



Diarchyal politics – Thinking with Urbinati beyond Urbinati

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

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

Two Separate Powers

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

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



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

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

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

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

From Nostalgia to Diarchyal Politics

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

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

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

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

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

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



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

Reforming Electoral Campaign Regulations

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

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

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

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



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

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

Matryoshka Representation

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

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

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

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



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

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

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

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

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

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The figure of democracy and its legitimacy

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

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

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

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

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

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

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