codes: Collective Action in the Information Age*. New York: Cambridge University Press.
- Melville, Herman. 2004. "Bartelby, the Scrivener: A Story of Wall-Street." In *Great Short Works of Herman Melville*, ed. W. Berthoff. New York: Perennial Classics, 59-74.
- Melzer, Arthur M. 1996. "The Origin of the Counter-Enlightenment: Rousseau and the New Religion of Sincerity." *American Political Science Review* 90(2): 344-360.
- Mertes, Tom (ed). 2004. *A Movement of Movements: Is Another World Really Possible?* New York: Verso.
- Mill, John Stuart. 1978. *On Liberty*. Indianapolis: Hackett Publishing.
- Mill, John Stuart. 1993. *Considerations on Representative Government*. In *Utilitarianism, On Liberty, Considerations on Representative Government*, ed. G. Williams. North Clarendon, VT: Everyman Library, p. 188-428.
- Miller, James. 1994. *Democracy Is in the Streets: From Port Huron to the Siege of Chicago*. Cambridge, MA: Harvard University Press.
- Miller, Ted H. 1999. "Thomas Hobbes and the Constraints that Enable the Imitation of God." *Inquiry* 42(2): 149-176.
- Moravcsik, Andrew. 2004. "Is There a 'Democratic Deficit' in World Politics? A Framework for Analysis." *Government and Opposition* 39(2): 336-363.
- Müller, Jan-Werner. 2007. *Constitutional Patriotism*. Princeton: Princeton University Press.
- Nakano, Takeshi. 2006. "A Critique of Held's Cosmopolitan Democracy." *Contemporary Political Theory* 5: 33-51.
- Nancy, Jean-Luc. 1991. *The Inoperative Community*. Minneapolis: University of Minnesota Press.
- Niebuhr, H. Richard. 1999. *The Responsible Self*. Louisville: Westminster John Knox Press.

- Nussbaum, Martha. 1992. "Human Functioning and Social Justice: In Defense of Aristotelian Essentialism." *Political Theory* 20(2): 202-246.
- Nussbaum, Martha. 1997. "Kant and Stoic Cosmopolitanism." *The Journal of Political Philosophy* 5(1): 1-25.
- Nussbaum, Martha. 2001. "Political Objectivity." *New Literary History* 32: 883-906.
- Nussbaum, Martha. 2006. "Poverty and Human Functioning: Capabilities as Fundamental Entitlements." In *Poverty and Inequality*, ed. D. Grusky and R. Kanbur. Stanford: Stanford University Press, 47-75.
- O'Neill, Onora. 2000. *Bounds of Justice*. Cambridge: Cambridge University Press.
- O'Neill, Onora. 2005. "Agents of Justice." In *Global Responsibilities: Who Must Deliver on Human Rights?*, ed. A. Kuper. New York: Routledge, 37-52.
- Offe, Claus. 1990. "Reflections on the Institutional Self-transformation of Movement Politics: A Tentative Stage Model." In *Challenging the Political Order*, ed. R. Dalton and M. Kuechler. Oxford: Oxford University Press, 232-250.
- Oliver, Kelly. 2001. *Witnessing: Beyond Recognition*. Minneapolis: University of Minnesota.
- Orwin, Clifford. 1975a. "On Sovereign Authorization." *Political Theory* 3(1): 26-44.
- Orwin, Clifford. 1975b. "Reply to Pitkin," *Political Theory* 3(1): 50-52.
- Osiander, Andreas. 2001. "Sovereignty, International Relations, and the Westphalian Myth." *International Organization* 55(2): 251-287.
- Ozouf, Mona. 1988. *Festivals and the French Revolution*. Cambridge, MA: Harvard University Press.
- Pascal, Blaise. 2008. *Pensées and Other Writings*, ed. A. Levi. New York: Oxford University Press.
- Pateman, Carole. 1970. *Participation and Democratic Theory*. New York: Cambridge University Press.
- Pateman, Carole. 1985. *The Problem of Political Obligation: A Critique of Liberal Theory*. Malden, MA: Polity.
- Pettit, Philip. 1997. *Republicanism: A Theory of Freedom and Government*. Oxford: Clarendon Press.

- Pettit, Philip. 2001. "Capability and freedom: A defence of Sen." *Economics and Philosophy* 17(1): 1-20.
- Pettit, Philip. 2008a. "Three Conceptions of Democratic Control." *Constellations* 15(1): 46-55.
- Pettit, Philip. 2008b. *Made With Words: Hobbes on Language, Mind, and Politics*. Princeton: Princeton University Press.
- Phillips, Anne. 1995. *The Politics of Presence*. New York: Oxford University Press.
- Pichardo, Nelson A. 1997. "New Social Movements: A Critical Review." *Annual Review of Sociology* 23: 411-430.
- Pitkin, Hanna. 1964a. "Hobbes's Concept of Representation I." *American Political Science Review* 58(2): 328-40.
- Pitkin, Hanna. 1964b. "Hobbes's Concept of Representation II." *American Political Science Review* 58(4): 902-18.
- Pitkin, Hanna. 1967. *The Concept of Representation*. Berkeley and Los Angeles: University of California Press.
- Pitkin, Hanna. 1968. "Commentary: The Paradox of Representation." In *Nomos X: Representation*, ed. J.R. Pennock and J.W. Chapman. New York: Atherton Press, 38-42.
- Pitkin, Hanna. 1975. "Comment on Orwin." *Political Theory* 3(1): 45-49.
- Pitkin, Hanna. 1989. "Representation." In *Political Innovations and Conceptual Changes*, ed. Ball, Farr, and Hanson. New York: Cambridge University Press.
- Pitkin, Hanna. 2004. "Representation and Democracy: Uneasy Alliance." *Scandinavian Political Studies* 27(3): 335-342.
- Plotke, David. 1997. "Representation Is Democracy." *Constellations* 4(1): 19-34.
- Podolny, Joel M. and Karen L. Page. 1998. "Network Forms of Organization." *Annual Review of Sociology* 24(1): 57-76.
- Pogge, Thomas W. 1997. "Creating Supra-National Institutions Democratically: Reflections on the European Union's 'Democratic Deficit.'" *Journal of Political Philosophy* 5(2): 163-182.

- Pogge, Thomas W. 2005. "Human Rights and Human Responsibilities." In *Global Responsibilities: Who Must Deliver on Human Rights?*, ed. A. Kuper. New York: Routledge, 3-36.
- Pogge, Thomas W. 2008. *World Poverty and Human Rights (2nd edition)*. Malden, MA: Polity.
- Powell, Walter W. 1990. "Neither Market Nor Hierarchy: Network Forms of Organization." In *Research in Organizational Behavior, Vol. 12*, ed. BM Staw & LL Cummings. Greenwich, CT: JAI Press, Inc.
- Powell, G. Bingham, Jr. 2004. "Political Representation in Comparative Politics." *Annual Review of Political Science* 7: 273-296.
- Principe, Michael A. 2000. "Solidarity and Responsibility: Conceptual Connections." *Journal of Social Philosophy* 31(2): 139-145.
- Pye, Christopher. 1984. "The Sovereign, the Theatre, and the Kingdome of Darknesse: Hobbes and the Spectacle of Power." *Representations* 8: 84-106.
- Rancière, Jacques. 1999. *Disagreement: Politics and Philosophy*. Minneapolis: University of Minnesota Press.
- Rancière, Jacques. 2001. "Ten Theses on Politics." *Theory & Event* 5(3).
- Rancière, Jacques. 2009. *The Emancipated Spectator*. New York: Verso.
- Rawls, John. 1999. *The Law of Peoples*. Cambridge: Harvard University Press.
- Rehfeld, Andrew. 2005. *The Concept of Constituency: Political Representation, Legitimacy, and Institutional Design*. New York: Cambridge University Press.
- Rehfeld, Andrew. 2006. "Towards a General Theory of Representation." *Journal of Politics* 68(1): 1-21.
- Rehfeld, Andrew. 2009. "Representation Rethought: On Trustees, Delegates, and Gyroscopes in the Study of Political Representation and Democracy." *American Political Science Review* 103(2): 214-230.
- Reid, John Philip. 1989. *The Concept of Representation in the Age of the American Revolution*. Chicago: University of Chicago Press.
- Ricoeur, Paul. 2007a. "Who Is the Subject of Rights?" In *The Just*. Chicago: Chicago University Press, 1-10.

- Ricoeur, Paul. 2007b. "The Concept of Responsibility: An Essay in Semantic Analysis." In *The Just*. Chicago: Chicago University Press, 11-35.
- Robin, Corey. 2000. "The Battle of Seattle." *Theory & Event* 4(1).
- Rorty, Richard. 1989. *Contingency, Irony, and Solidarity*. New York: Cambridge University Press.
- Rosenau, James. 1997. "Imposing Global Order: A Synthesized Ontology for a Turbulent Era." In *Innovation and Transformation in International Studies*, ed. S. Gill and J. Mittelman. Cambridge: Cambridge University Press, 220-235.
- Rousseau, Jean-Jacques. 1953. *The Confessions*. New York: Penguin Books.
- Rousseau, Jean-Jacques. 1960. "The Letter to M. D'Alembert on the Theatre." In *Politics and the Arts*, ed. Allan Bloom. Ithaca: Cornell University Press.
- Rousseau, Jean-Jacques. 1985. *The Government of Poland*. Indianapolis: Hackett Publishing.
- Rousseau, Jean-Jacques. 1987. *The Basic Political Writings*, ed. D. Cress. Indianapolis: Hackett Publishing.
- Rousseau, Jean-Jacques. 2005. "Plan for a Constitution for Corsica." In *The Plan for Perpetual Peace, On the Government of Poland, and Other Writings on History and Politics (The Collected Writings of Rousseau, Vol 11)*, ed. C. Kelly. Lebanon, NH: Dartmouth College Press, 123-165.
- Rubinstein, Jennifer. 2007. "Accountability in an Unequal World." *Journal of Politics* 69(3): 616-632.
- Ruggie, John Gerard. 1992. "Territoriality and Beyond: Problematizing Modernity in International Relations." *International Organization* 47(1):139-174.
- Ruggie, John Gerard. 1999. "What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge." In *Exploration and Contestation in the Study of World Politics*, ed. P. Katzenstein, R. Keohane, and S. Krasner. Cambridge, MA: MIT Press, 215-246.
- Runciman, David. 1997. *Pluralism and the Personality of the State*. New York: Cambridge University Press.
- Runciman, David. 2000. "What Kind of Person is Hobbes's State? A Reply to Skinner." *Journal of Political Philosophy* 8(2): 268-278.

- Ryan, Alan. 1988. "Hobbes and Individualism." In *Perspectives on Thomas Hobbes*, ed. G. Rogers and A. Ryan. New York: Oxford University Press, 81-106.
- Sanders, Lynn. 1997. "Against Deliberation." *Political Theory* 25(3): 347-376.
- Sarasohn, Lisa T. 1985. "Motion and Morality: Pierre Gassendi, Thomas Hobbes, and the Mechanical World-View." *Journal of History of Ideas* 46(3): 363-379.
- Sartre, Jean-Paul. 1989. *The Flies*. In *No Exit and Three Other Plays*. New York: Vintage International, 47-124.
- Saward, Michael. 2006. "The Representative Claim." *Contemporary Political Theory* 5: 297-318.
- Saward, Michael. 2009. "Authorisation and Authenticity: Representation and the Unelected." *Journal of Political Philosophy* 17(1): 1-22.
- Schmitt, Carl. 1996. *The Concept of the Political*. Chicago: University of Chicago Press.
- Schmitt, Carl. 2008. *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*. Chicago: University of Chicago Press.
- Scholte, Jan Aart. 2000. "Cautionary Reflections on Seattle." *Millennium: Journal of International Studies* 29(1): 115-121.
- Scholte, Jan Aart. 2004. "Civil Society and Democratically Accountable Global Governance." *Government and Opposition* 39(2): 211-233.
- Scott, John T. 1997. "Rousseau and the Melodious Language of Freedom." *The Journal of Politics* 59(3): 803-829.
- Sellers, John. 2004. "Raising a Ruckus." In *A Movement of Movements: Is Another World Really Possible?*, ed. T. Mertes. New York: Verso, 175-191.
- Sen, Amartya. 1999. *Development as Freedom*. New York: Random House.
- Sen, Amartya. 1999b. "Democracy as a Universal Value." *Journal of Democracy* 10(3): 3-17.
- Sen, Amartya. 2001. "Reply." *Economics and Philosophy* 17(1): 51-66.
- Sen, Amartya. 2009. *The Idea of Justice*. Cambridge, MA: Belknap Press.
- Shapin, Steven and Simon Schaffer. 1985. *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life*. Princeton: Princeton University Press.

- Sharp, Andrew (ed.). 1998. *The English Levellers*. New York: Cambridge University Press.
- Shklar, Judith. 1969. *Men and Citizens: A Study of Rousseau's Social Theory*. New York: Cambridge University Press.
- Simon-Ingram, Julia. 1991. "Alienation, Individuation, and Enlightenment in Rousseau's Social Theory." *Eighteenth Century Studies* 24(3): 315-335.
- Skinner, Quentin. 1988. *Liberty Before Liberalism*. New York: Cambridge University Press.
- Skinner, Quentin. 1989. "The State." In *Political Innovations and Conceptual Changes*, ed. Ball, Farr, and Hanson. New York: Cambridge University Press.
- Skinner, Quentin. 2002a. "Hobbes and the purely artificial person of the state." In *Vision and Politics, Vol. III: Hobbes and Civil Science*. New York: Cambridge University Press, 177-208.
- Skinner, Quentin. 2002b. "Hobbes on the proper signification of liberty." In *Visions of Politics, Volume III: Hobbes and Civil Science*. New York: University of Cambridge Press, 209-237.
- Skinner, Quentin. 2005. "Hobbes on Representation." *European Journal of Philosophy* 13(2): 155-184.
- Skinner, Quentin. 2008. *Hobbes and Republican Liberty*. New York: Cambridge University Press.
- Smith, Jackie. 2002. "Globalizing Resistance: The Battle of Seattle and the Future of Social Movements." In *Globalization and Resistance: Transnational Dimensions of Social Movements*, ed. J. Smith and H. Johnston. Boulder, CO: Rowman & Littlefield Publishers, Inc.
- Solnit, David and Rebecca Solnit 2009. *The Battle of the Story of the Battle of Seattle*. Oakland: AK Press.
- Spragens, Thomas A., Jr. 1973. *The Politics of Motion: The World of Thomas Hobbes*. Lexington, KY: University of Press of Kentucky.
- Springborg, Patricia. 1976. "Leviathan, the Christian Commonwealth Incorporated." *Political Studies* 24(2): 171-83.

- Springborg, Patricia. 1996. "Hobbes on religion." In *The Cambridge Companion to Hobbes*, ed. T. Sorell. New York: Cambridge University Press, 346-380.
- Springborg, Patricia. 2009. "The Paradoxical Hobbes: A Critical Response to the Hobbes Symposium, Political Theory, Vol. 36, 2008." *Political Theory* 37(5): 676-688.
- Spruyt, Hendrik. 1994. *The Sovereign State and Its Competitors*. Princeton: Princeton University Press.
- Starobinski, Jean. 1988. *Jean-Jacques Rousseau Transparency and Obstruction*. Chicago: Chicago University Press.
- Starobinski, Jean. 1993. *Blessings in Disguise; or, The Morality of Evil*. Cambridge, MA: Harvard University Press.
- Stevenson, Robert Louis. 1988. "The Lantern-Bearers." In *The Lantern-Bearers and other essays*, ed. J. Treglown. London: Chatto & Windus, 226-235.
- Strauss, Leo. 1965. *Natural Right and History*. Chicago: University of Chicago Press.
- Strong, Tracy B. 1993. "How to Write Scripture: Words, Authority, and Politics in Thomas Hobbes." *Critical Inquiry* 20(1): 128-159.
- Strong, Tracy B. 1994. *Jean-Jacques Rousseau: The Politics of the Ordinary*. Thousand Oaks, CA: Sage Publications.
- Strong, Tracy B. 2006. "Seeing the Sovereign: Theatricality and Representation in Hobbes." In *Letting Be: Fred Dallmayr's Cosmopolitical Vision*, ed. S. Schneck. Notre Dame, IN: University of Notre Dame Press, 33-54.
- Strong, Tracy B. 2008. "Carl Schmitt and Thomas Hobbes: Myth and Politics." In *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, Carl Schmitt. Chicago: University of Chicago Press, vii-xxviii.
- Strong, Tracy B. 2010. "Music, the passions, and political freedom in Rousseau." In *Rousseau and Freedom*, ed. C. McDonald and S. Hoffmann. New York: Cambridge University Press, 92-109.
- Tarrow, Sidney. 1988. *Power in Movement: Social Movements and Contentious Politics (2nd edition)*. New York: Cambridge University Press.
- Tarrow, Sidney. 2005. *The New Transnational Activism*. New York: Cambridge University Press.

- Taylor, Charles. 1985a. "What is Human Agency?" In *Human Agency and Language: Philosophical Papers I*. New York: Cambridge University Press, 15-44.
- Taylor, Charles. 1985b. "Atomism." In *Philosophy and the Human Sciences: Philosophical Papers 2*. New York: Cambridge University Press, 187-210.
- Taylor, Charles. 1989. *Sources of the Self: The Making of Modern Identity*. Cambridge, MA: Harvard University Press.
- Taylor, Charles. 1994. "The Politics of Recognition." In *Multiculturalism*, ed. A. Gutmann. Princeton: Princeton University Press, 25-74.
- Taylor, Charles. 2007. *A Secular Age*. Cambridge, MA: Belknap Press.
- Thomas, Daniel C. *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism*. Princeton: Princeton University Press.
- Tilly, Charles. 1986. *The Contentious French*. Cambridge, MA: Harvard University Press.
- Tilly, Charles. 2008. *Contentious Performances*. New York: Cambridge University Press.
- Touraine, Alain. 1983 *Solidarity*. Cambridge: Cambridge University Press.
- Tricaud, François. 1982. "An Investigation concerning the Usage of the Words 'Person' and 'Persona' in the Political Treatises of Hobbes." In *Thomas Hobbes: His View of Man*, ed. JG Van der Bend. Amsterdam: Rodopi, 89-98.
- Tuck, Richard. 1993. *Philosophy and Government 1572-1651*. Cambridge: Cambridge University Press.
- Tuck, Richard. 2006. "Hobbes and democracy." In *Rethinking the Foundations of Modern Political Thought*, ed. A. Brett & J. Tully, with H. Hamilton-Bleakley. New York: Cambridge University Press, 171-190.
- Tully, James. 2000. "Struggles Over Recognition and Distribution." *Constellations* 7(4): 469-482.
- Tully, James. 2004. "Recognition and dialogue: the emergence of a new field." *Critical Review of International Social and Political Philosophy* 7(3): 84-106.
- Tully, James. 2009a. *Public Philosophy in a New Key, Volume I: Democracy and Civic Freedom*. New York: Cambridge University Press.

Tully, James. 2009b. *Public Philosophy in a New Key, Volume II: Imperialism and Civic Freedom*. New York: Cambridge University Press.

Urbinati, Nadia. 2000. "Representation as Advocacy: A Study of Democratic Deliberation." *Political Theory* 28(6): 758-786.

Urbinati, Nadia. 2002. *Mill on Democracy: From the Athenian Polis to Representative Government*. Chicago: Chicago University Press.

Urbinati, Nadia. 2006. *Representative Democracy: Principles and Genealogy*. Chicago: University of Chicago Press.

Urbinati, Nadia. 2007. "Politics as Deferred Presence." *Constellations* 14(2): 266-272.

Urbinati, Nadia and Mark E. Warren. 2008. "Concept of Representation in Contemporary Democratic Theory." *Annual Review of Political Science* 11: 387-412.

Vaughn, Geoffrey M. 2001. "The Audience of Hobbes's *Leviathan* and the Audience of Hobbes's Political Philosophy." *History of Political Thought* 22(3): 464-471.

Vazquez-Arroyo, Antonio. 2008. "Responsibility, Violence, and Catastrophe." *Constellations* 15(1): 98-125.

Walzer, Michael. 1994a. "Comment." In *Multiculturalism*, ed. A. Gutmann. Princeton: Princeton University Press, 99-104.

Walzer, Michael. 1994b. *Thick and Thin: Moral Argument at Home and Abroad*. Notre Dame: Notre Dame University Press.

Warren, Thomas H. 1992. "On the Mistranslation of *La Mesure* in Camus's Political Thought." *Journal of the History of Philosophy* 30(1): 123-130.

Weber, Max. 2004. *Vocation Lectures*, ed. D. Owen and T. Strong. Indianapolis: Hackett Publishing Company.

Williams, Bernard. 1993. *Shame and Necessity*. Los Angeles: University of California Press.

Williams, Melissa S. 2006. "Burkean 'Descriptions' and Political Representation: A Reappraisal." *Canadian Journal of Political Science* 29(1): 23-45.

Wolin, Sheldon S. 1989. "Tending and Intending a Constitution: Bicentennial Misgivings." In *Presence of the Past*. Baltimore: Johns Hopkins University Press, 82-99.

Wolin, Sheldon S. 1994. "Norm and Form: The Constitutionalizing of Democracy." In *Athenian Political Thought and the Reconstruction of American Democracy*, ed. J.P. Euben, J. Ober, and J. Wallach. Ithaca: Cornell University Press, 29-58.

Wolin, Sheldon S. 1996. "Fugitive Democracy." In *Democracy and Difference*, ed. S. Benhabib. Princeton: Princeton University Press, 31-45.

Wolin, Sheldon S. 2004. *Politics and Vision (2nd edition)*. Princeton: Princeton University Press.

Wong, Wendy H. 2008. *Centralizing principles: How Amnesty International shaped human rights politics through its transnational network*. PhD Dissertation. University of California, San Diego.

Wood, Gordon S. 2008. *Representation in the American Revolution (Revised Edition)*. Charlottesville: University of Virginia Press.

Xenos, Nicholas. 2001. "Momentary Democracy." In *Democracy & Vision: Sheldon Wolin and the Vicissitudes of the Political*, ed. A. Botwinick & W. Connolly. Princeton: Princeton University Press, 25-38.

Young, Iris Marion. 2001. "Activist Challenges to Deliberative Democracy." *Political Theory* 29(5): 670-690.

Young, Iris Marion. 2002. *Inclusion and Democracy*. New York: Oxford University Press.

Young, Iris Marion. 2006. "Responsibility and Global Justice: A Social Connection Model." *Social Philosophy and Policy* 23(1): 102-130.

Zizek, Slavoj. 2002. "Afterword: Lenin's Choice." In *Revolution at the Gates: Zizek on Lenin – The 1917 Writings*, ed. S. Zizek. New York: Verso, 167-336.

Zolberg, Aristide. 1972. "Moments of Madness." *Politics and Society* 2(Winter): 182-207.