Who gets to judge? Approaching non-elected representative claims from constructivist interest-group theory

Jessica Nuske

Jessica Nuske, from Oldenburg (Germany), is a graduate student, who received her Master's degree in "Political Science" at the University of Bremen in 2019. She is currently working as research assistant at the Leibniz University Hannover and will begin her dissertational project focusing on interest group theory at the University of Bremen in April 2020. Her interests include theoretical and empirical approaches on interest groups, democratic theory and representation with focus on disadvantaged, intersectionally marginalized socioeconomic groups. E-mail: jnuske@uni-bremen.de.

Abstract

Debates on the issue of representation have since long started to transcend elections and topographically bound constituencies by addressing self-appointed representatives in form of interest groups. However, with no elections and a mere claim to represent a constituency, who gets to judge and consequently authorises the claims and demands accountability? Deriving from Saward's constructivist approach on the representative claim, this article introduces a revisited approach to interest groups by adjusting constructivism with respect to crucial insights derived from interest group theory, provided by Montanaro and Strolovitch. Building on this revisited approach, this article re-evaluates questions on who gets to authorise and account representatives and consequently presents a holistic constructivist framework not only on the nature of claim-based representation, but also on its potential and pitfalls. Additionally, it provides incentives for research on the disjunction between constituency and interest groups provoked by a (structural) occurrence of non-authorisation and non-accountability.

Keywords

Constructivism; Interest Groups; Montanaro; Representative-claim; Saward; Strolovitch

Introduction

In democratic societies, interest groups function as the second most significant tool of popular influence on local and national legislation after the participation in elections – they are thus of elementary democratic importance (Grossmann 2012, 42, 51). They inhabit a unique position not only in the legislative process and the broader public sphere as non-elected, self-appointed representatives of distinctive constituencies, but also serve as linkages between numerous segments of a society and policymakers. As such, interest groups can be considered formally composed associations that pursue political goals on behalf of the constituency they claim to represent, without seeking electoral offices in order to exert political influence (Beyers, Eising, and Maloney 2008, 1106). In their function, they help forming latent groups of interests within a society into manifest actors within the political spectrum and thus promote the articulation and representation of a diverse spectrum of interests (Zimmermann and Boeckh 2018, 784) beyond the topographical structure of democratic polities.

Accordingly, interest groups render citizens politically present by making their constituencies visible in and pertinent to legislative as well as public deliberation and decision-making (Montanaro 2018, 7). This process was to hold the promise of a more deliberate and more approachable governmental system by transcending electoral cycles and topographically bound constituencies. In the social capital literature, interest groups were praised as little democracies with great democratising potential (Halpin 2006, 919). Researchers expected them to be intrinsically democratic and thus able to provide voluntary members with deliberative areas for political decision-making and eventually with influence on the political process itself (Halpin 2006, 919-920).

On the contrary, this inherently democratic promise has been in decline. Researchers have been continuously sceptical of the democratic potential of interest groups by arguing that most of them fall short on their inherent democratic structure anticipated by early researchers (Houtzager and Lavalle 2010, 2-3). Research revealed a rising dissonance between an interest groups' leadership and their issue prioritisation and thus lobbying activities (Halpin 2006, 920). As McLaverty put it: there is "nothing intrinsically democratic about civil society organisations" (2002, 310). Today, in light of the ever-increasing relevance of interest groups (or, to refer to the more commonly used term: 'lobbyists') in legislative policy-making processes, questions on the legitimacy of such influential, yet non-elected, intermediary institutions as representatives of numerous constituencies become equally relevant. Yet, the most prominent tools to assess questions of legitimacy, election results, are evidently not applicable to self-appointed

representatives. However, without elections and the mere claim to represent a latent constituency, who gets to judge and consequently authorises a claim and demands accountability?

The aim of this article is to provide a constructivist framework not only on the nature of claim-based representation, but also on the potential and pitfalls of self-appointed representation as well as on the authorisation and accountability of such claims. As theoretical discussion concerning how to approach empirical research on interest groups and on their legitimacy, this article first presents an eclectic overview of the significant milestones concerning the issue of representation. As one of the most significant contributions to interest group theory, the article then discusses Michael Saward's book "The Representative Claim" (2010) and his constructivist angle on representation. Subsequently, deriving from crucial insight provided by the representative claim, a revisited approach on the conceptualisation of interest groups and their legitimacy is presented, by adjusting the constructivist approach with respect to crucial insights derived from interest group theory, provided by Montanaro (2012) and empirical findings, provided by Squires (2008) and Strolovitch (2006). As a final step and building on such a revisited constructivist view on interest groups, the article re-evaluates questions on who gets to judge, and hence authorise and account for claim-based representatives.

The two pursued theses here are that first, it is the authorising and affected constituency which ought to judge a representative claim and not the researcher, the media, or political institutions. Second, it is the researcher who ought to assess the (in)congruity between affected and authorising constituency and evaluate the constructivist idea of a constituency provided by the claim-maker and entailed referent effects. Hence, the question is not who gets the interests right, but how a given constituency is portrayed by the claim-maker and what portrayals are privileged over others and are thus translated into public policy. Additionally, this work provides further incentives for research on a potential dissonance between constituency and interest group, provoked by a (structural) occurrence of non-authorisation and non-accountability by affected constituencies.

Literature review

Social Science approaches towards the legitimacy of self-appointed representatives in form of interest groups who claim to represent civil, economic or institutional groups, are manifold and even contradicting. Debates on the issue of representation in general, which are anchored within the field of democratic theory, tend to overlook interest groups as self-appointed representatives altogether (Näsström 2011b, 502-503; Houtzager and Lavalle 2010, 3) or neglect their diversity (Halpin 2006; Kuyper 2016). In addition, scientific contributions on interest groups tend to preclude the extensive theoretical framework such considerations ought to be embedded in

(Rehfeld 2017, 55-57). Näsström (2011b, 502), for example, argues that the representative turn and with it a new approach towards representation has shifted the attention away from the meaning of representation towards the meaning of democracy itself. In modern democracies, numerous actors (claim to) function as representatives and such plurality of actors merely highlights the uncertainty of equal representation and equality itself. This in turn only exacerbates concerns on how legitimate representation and thus, legitimate advocacy, by such a diverse and rather obscure spectrum of actors is to be assessed (Näsström 2011b, 507). That is why debates on the legitimacy and the consequences of self-appointed representation in form of interest groups ought to be embedded in a broader approach towards democracy and the role and degree of necessity that representation ought to occupy within it. This article embeds its approach on interest groups within Saward's (2010) constructivist framework on representation and its role within democracies. Connecting concerns on legitimate representation practised by interest groups with underlying considerations on representation provided by Saward not only affirms and strengthens the cohesion between these two areas, but gives further credit to and corroborates the approach on (legitimate) representation by interest groups in the first place.

The standard account on representation

Representation as institutionalisation of deliberation within democracies has long been focused on the nation-state, with its government as the single forum of representation and political representation as parliamentary representation modelled around a unidirectional principal-agent relationship. This so-called 'standard-account' is based on the assumption that representation gives presence to absentees by acting in the best interest of the so represented. The represented are portrayed as having a certain set of objectives that ought to be aggregated via a direct link between a topographically bound constituency and their representative. The set of actors is limited to the population represented by parties, which, through election, present a set of interests based on territorially derived patterns of conflict. Through electoral mechanisms, a responsiveness between representatives and represented is assured; however, such responsiveness is portrayed as merely unidirectional (Lord and Pollak 2013: 519; Urbinati and Warren 2008: 389). The standard account has, with one of its most prominent works on representational politics, namely Pitkin's (1967) book "The Concept of Representation", (Rehfeld 2006, 3; Kuyper 2016, 309), acknowledged the complexities of the principal-agent relationship as "the making present *in some sense* of something which is nevertheless *not* present literally or in fact" (Pitkin 1967, 8-9), thereby emphasising the making, or constitution of political representation. However, the standard account still defined this relationship as unidirectional and static in order to be democratic (Pitkin 1967, 140). Yet, an increasingly complex and pluralised political terrain, inhabiting an ever-growing presence of

extraterritorial and non-territorial political issues as well as debates on identity, gave rise to a diverse spectrum of non-elected self-appointed representatives such as civil, economic and institutional interest groups. Eventually, the standard account had been stretched to the breaking point (Urbinati and Warren 2008, 390; De Wilde 2013, 279). The time between elections has become ever-more important with emerging political forums of discussion and deliberation, most prominently on the internet, which is especially volatile in the light of lowering voting rates, rising populism and a decline in party-loyalty (Näsström 2011b, 501, 503). Concerns on who is represented by whom, how actors are being held accountable and by whom and who gets to decide on which issues resulted in an increasingly anachronistic character of the standard account of representation (Disch 2015, 488-489).

However, despite numerous criticisms voiced towards the standard account, contemporary studies concerning the legitimacy of non-elected representation by interest groups build on the concept of 'responsiveness' as the 'congruence of interests', as normative indicator for legitimate representation (Severs 2010; Klüver and Pickup 2019). The concept of responsiveness is to be traced back to Pitkin's now mainstream concept of substantive representation (Disch 2010, 20) as "acting in the interest of the represented, in a manner responsive to them" (Pitkin 1967, 209) and is expressed through a congruence of interests between those of the constituency and those of the representatives. A prominent approach towards responsiveness is the so-called 'transmission belt function', which describes the transmission of information between constituency and policymaker via interest groups as intermediate institutions. This conception also builds on the bedrock norm of responsiveness and congruence (here: congruence of information) and thereby implies a unidirectional principal-agent relationship (Disch 2010, 6, 20-21). This normative conception continues to be the hallmark within the research on democratic political representation and is almost ubiquitous to normative interest group research (Disch 2010, 6). Contemporary research building on and investigating the normative concept of responsiveness (or the congruence of interests/information) occurs in much of the contemporary empirical literature (Fossen 2019, 834).

This practice, however, lacks an extensive theoretical groundwork, and is characterised by Disch as "the persistence in contemporary scholarship of an eighteenth-century paradigm that grounds democratic legitimacy on a popular mandate" (Disch 2010, 2). The relationship between representative and constituency is in fact much more complex and elaborate than this ubiquitous emphasis on the unidirectional relationship of responsiveness implies. As this article will demonstrate, the constructivist approach, which builds on both the standard account and the representative turn, rejects this assumption. Since representative claims constitute, shape and

determine the interests of their constituencies in the first place the latter cannot serve as independent benchmarks for evaluating interest groups' actions.

The representative turn in democratic theory

Starting in the mid-1990s, the scientific community has begun incorporating a more dynamic and inclusive set of representatives into their approach. They did so by recognising representation as (1) a matter of judgement rather than will, (2) as constitutive rather than constitutional and (3) as it being both electoral and non-electoral (Näsström 2011b, 502-503, 506; Castiglione 2012, 118-119). Consequently, scholars of the representative turn focussed on the question of how political will is realised instead of on what the will of the people is. Instead of representation transforming the social into the political, it rather constitutes the formation of political groups and identities in the first place. Thus, the represented gets liberated from its passive role entailed within the unidirectional principal-agent relationship of the standard-account. Instead, the representative turn transgresses territorial boundaries of elections and parliaments (Disch 2015, 489) and reframes such unidirectional relationship into dynamic processes of authorisation and accountability, as two formal processes at the foundation of representation (Castiglione 2012, 121). The scientific community however reaches different conclusions on how authorisation and accountability ought to be achieved and who gets to grant authorisation and demand accountability in the first place.

A rather significant and transformative approach within the representative turn was put forth by Iris Young (2000) and her book "Inclusion and Democracy". In the context of her albeit normative approach on representation, she introduced the term 'différance', which conceptualises representation outside a logic of identity but rather inside the logic of a difference between representative and constituency: Young recurs to Derrida's concept of 'democracy's metaphysics of presence' (Derrida, 1973) to corroborate the assumption that democratic representation directly derives from the referent as co-present. Consequently, she addresses concerns of an incompatibility between identities of both representative and represented, by acknowledging a difference or separation between representatives and constituency as inherently given (Young 2000, 126-127). Young justifies this inevitable difference between both representative and constituent due to the diverse, fluid and ever-changing nature of the constituency's interests and perspectives. This notion leads to a crucial insight: "Rather than construe the normative meaning of representation as properly standing for the constituents, we should evaluate the character of the relationship between the representative and the constituents" (Young 2000, 128). The extent of the connection between representative and constituent translates into a degree of representation. Consequently, representatives ought to form and maintain a substantive connection with their

constituency "in determinate ways" (Young 2000, 128) to ensure an ongoing process of authorisation and accountability (Young 2000, 129). Young distances herself from Pitkin's take on a pre-existing constituency, arguing that it is the representative and the authorisation process which constitute a constituency and call it into action as they "go looking for each other" to distil and debate issues that are important to them (Young 2000, 130).

However, it is exactly this assumption that distinguishes the representative turn from Michael Saward's work "The Representative Claim" (2010), which facilitated a constructivist turn within representational democratic theory (Disch 2015, 492). Whilst Saward is commonly conflated into the broader representative turn (Disch 2015, 489), instead of neglecting the standard account altogether, he carried over a crucial insight from Pitkin's work on representation: The notion that the constituent exists "somehow logically prior" (Pitkin 1967, 140) to its representation and exists relatively autarkically from it (Saward 2010, 51). The following sections scrutinise the consequences of this pivotal notion of the relatively autarkically represented. Before that, it introduces the constructivist turn on the basis of Saward's book, which presents a non-normative view on representation whilst also encompassing a broader definition and conceptualisation of representation including both elected as well as non-elected forms of representation.

A constructivist angle on representation

This article adheres to the constructivist angle on representation and grounds itself on Michael Saward's book (2010) for three reasons. First, Saward's work is considered to be one of the most influential contributions on the constructivist approach on representation (Castiglione 2012, 119) and has had a "widespread uptake among scholars of political representation" (Disch 2015, 487). Second, Saward is building upon crucial insights elaborated by scholars of the representative turn as well as the standard account, by focussing on the question of what representation does, rather on what it is (Disch 2012, 114). Third, Saward pursues a non-normative approach by arguing in favour of delaying a normative judgement of representation, since the claim or act of representation itself is neither good nor bad, neither democratic nor undemocratic; it is rather a descriptive image-constructing act of everyday politics (Saward 2012, 124). Instead, he prioritises achieving a "more fine-grinded understanding of representation's dynamics" (Saward 2010, 29), as is the aim of this article.

Claim-based representation as constitutive events

Building on Pitkin (1967) and Young (2000), amongst others, Saward conceptualises representation as a claim-making event, which constitutes both the representative and the represented constituency by transferring a latent constituency into a manifest one – representation

is not produced via election, but rather via the performative act of claim-making (Saward 2010, 38). His approach transcends a rather contained perspective on representation of the 'standard account' and is neither based on territory, nor limited to elected representatives. Rather, it stresses the importance of the construction of representation through the performative act of the representation-claim (Saward 2010, 35). Thus, the constructivist approach, similar to the representative turn, was able to establish a more nuanced view of representation. It dismisses the presumption that the represented having a clear, accessible and stable set of interests to be easily adopted unaltered by the representative (Saward 2010, 10), similar to Young's concept of 'différance' (Young 2000, 127).

Saward, however, elaborated on the constitutive nature of the act of claim-making by comparing the politics of representation to art. Just as an artist merely mirrors and interprets reality by distilling a distinct picture to make it visible to an audience, representatives present a mere picture or idea of what a certain constituency might prefer (Saward 2010, 47-48, 54). Due to the pluralistic nature of constituencies and the diverging, possibly opposing interest within them, claim-makers ought to "pick and choose, propose and fabricate, a distinctive and limited vision of, or set of interests" (Saward 2010, 44).

Building on these assumptions, Saward introduces the following definition of the representative claim: "A maker of representations ('M') puts forward a subject ('S') which stands for an object ('O') that is related to a referent ('R') and is offered to an audience ('A')." (Saward 2010, 37). A maker of representation can be both an institution, like an interest group, and a singular actor, like a prominent public figure or scholar, that makes a representative claim. With it, a subject (a set of actors or an individual) is put forth as embodiment of the claim. The maker of a claim and the subject may be the same individual, yet maker and subject further imply different aspects of the claim-making. The subject is said to embody a proclaimed set of interests, a merely constructed, selective idea of the reality concerned, which is yet the object of the claim. The object nevertheless relates to that reality – a referent with its actual empirical makeup and interests. Lastly, the claim is presented to an audience as both intended and unintended targets of the claim and its associated interests.

For instance, a claim-maker like an agricultural interest group (M) may put forth an individual (S) who claims to stand for the image of 'the decent, hard-working farmers' (O) in front of a given audience (A), which encompasses those who receive and those who are meant to receive a claim, while amongst actual farmers (R) there may be a variety of decency and work ethics. Such a claim illustrates a distinct picture of a farmer as having certain policy preferences, whilst the referent as "flesh-and-blood people of the constituency" (Saward 2010, 37) – in this case, the

entirety of all farmers – may not unanimously identify with the claim; some may even disagree with the respective policy or proposal thereof. Such disagreements may in turn trigger counterclaims by the farmers (R) themselves (Saward 2010, 54).

The claim therefore simultaneously creates both the maker, the subject and the object, yet not the referent, who exists autarkically and "somehow logically prior" (Pitkin 1967, 140). In other words, the claim-maker thus posits a constituency ('decent hard-working farmers') which can be, yet isn't necessarily, congruent with the referent within a political contest (Saward 2010, 37). Such claim-making, however, should not be confused with 'speaking for', which implies representation as an active representative, who is speaking for a passive represented constituency (Saward 2010, 42). It is precisely the unidirectional approach of representation that Saward aims to surpass, by instead endeavouring "to reveal processes whereby specific meanings or constructions are naturalized or normalized, rather than questioning the real and material entities out of which meanings are built" (Saward 2012, 126). Consequently, rival and even opposing accounts of an object are also plausible, since there are not only performative but also aesthetic and cultural aspects of representation. Different claims arise from different cultures – some claims to represent women may focus on the universal right to abortion, some may focus on the role of the mother – whilst both fractions claim to represent women (Saward 2010, 138). This notion reflects not only the dynamic, discursive and contested aspects of representation, but also the instability of claims, since "[r]epresentation's fragility mirrors the fragility of claims that underpin it" (Saward 2012, 124).

The emphasis on the act of constructing an idea of the constituency is the source of most criticism voiced on the lack of democratic potential held by interest groups. It not only questions but also undermines the perhaps naïve idea of a precisely fitting transmission of interests between constituency and representative as intrinsically anchored in the act of representation. The constructivist approach predetermines the possibility of misguided, misused or selective representation of a constituency. By doing so, it provides a more nuanced and holistic, non-normative concept of representation, including its pitfalls. It highlights the volatile nature of representation as a *process*, not as a static relationship between representative and represented. Consequently, the constructivist approach challenges the prominent approach of unidirectional responsiveness because using constructed interests as benchmark for legitimacy is inefficacious. Instead of asking whether representation exists in certain cases, it questions the impact of invoking representation (Saward 2010, 26).

The citizen standpoint

A second aspect of Saward's work that will be discussed here is the citizen-standpoint. By introducing this concept, Saward disables the normative judgement on representation voiced by theorists like Young. He instead reaffirms the concept of the standpoint-theory as introduced by feminist scholars (Stoetzler and Yuval-Davis 2002; Rolin 2009). Accordingly, it is up to the citizen to judge representative claims, as it is "the democrats' way" (Saward 2010, 146). This notion draws on the standpoint theory, which highlights the relevance and significance of situated knowledge of the addressed, that an external researcher cannot have and apply (Intermann 2010, 785). Only the citizens subjected to a representative claim can truly assess the claim regarding the constituency's character and its interests (Saward 2010, 147). To clarify on who gets to judge, as in authorise and hold accountable, Saward distinguishes between an intended (Y) and an actual constituency (Z), which together form the appropriate constituency, and an intended and an actual audience, which together form the appropriate audience. The intended constituency is the one the representative aims to speak for. An intended audience is thus the audience the representative aims to speak to. The actual constituency is formed by those who recognise their interest as being reflected in the claim. An actual audience is the audience who actually receives, acknowledges and, especially in case of media outlets, distributes the claim. According to Saward, the audience does contribute to the assessment of claims by deliberating on and disseminating the ideas of the maker of representations, the subject, object and referent, consequently connecting the claim and claim-maker with the appropriate constituency (Saward 2010, 149-151).

The appropriate constituency is then entitled to evaluate and judge the claim, thereby accepting or rejecting it. Such judgement, however, is reduced to a subjective matter of the citizens' self-positioning towards the claim. A claim would gain legitimacy, if acceptance, which here, is "based around nonobjection", arises from a "broadly open society" and sustains "to a credible degree over time amongst a reasonable number of constituents" (Saward 2010, 152). Thus, "provisional authorization" (Saward 2010, 160) is achieved through the process of revising the lack of objection to enable a significant number of constituents to utter their position on the matter. Consequently, deliberative accountability would be guaranteed (Saward 2010, 165).

However, such positioning could solely be legitimately formed within an 'open society' as "a society where the freedom to support and to criticize political figures, claims, and proposals is of paramount value, and concomitantly where pluralism of ideas and values is widely accepted and practiced" (Saward 2010, 154). The theorist, as a "particularly well-informed citizen" (Saward 2010, 147) then enacts a second-order judgement by scrutinising the conditions and circumstances enabling and determining such judgements in order to assess the character of the representative

claim. Such conditions of judgement encompass an evaluation of the openness of a given society and consequently, what effects the nature of the society may have had on a claim. He is then to search for evidence of a sufficient degree of (non-)acceptance by the appropriate constituency to then (de-)validate or refute the claim (Saward 2010, 146-148, 159).

Having presented the core aspects of the representative claim, the next section assesses the implications of Saward's theoretical framework more thoroughly – especially concerning previously introduced aspects of the citizen-standpoint vis-à-vis significant insights from interest group theory. As elucidated below, Saward's take on the citizen-standpoint is prone to several points of critique. Consequently, the aim of the section is to merge fundamental constructivist approaches on representation with the insights provided by Montanaro's interest group theory and empirical findings provided by Squires and Strolovitch.

A revised constructivist view on interest groups

As stated, the representative claim has significantly influenced and reshaped scientific debates on representation (Disch 2012, 118). This article acknowledges important and eye-opening implications of the constructivist approach on claim-based representation as a constitutive act. Saward establishes a much more nuanced view towards representation by scrutinising the context in which claims are being made and what kind of portrayal of a constituency is being introduced. This potential is unfortunately limited by Saward's insufficient notion of the citizen standpoint, particularly the concepts of an actual and an intended constituency and non-objection as authorisation, as well as the omission of the referent effects. The following section elaborates on these points of critique, to then conclude with a revised constructivist view upon interest groups by incorporating the critique voiced by the scientific community as well as crucial insights on interest group theory.

The dual constituency

First of all, it is difficult to discern the scientific value added by the differentiation between intended and actual constituencies. As stated by Saward, such differentiation is based on subjective self-positioning of citizens and as such, reflects on the question of whether an individual *feels* represented, not on whether that individual actually *is* represented (Severs 2010, 416; Severs 2012, 173). Building the evaluation on the legitimacy of representative claims on subjective self-positioning foregoes fundamental questions in interest groups politics: who authorises and accounts and who is affected (Montanaro 2012, 1097)? Saward's distinction may aim to shed light on the notion that a maker of representation and the subject merely construct an idea or even a caricature of a referent rather than precise portrayal of the constituency, since that is not possible.

However, this crucial and valuable supposition ought to be detached from individual self-positioning and instead tethered to question on who authorises, accounts and who is affected by a claim, in order to illuminate on who is actually represented.

Laura Montanaro (2012, 2018) also introduces a dual constituency – albeit incommensurable with Saward's concept of the constituency. According to Montanaro, once a self-appointed representative has established her claims, she constitutes two kinds of constituencies, first the authorising constituency, which is empowered to exercise authorisation and demand accountability and second, the affected constituency, whose interests are affected or potentially affected by collective decisions (Montanaro 2012, 1095). Montanaro refers to Iris Young' work in conceptualising the term 'affected interests', defining "interest as what affects or is important to the life prospects of individuals [and] as self-referring" (Young 2000, 134) in opposition to ideas, principles and values, arguing that interests are the means to achieve those. Accordingly, a representative claim constitutes and identifies a constituency as being (potentially) affected. The claim-making event thus distinguishes a certain constituency as affected by existing policy framework or as potentially affected by, for example a proposed policy.

Simultaneously, a representative claim further puts forth the authorising constituency, which is comprised of members, followers and donors (Montanaro 2012, 1096, 1104). Due to this differentiation, Montanaro was able to both highlight the democratic potential and the danger posed by self-appointed representatives "by empower[ing] an authorizing constituency, while claiming to represent those who are affected but remain disempowered" (Montanaro 2012, 1095). Montanaro was able to do so whilst introducing an extended catalogue of criteria on the distinction of constituencies and on the mechanisms and pitfalls of authorisation and accountability in reference to both constituencies, which are included in the following section. The article advocates for Montanaro's dual constituency to be conjoined with Saward's considerations on the representative claim and thereby replace the citizen-standpoint.

Who gets to judge? Addressing questions of legitimate representation

Saward is correct in arguing that the audience does partake in the assessment of representative claims, by absorbing, rejecting, accepting, distributing, referring to or otherwise addressing the claim or, most significantly, by including the maker (and/or the subject) into legislative processes. Saward thus liberates the audience of its passive role (Saward 2012, 125, 158). Montanaro frames these authorising effects as the recognition of claims, which is required for claim-makers to function as representatives in the first place as they gain political authority.

This conceptualisation of political authority is however irrespective to its legitimacy (Montanaro 2012, 1096-1097; Rehfeld 2006, 4, 8). Authorising effects issued by the audience do

not result in democratic legitimacy, since, in order to legitimately exercise political power, the maker of the claim must be legitimised solely by those affected by the exercise of that power (Kuyper 2016, 308; Montanaro 2012, 1095). Such a notion has been postulated by the 'All Affected Interests Principle' of democratic theory, which dates back to the Roman Empire and yet frequently surfaces in democratic theory on representation (Habermas 1992; Young 2000; Goodin 2007; Näsström 2011a). This notion easily adapts to Montanaro's dual constituency, which highlights the theoretical and empirical necessity of an affected constituency and its power.

In order to address crucial and predominantly normative questions concerning representation (who is and who is not represented, by whom and how) Saward's concept of the constituency solely addresses the question of who feels represented and who does not. Thus, further incorporation of Montanaro's approach on legitimate representation is desirable. Accordingly, "[i]f a representative claim functions to give political presence to those whose interests are affected, or potentially affected, by collective decisions, and empowers them to exercise authorisation and demand accountability, then we can say that it has democratic legitimacy" (Montanaro 2012, 1098). The dual constituencies have both means of organisational as well as discursive authorisation and accountability. According to Montanaro, organisational authorisation, which necessarily happens *a posteriori* since it occurs after a claim has been made, encompasses resources the authorising constituency may offer to the representatives such as membership, followership, donations and voting within organisations. Additionally, discursive authorisation can be observed in public support, allegiance and approbation, expressed vocally as well as in action. Organisational accountability is demanded through sanctions wielded by the authorising constituency by withholding or threatening to withhold monetary support and membership. Discursive accountability is insisted upon in vocal dissatisfaction and disagreement. As example for legitimate representation, a professional interest groups claiming to represent bakers may only grant membership rights to professional bakers – consequently only bakers have the means to authorise the claim and demand accountability from the representatives.

Montanaro (2018) introduces further distinct categories and mechanisms subsumed under the umbrella of organisational and discursive authorisation and accountability, which do not concern this article. The crucial inference here is that the affected and authorising constituency do not have the same authorizing power because the authorising constituency most prominently obtains its capacity to authorise and to hold accountable from resources (withholding membership fees, donations), which may not be as accessible to an affected constituency. Although means of discursive authorisation and accountability (public and vocal display of (dis-)content) are of course available to both authorising and affected constituency, members of an authorising constituency

may nevertheless induce a skewed representation to their benefit (Montanaro 2012, 1100-1103, 1105).

Including monetary considerations into the process of authorisation and accountability, whilst connecting a dual constituency to these mechanisms exceeds Saward's approach, which is based on the individual feeling of being represented. Montanaro illuminates crucial discrepancies between constituencies and their consequences for evaluating the legitimacy of interest groups, by pinpointing the dangers and pitfalls inherent in the constitutive nature of the representative claim.

Enhancing the role of the researcher: Addressing referent effects

Adopting Saward's argumentation, it is the task of researchers to scrutinise the conditions of judgement, focussing primarily on the degree of openness of a given society and the conditions of claim-making, receiving and assessing. However, as criticised by Saward himself, his concept of the citizen-standpoint does not include the 'referent effect', thereby not capturing the effects the depiction of would-be constituents may have on representative actions (Saward 2012, 126). Corroborating that notion and building on Saward (2006), Judith Squires (2008) presents the argument that representation-claims concerning gender, for example, constitute gender-relations through various representational practises, as the construction of the object itself participates in the constitution of feminine subject-positions. Her approach is derived from gender-mainstream-literature, which postulates that policymaking presupposes the constitutive representation of gender and she consequently recommends an extension of this approach into the study of representation (Squires 2008, 188-192). Her argument compliments Saward's considerations to include a referent effect.

Building on these considerations and the conclusions derived from previous segments, an adjusted and enhanced role of the researcher can be identified. This role includes to peruse conditions of claim-making and receiving and hence, the degree of openness in a given society, as proposed by Saward. Yet it must also scrutinise referent effects and which particular portrayals of a referent are selective and privileged over others to be then converted into public policy. For example, some claims to represent the unemployed may focus on strategies to re-enter the workforce, whilst others may focus on fighting prejudices and stigmata towards their constituency. Both claims invoke distinct conceptions of the unemployed, whilst both claim to represent the interest of the group as a whole. Building on the inevitability, that "political opportunity structures of a given political system will 'privilege particular conceptions of group relations over others'" (Severs 2010, 415), the questions regarding which socioeconomic groups are going to be affected by a given construction of an object, whether the framing converts into agenda-setting and, ultimately, whether it results in policy proposals ought to be addressed by researchers.

Excurse: Strolovitch's mobilisation bias as empirical example

An empirical study on the construction of an idea, or a partial version of a group put forth by interest groups, can be found in Dara Strolovitch's (2006) research on a new mobilisation bias within intersectional mobilisation due to overlapping inequalities within interest groups. Her article does not draw on Saward's constructivist concept of representation, nor on Montanaro's concept of an authorising and affected constituency. Nevertheless, her findings do provide an interesting and fruitful insight to the proposed revised constructivist theory on representation. Strolovitch reveals that intersectional marginalisation influences the agenda-setting of interest groups claiming to represent women's interests. More specifically, Strolovitch demonstrates a significant negative correlation between the proportion of people affected by the topic and the degree of affirmation on the topic by means of a quantitative analysis with the survey data on 286 US women's advocacy groups. Issues associated with advanced subgroups within an affected constituency (like affirmative action for women with higher education) are significantly more accounted for in agenda-setting procedures than not only those associated with disadvantaged subgroups (like welfare reforms) but also those of the overall affected constituency (like increased social security). Additionally, interviews with the leadership of women's interest group have shown that with regards to agenda-setting procedures, issues concerning the advanced subgroups tend to be framed as majoritarian or even universal issues of the constituency as a whole, whilst issues concerning the disadvantaged subgroups were least likely to be included in the overall agenda (Strolovitch 2006, 895, 898-899).

This realisation compliments Saward's constructivist approach, since, again, representatives do not represent given, ready-to-be-picked-up interests and perspectives of a constituency, but instead merely constitute an idea of these interests – generally benefitting an interest groups' agenda, as Strolovitch has shown. Yet, according to Saward, members of the disadvantaged subgroup, for instance, would have to *feel* the false promise of representation and openly object to the claims made and actions pursued by a given interest group in order to denounce a claim as illegitimate. But instead of arguing which individual identifies with the claim and who is meant to identify with it, Strolovitch focusses precisely on the question raised above: what particular portrayals of a constituency are selected and privileged over others by the interest group or maker of the claim, and are thus reflected on an interest group's agenda and likely converted into public policy, thereby (potentially) benefitting merely a segment of the constituency.

Montanaro directly refers to Strolovitch's findings by using them as an example for so-called 'skewed' representation: Since an interest group disproportionality empowers advanced subgroups, the proclaimed empowerment of disadvantaged subgroups (especially for the

intersectionally marginalised) falls behind (Montanaro 2012, 1105). Nevertheless, Strolovitch's second crucial finding, that issues affecting the advanced subgroups are being framed as issues affecting the overall constituency, which Montanaro does not address, compliments the aforementioned argument on the referent effect. Interest groups claiming to represent women present a certain picture of women's interests, which then determines the issue-prioritisation. Strolovitch investigated this referent effect by illuminating who is presented as being affected by collective-decision making, what kind of portrait of the object is offered to an audience and what issues are converted into agenda-setting. Similar research on the constitution of women's interests through representative claims has been conducted by Celis et al. (2014), or Squires (2008).

Concluding remarks and future research

Building on Saward, Montanaro and the empirical findings provided by Strolovitch and Squires, the author argues for a revised constructivist view on interest groups, by a) reaffirming the constitutive nature of the representative claim, as well as authorising effects in form of the recognition of a representative claim by the audience, whilst b) positing that the judgement of such claims depends on the authorising and affected constituencies with the congruence of both deeming it legitimate. It is then, c) the task of the researcher to examine the conditions under which claims were made and received, the effects of the degree of openness of a given society on the making and receiving of claims and the translation of claims into the agenda-setting of interest groups and eventually into policy proposals. Thereby, the proposed approach discards popular prevalent assumptions on the nature of representation and the relationship between representative and constituency as a responsive and unidirectional transmission of information. The focus on the constitutive image of a constituency presented by a self-appointed representative entails with it a catalogue of questions and research to be addressed by researchers. The proposed revised constructivist approach on interest groups may function as a steppingstone for further analysis especially in view of the lack of representation of disadvantaged interests due to the (possible) structural occurrence of non-authorisation by and non-accountability to the affected constituency, as indicated in the introduction. This research-focus may be conjunct with and profit from research on intersectionalism, gender-mainstream-literature and that on the representation of disadvantaged or 'weak' interests, hence the political exclusion of marginalised groups.

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